



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	9 October 2017
Licensing Ref No:	17/08686/LIPV - Premises Licence Variation
Title of Report:	Nagomi 4 Blenheim Street London W1S 1LD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	2 August 2017		
Applicant:	Rising Sun UK Limited		
Premises:	Nagomi		
Premises address:	4 Blenheim Street London W1S 1LD	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	The premises currently operates as a Japanese restaurant.		
Variation description:	<p>According to the application, the applicant is seeking the following variation:</p> <ul style="list-style-type: none"> • Change of layout of the premises and full refurbishment. • To extend the hours for the sale of retail of alcohol and add off sales • To add Late Night Refreshment. • To extend the opening hours 		
Premises licence history:	The premises benefits from a premises licence found at Appendix of the report		
Applicant submissions:	None		
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	00:30	00:30	00:30	00:30	00:30	00:30	

Sale by Retail of Alcohol			
On or off sales	Current :		Proposed:
	On		Both
	Current	Proposed	Licensable Area

	Hours		Hours		Current:	Proposed:
	Start:	End:	Start:	End:		
Monday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	No Change
Tuesday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Wednesday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Thursday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Friday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Saturday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Sunday	12:00 18:00	15:00 22:15	12:00	00:00	Basement, Ground Floor	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	No Change
Tuesday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Wednesday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Thursday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Friday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Saturday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Sunday	12:00 18:00	15:00 22:15	12:00	23:00	Basement, Ground Floor	

1-C Layout alteration
The applicant is seeking a change of layout and full refurbishment of the premises

2. Representations

2-A Responsible Authorities
Responsible The Metropolitan Police Service

Authority:	
Representative:	PC Bryan Lewis
Received:	30 th August 2017
<p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.</p> <p>Our objections relate to the following:</p> <p>Insufficient licence conditions offered. I would like to propose some licence condition to ensure the Licensing Objectives are adhered to.</p> <p>I will send you the proposed Police conditions at the earliest opportunity</p>	
Responsible Authority:	The Environmental Health Service
Representative:	Dave Nevitt
Received:	1 st September 2017
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	

2-B Other Persons	
Received:	18 th August 2017

Dear Sirs,

Re: Objection to Application 17/08686/LIPV

We refer to your letter of the 4th August 2017 notifying us of application 17/08686/LIPV.

We object to the granting of this application.

Westminster Council has recently granted us planning permission for the change of use of 19-20 Woodstock St (the "Building") for residential conversion (15/02707/FULL) which we intend to implement. The Building is a near neighbour to the Nagomi unit and the provision of a late night opening and alcohol licence will cause a nuisance to our future residents and the other residential occupiers of both Blenheim and Woodstock St (which run in together – see map, over).

The street already has enough late night provision with, for example, Drunch Café (opposite the Building and adjacent to Nagomi) open to midnight; the street needs no more. You will no doubt be aware of the Lamborghini driven recklessly and at high speed into our Building by a man connected to Drunch café. Notwithstanding the risk to the public, this caused many thousands of pounds of damage. (Article enclosed).

The granting of a late night licence to the Nagomi unit will simply add to this unacceptable level of night time nuisance for the residents of Blenheim Street and Woodstock Street.



Yours faithfully

Pineridge Investments Ltd

Enc. – Daily Mail article dated 11/04/2017

Restaurant boss and his friend who crashed a £130,000 hired Lamborghini into Mayfair shop then lied about who was driving are jailed for four months

- Talal Alkassab, 39, and Diyaa Lababidi, 33, lied to police to cover their tracks
- Lababidi, who was joined in the car by a waiter, raced up and down Woodstock Street, before smashing into a shop at about 12.15am on July 23, 2015
- Miraculously neither was injured, and they swiftly left scene, abandoning the car
- Alkassab, of Kensington, and Lebanon-born Lababidi, of Paddington, both west London, both admitted conspiracy to pervert the course of justice
- They were both jailed at Southwark Crown Court today for four months

By **ANTHONY JOSEPH FOR MAILONLINE**

PUBLISHED: 20:17, 11 April 2017 | **UPDATED:** 20:48, 11 April 2017

11

shares

36

View comments

A restaurant boss and his friend, who crashed a hired Lamborghini into a Mayfair shop then lied about who was driving, have been jailed for four months.

Talal Alkassab, 39, and Diyaa Lababidi, 33, lied to police to cover their tracks following the crash in central London.

Syrian migrant Alkassab, the owner and manager of Drunch restaurant, had just hired the luxury sports car.

He let Lababidi, who worked as a club promoter for the restaurant, give it a spin while he cashed up at work - despite the fact he had no UK driving licence.

Site Web Enter your

Like
Daily Mail

Follow
Daily Mail

DON'T MISS

▶ **Back in a bikini!** Body-positive model Iskra Lawrence slips into a top piece in Califor after admitting she to "bata" her legs Celebrating her curv

▶ **'It was a real fight the car':** Chris Bros describes the night assaulted ex-girlfri Rihanna... and says she was 'spitting blood' and dealt blows too

▶ **'She was very drunk':** Michelle Keegan is seen 'VOMITING and falling over before husband Mark Wright carries her along Magaluf strip during boozey birthday'

▶ **'I used to love Girls Aloud, but I actually HATE her!'** Jordan Davies SLAMS Sarah Harding as he becomes the third housemate to be evicted from CBS

▶ **Carol Vorderman, 55,** shows off her incredibly perky posterior in eye-popping leather pants as she enjoys dinner... days after stepping out with rumoured new beau

No need to be shaken or stirred! Daniel Craig confirms he WILL return as James Bond... after claiming things were 'up in the air'



Talal Alkassab, 39, and Diyaa Lababidi, 33, lied to police to cover their tracks following the crash in central London

Lababidi, who was joined in the car by a waiter, raced up and down Woodstock Street, before smashing into a shop at about 12.15am on July 23, 2015.

Miraculously neither was injured, and they swiftly left the scene, abandoning the car.

The smash was only discovered when cleaning staff arrived at the damaged building the following morning.

Alkassab, whose father is believed to have died from a chemical attack in Syria, initially claimed an unknown customer had driven the supercar.

But after his arrest in November 2015, his phone was seized, and Whatsapp messages revealed the cover-up.

SHARE THIS ARTICLE

11 shares

RELATED ARTICLES



Doctor dragged off United flight was felon who traded...



New prostate cancer advice? Nothing: US officials publish...



Toddler, 1, is found dead after being left inside his...



Pictured: Little boy, 8, killed by his teacher's estranged...

Alkassab, of Kensington, and Lebanon-born Lababidi, of Paddington, both west London, both admitted conspiracy to pervert the course of justice.

They were both jailed at Southwark Crown Court today for four months.

Richard Job, prosecuting, said: The vehicle was driven at some speed down Woodstock Street, in a southerly direction, when Mr Lababidi lost control of the

Kept fans guessing



Call the glam squad! Kylie Jenner suffers epic spray tan fail with a completely different coloured hand to her face as she goes to dinner with Kendall

'Oldest and youngest': Kourtney Kardashian snaps glamorous selfie with her sister Kylie Jenner Celebrated turning 20 years old

Andrea Bocelli, 58, enjoys romantic beach day with bikini-clad wife Veronica Berti, 33, during Italian vacation on the Mediterranean Enjoying downtime

'I've tormented my hair': Georgie Shore's Sophie Kasai revs devastating alopecia as she unveils she bald patches due to years of extension

Loved-up Perrie Edwards reveals she wants to spend the rest of her life with footballer beau Alex Oxlade-Chamberlain in gushing birthday post

vehicle and it collided with a building across the road from the restaurant.'

Alkassab left the restaurant, and told his friend to leave the scene, the court heard.

A couple of hours later, at about 2.45am, Alkassab called an insurance company and told them he had driven the car and wanted to make a claim. Although details were taken, the claim was not pursued.

Alkassab later went to Holborn Police Station at 11.30am that day, and said a customer at the restaurant had taken the car without his permission.



© GWNS.com

Lababidi, who was joined in the car by a waiter, raced up and down Woodstock Street, before smashing into a shop at about 12.15am on July 23 2015

Three days later, on July 26, he was served with a notice for intended prosecution, asking him to identify the driver.

But he told them he did not know who it was, and he was eventually arrested in November 2015, and his phone seized.

► 'I had no one to talk to': Halsey reveals was 'scared and alone' when she suffered miscarriage at 23
Talked about losing a baby

► Keeping on track! Khloe and Kourtney Kardashian rock sexy sportswear as they show up to filming KUWTK
Double trouble

► She's ripped! Kris Jenner wears torn denim as she shows off flawless make-up following filming of KUWTK
Flawless face

► PICTURE EXCLUSIVE: Shirtless Orlando Bloom gets close to a bikini-clad blonde... just ONE DAY after 'kissing and cuddling' ex Katy Perry at a concert

'You're too hard!' John Legend sings unusual lyrics for Carpool Karaoke series... and is joined by Alicia Keys

Mr Job said: 'Police found on the telephone a large number of Whatsapp messages, in which Mr Alkassab and Mr Lababidi and other third parties discussed the collision.

'The messages show an agreement from the start between the two men and other parties to cover up the fact that Mr Lababidi was driving the vehicle at the relevant time.

'They demonstrate that Mr Lababidi is endeavouring to obtain monies to pay for damage caused to the vehicle and the building from various friends of his, to avoid having to go down the route of various insurance companies.

'It is plain that attempts were made to pay off the property owners.'

Lababidi was arrested in December 2015, and admitted he drove the car with his friend's permission.

Jailing the pair, Judge Deborah Taylor said: 'This was a deceit born out of a decision made by you Alkassab to allow Lababidi to drive the car when he was not insured.

'You both immediately decided to tell lies about it, to get yourselves out of a situation which was clearly going to be expensive.

'At that stage it was clear that sooner or later something would happen.'

Addressing Alkassab, she said: 'This arose out of a piece of what was extravagance and bravado on your part, in hiring, and allowing someone else to drive a car on your behalf.

'It was not only misguided loyalty as has been suggested that caused you to carry this out - but I have no doubt also the cost of it.'

In mitigation Imkran Khan, representing Alkassab, said the defendant grew up in Syria, and spent two-and-a-half years in the army, before moving to London in 2000, and travelled back and forth.

Alkassab, who has since resigned from the restaurant, covered up what had happened over fears Lababidi would be sent back to Lebanon, the court was told.

Lababidi, who has a Syrian mother, came to the UK on holiday about ten years ago from Lebanon.

Lababidi, who has a previous conviction for fraud from 2011, last February admitted driving offences following the crash, and was handed an eight-week suspended sentence at the time.



▶ They're both Grammy awards winning artists



▶ Human Ken Doll Rodrigo Alves as he proudly flaunts his '£50K total face revamp' as he enjoys a night out with unlikely friend Marco Pierre White Jr

▶ ANOTHER night on the tiles, Usain Bolt parties with Love Island Z-listers as he takes his 'retirement party' into a third night
Jamaican sprinter

▶ 'First day back filming': Ariel Winter flashes a hint of underboob in tiny crop top with skinny jeans while on the set of Modern Family
Back at work

▶ 'She's back to her usual size six': Sex Cheryl 'squeezes in grueling post-baby workouts complete swimming, boxing yoga

▶ Tans of thousand Elvis fans join ex-w Priscilla and daughter Lisa Marie for moving candlelit vigil at Graceland on 40th anniversary of his death

Advertisement

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	2 nd August 2017
5	The Environmental Health Service Representation	1 st September 2017
6	The Metropolitan Police Representation	30 th August 2017

Applicant Supporting Documents
(None)

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/09683/WCCMAP	Application for a new premises licence	19.09.2006	Granted under delegated authority

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a variation of the premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

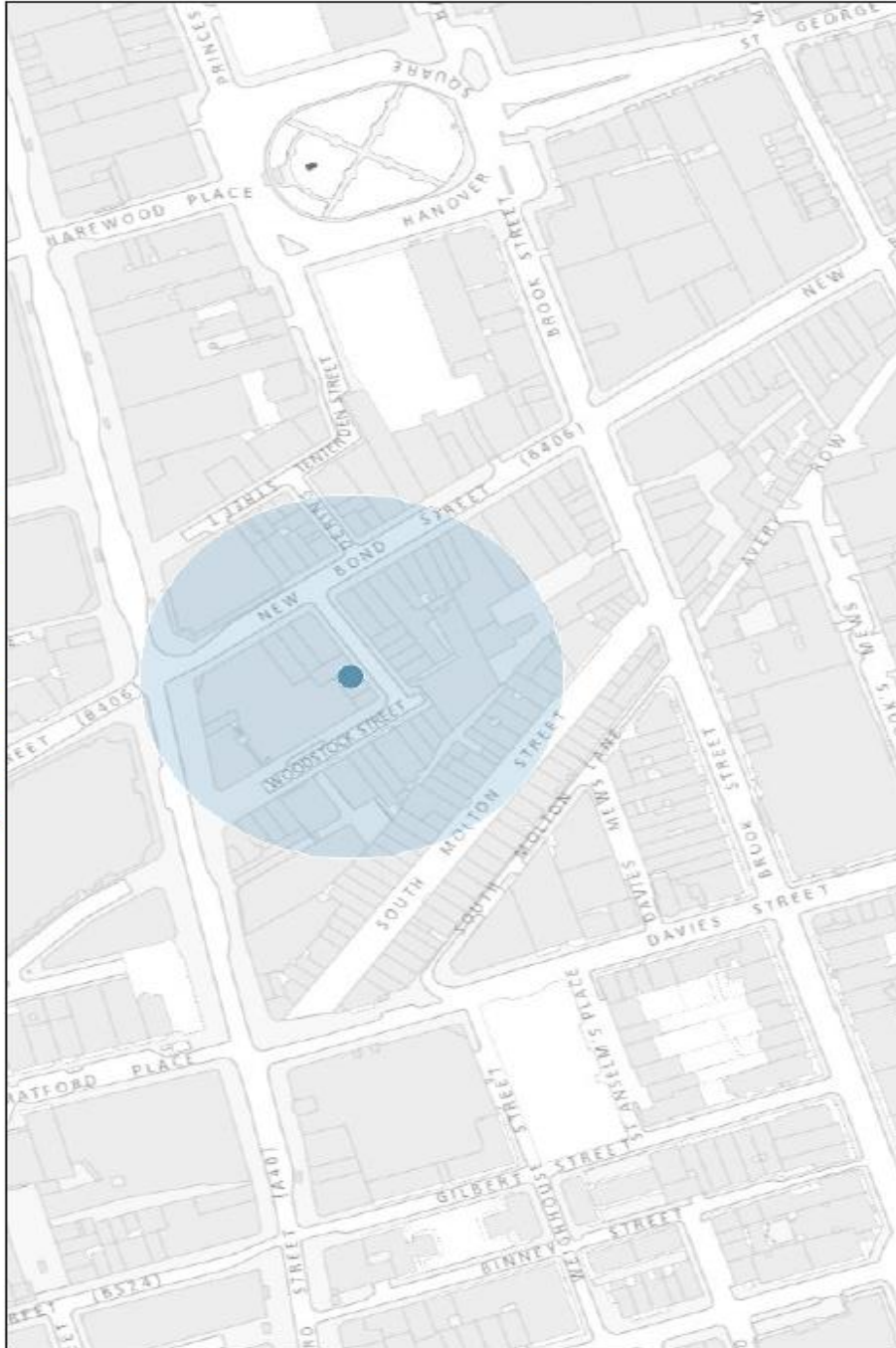
Annex 2 – Conditions consistent with the operating Schedule

9. The sale of alcohol 'On' the premises shall only be to persons taking a table meal there and consumption by such person as ancillary to their meal.
10. The supply of alcohol shall be by waiter/waitress only.
11. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (subject to the Data Protection Act 1998).
13. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time.

Proposed conditions by Police

14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The outside table area shall also be covered by external CCTV. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Nagomi 4 Blenheim Street



September 28, 2017

Residential Count: 28