



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	1 February 2018
Licensing Ref No:	17/14383/LIPV - Premises Licence Variation
Title of Report:	Inko Nito 55 Broadwick Street London W1F 9QS
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:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 December 2017		
Applicant:	Inko Nito Broadwick Street Ltd		
Premises:	Inko Nito		
Premises address:	55 Broadwick Street London W1F 9QS	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a restaurant.		
Variation description:	<p>According to the application, the variation seeks the following:</p> <ol style="list-style-type: none"> 1. To vary the layout of the premises in accordance with the plans submitted. Subsequently, the application seeks to amend condition 23 to reduce the restaurant capacity from 150 to a maximum of 120 customers at any one time. 2. To amend the hours for opening and licensable activities until 00:30 Monday to Saturday, and Sundays before Bank Holidays. 		
Premises licence history:	<p>The premises has been licensed since 2017. Historically, the premises has been licensed under the street address:</p> <p>57 Broadwick Street, London W1F 9QS.</p> <p>However, this development has since been split into three units. The postal address assigned to Inko Nito is now:</p> <p>55 Broadwick Street London W1F 9QS.</p> <p>Proof of this address change can be found at Appendix 5. Full details of the premises licence history can be found at Appendix 2.</p>		
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 Current and proposed licensable activities, areas and hours					
Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	23:30	23:00	00:30	No change
Tuesday	23:00	23:30	23:00	00:30	
Wednesday	23:00	23:30	23:00	00:30	
Thursday	23:00	23:30	23:00	00:30	
Friday	23:00	00:00	23:00	00:30	
Saturday	23:00	00:00	23:00	00:30	
Sunday					
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.			These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays and public holidays.	
	The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.			The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol					
On or off sales		Current :			Proposed:
		On			No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	10:00	00:30	No change
Tuesday	10:00	23:30	10:00	00:30	
Wednesday	10:00	23:30	10:00	00:30	
Thursday	10:00	23:30	10:00	00:30	
Friday	10:00	00:00	10:00	00:30	
Saturday	10:00	00:00	10:00	00:30	
Sunday	12:00	22:30	12:00	22:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.			These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays and public holidays.	
	The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.			The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	08:00	23:30	07:30	00:30	No change
Tuesday	08:00	23:30	07:30	00:30	
Wednesday	08:00	23:30	07:30	00:30	
Thursday	08:00	23:30	07:30	00:30	
Friday	08:00	00:00	07:30	00:30	
Saturday	08:00	00:00	07:30	00:30	
Sunday	10:00	23:30	07:30	23:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.			These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.	
	The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.			The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.	

1-C Layout alteration
<p>According to the applicant, the variation seeks various alterations to the layout, namely the following:</p> <ul style="list-style-type: none"> • Reconfiguration of WCs • Reconfiguration of kitchen and back-of-house areas • Addition of lobby to the restaurant entrance in the bottom right corner • Removal of entrance in the centre of the shop-front • Removal of bar servery • Addition of robata • Removal of raised area • Change to furniture arrangement

1-D Conditions being varied					
Condition	Proposed variation				
<p>Condition 23</p> <p>The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.</p>	<p>The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.</p>				
Adult entertainment:	<table border="1"> <thead> <tr> <th>Current position:</th> <th>Proposed position:</th> </tr> </thead> <tbody> <tr> <td>None</td> <td>No change</td> </tr> </tbody> </table>	Current position:	Proposed position:	None	No change
Current position:	Proposed position:				
None	No change				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Sandy Russell
Received:	7 December 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives. Once I have liaised with EH to ensure there are no additional conditions we would require I will be in touch.</p> <p>Following the agreement of conditions, the Metropolitan Police Service have withdrawn their representation.</p>	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	28 December 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The variation application seeks to:</p> <ol style="list-style-type: none"> 1. Reduce the capacity of the premises from 150 to 120 customers at any one time. 2. Extend the hours for sale of alcohol: Monday to Thursday to 10:00 – 00:30 (an extension of 60 minutes) Friday to Saturday to 10:00 – 00:30 (an extension of 30 minutes) 3. Extend the hours for late night refreshment: Monday to Thursday to 23:00 – 00:30 (an extension of 60 minutes) Thursday to Saturday 23:30 – 00:30 (an extension of 30 minutes) 4. Extend the opening hours: Monday to Thursday to 08:00 – 00:30 (an extension of 60 minutes) Thursday to Saturday to 08:00 – 00:30 (an extension of 30 minutes) 	

Points 2 - 4 of this application seek to go beyond core hours as defined at HRS1 and paragraph 2.5.14 of the policy states that 'the granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder. This would take into account the extent of activities, the operation of plant and equipment and the proximity of residential property' as such we would like further information relating to how these above mentioned factors will be managed by the operator.

Please note that we do not object to point 1 of the application.

Please accept this formal representation and we look forward to hearing from you with regards to the above points raised.

Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	28 December 2017

I refer to the variation application for the above premises which is located within the West End Cumulative Impact Area as defined within the City of Westminster Statement of Licensing Policy.

The applicant has submitted the following plans of the premises:

- ◆ Licensing Plan: drawing number 07-01 Rev A, dated Nov 17

The applicant is seeking the following variations:

1. Increase in hours for The Provision of Late Night Refreshment 'indoors' Monday to Saturday to 2300 to 0030 hours
2. Increase in hours for the Supply of Alcohol 'on' the premises Monday to Saturday to 1000 to 0030 hours
3. Change in layout, including a reduction in capacity to 120 patrons, as shown in the submitted plan.

I wish to make the following representations based on the plan and Operating Schedule submitted:

1. The increase in hours requested for the Provision of Late Night Refreshment 'indoors' may have the likely effect of causing an increase in Public Nuisance in the area.
2. The increase in hours requested for the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area.
3. No representation raised for the change in layout.

The applicant is advised that as the applied for licensable hours go beyond 'core hours' and the previous Licence was granted after a hearing of the Licensing sub-Committee Environmental Health therefore considers that any subsequent request for an increase

in hours is a matter for the Committee as the premises are located within the West End Cumulative Impact Area.

Also some conditions need to be updated such as the condition for waste collection so that it also reflects the hours for the Council's own commercial waste collection service for the street.

It is unclear in the application to what stage the refurbishment of the premises has reached for the proposed use. The applicant is therefore requested to arrange a site visit as Environmental Health would like to be able to provide an on-site assessment should the Committee request further information at any hearing.

2-B Other Persons

Received: 15 December 2017

It seems to me asocial to extend the hours of this proposed restaurant to 00h30 - resultant noise and contiguous disturbance may well affect local residents in an area already under siege from overdevelopment of catering facilities with an eye to money to be made out of tourists and visitors rather than from any concern about the well-being of residents and council payers.

Received: 22 December 2017

As a leaseholder in the block of flats directly adjoining this new restaurant I feel that a licensing extension before the place has opened is premature.

We don't know what noise or nuisance will be associated with these premises until they open - how loud patrons might be, where they might congregate to smoke outside etc.

Surely the business should open with the hours initially applied for and approved and then be allowed to apply for an extension once it's been operating for a reasonable period. That way it will be possible for neighbours and others to make an informed judgement about the desirability of the extended hours based on solid evidence. At the moment there is none.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
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.
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

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
Appendix 5	Proof of change of address
Appendix 6	Existing premises licence

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@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	Representation Metropolitan Police Service	7 December 2017
5	Representation Environmental Health Consultation Team	28 December 2017
6	Representation Licensing Authority	28 December 2017
7	Representation resident	15 December 2017
8	Representation resident	22 December 2017
9	Planning permission	
10	Proof of change of address	16 May 2017

Westminster City Council

Westminster City Hall
64 Victoria Street
London SW1E 6QP

www.westminster.gov.uk



City of Westminster

Your ref: P5465 Jaeger House

My ref: 15/07957/FULL

**Please
reply to:**

Tel No:

Matthew Giles

020 7641 5942

Daryl Mylroie
Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

29 April 2016

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No: 15/07957/FULL

Application Date: 26.08.2015

Date Received: 26.08.2015

Date Amended: 17.09.2015

Plan Nos: Acoustic Report dated 23rd April 2015, Acoustic Report dated 18th November 2015, Acoustic Report dated 6th January 2016, Transport Statement Rev2 dated 25 June 2015, Odour Report (J0029/1/F1) dated 24 April 2015, Drawings: 10324.40, T(SK)017 RevA, T(SK)016 RevA, T1(20)P00 RevT1, T1(20)P-1 RevT1, T1(20)P01 RevT1, T1(20)P02 RevT1, T1(20)P03 RevT1, T1(20)P04 RevT1, T(SK)056 RevA, T(SK)055 RevA, T(SK)054 RevA, T1(20)E01 RevT1, T1(20)E02 RevT1, T1(20)E03 RevT1, T1(20)E04 RevT1, T1(20)E05 RevT1, T1(20)E06 RevT1, T1(20)S01 RevT1, T1(20)S02 RevT2, T1(21) D01 RevT1, T1(21)D02 RevT1, T1(21)D03 RevT1, T1(21)D04 RevT1.

Address: 57 Broadwick Street, London, W1F 9QS,

Proposal: Alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. (Land use swap with Shaftesbury Mansions, 52 Shaftesbury Avenue).

See next page for conditions/reasons.

Yours faithfully



John Walker
Director of Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

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- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;

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- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 You must install the acoustic attenuation as detailed in the submitted acoustic information at the same time as the plant is installed. This must be maintained in this form for as long as the plant remains in situ.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 6 As detailed within the submitted acoustic information, all first floor plant / machinery hereby permitted (except the three units serving the restaurant) shall not be operated except between 07:00 hours and 23:00 hours daily.

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Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of detailed drawings and manufacturers specification of the following parts of the development - restaurant ducting terminus. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 8 The restaurant extract duct shown on the approved drawings (with further details approved under Condition 7 of this permission) shall be fully installed before the restaurant use commences and thereafter maintained for as long as the premises are used as a Class A3 restaurant.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the proposed plant at fifth floor level will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 10 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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- 11 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 12 You must not sell any hot-food take-away or drink within either approved restaurant premises (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted restaurant uses (Class A3) because it would not meet Policy TACE9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 13 The bar areas and bar seating in each of the restaurants, must not take up more than 15% of the floor area of the individual restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE9 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must not play live or recorded music within either of the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 15 You must not allow more than 150 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the property.

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Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 Prior to the occupation of the restaurant / retail units, you shall submit and have approved in writing by the local planning authority detailed servicing management strategies for the individual retail / restaurant accommodation to include an assessment of delivery noise combined with mechanical services, servicing hours, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategies unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:

07:30 to 00:30 Mondays to Saturdays; and
07:30 to 00:00 (midnight) Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 19 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

The shopfronts on Broadwick Street to the restaurant and office accommodation must not be recessed. They must be flush with the front façade.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 You must apply to us for approval of an odour management plan setting out the specifications of the odour abatement system and the maintenance strategy of the kitchen extract system. The agreed odour abatement system and maintenance strategy shall remain in place for as long as the restaurant remains in use. You must not start any work on these parts of the development until we have approved what you have sent us.

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You must then carry out the work according to these approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 21 You must provide each cycle parking space shown on the approved drawings prior to occupation (this includes all cycle parking spaces in the basement of the property and in the rear courtyard area of Marshall House). Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 22 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of the building.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 23 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 24 The Class A1 retail use hereby approved shall only be used for non-food retailing.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 25 The terrace areas hereby approved associated with the office accommodation can only be used between the hours of 08:30 and 20:30 Monday to Friday. You can not use the terrace areas outside of these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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- 26 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at the Broadwick Street entrance. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

green roof areas / wildflower planting areas

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 28 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 29 Access is only to be provided to the identified 'green roof -restricted access' areas for maintenance purposes. These roof areas are not to be used for any other purpose unless in the case of an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 30 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 31 You must apply to us for approval of sound insulation measures to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 32 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's

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City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

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- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 Please let our arboricultural team (020 7641 2922) know when you are going to start work on the site. It would be useful if you could give us at least five working days' notice of this date. This will allow us to inspect your tree-protection measures during the work. (I92BA)
- 13 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
- If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
- Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
- You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

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- 14 The odour management plan is likely to require the submission of manufacturer's specification and detailed plans of the following details:
- Grease filters;
 - Carbon filters with a residence time of at least 0.4 seconds;
 - Electrostatic precipitator;
 - UV light/Ozone;
 - All filters to have life monitoring package with safety cut-off features to stop the kitchen extract system from functioning should any of the installed odour abatement measures fail;
 - An updated odour report and risk assessment including the details of all neighbouring receptors and;
 - Any such features as recommended by the updated odour report section on 'Mitigation' (currently section 5)
 - Details of an automatic cut-off if the odour mitigation system fails.

The maintenance strategy is likely to require the submission of the details:

- Details of cleaning and maintenance measures required for each component of the system;
- Details of the minimum frequency at which the cleaning and maintenance measures shall be undertaken and;
- Examples of schedules and checklists to demonstrate that the cleaning and maintenance has been undertaken.

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Licence & Appeal History

Application	Details of Application	Date Determined	Decision
17/05023/LIPN	This was an application for a new premises licence.	29.06.2017	Granted by Licensing Sub-Committee
17/13422/LIPT	This was an application to transfer the licence from Shaftesbury Carnaby PLC to Inko Nito Broadwick Street Limited.	01.12.2017	Granted under Delegated Authority

There is no appeal history

Appendix 3

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

When determining an application for a new 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

- (ii) 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

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. 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 entire 31 day period.

10. 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 is 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.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. 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
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
19. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
20. The premises shall only operate as a restaurant
 - i. in which customers are shown to their table,
 - ii. where the supply of alcohol is by waiter or waitress service only,
 - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv. which do not provide any take away service of food or drink for immediate consumption,
 - v. which do not provide any take away service of food or drink after 23.00, and
 - vi. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
21. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.

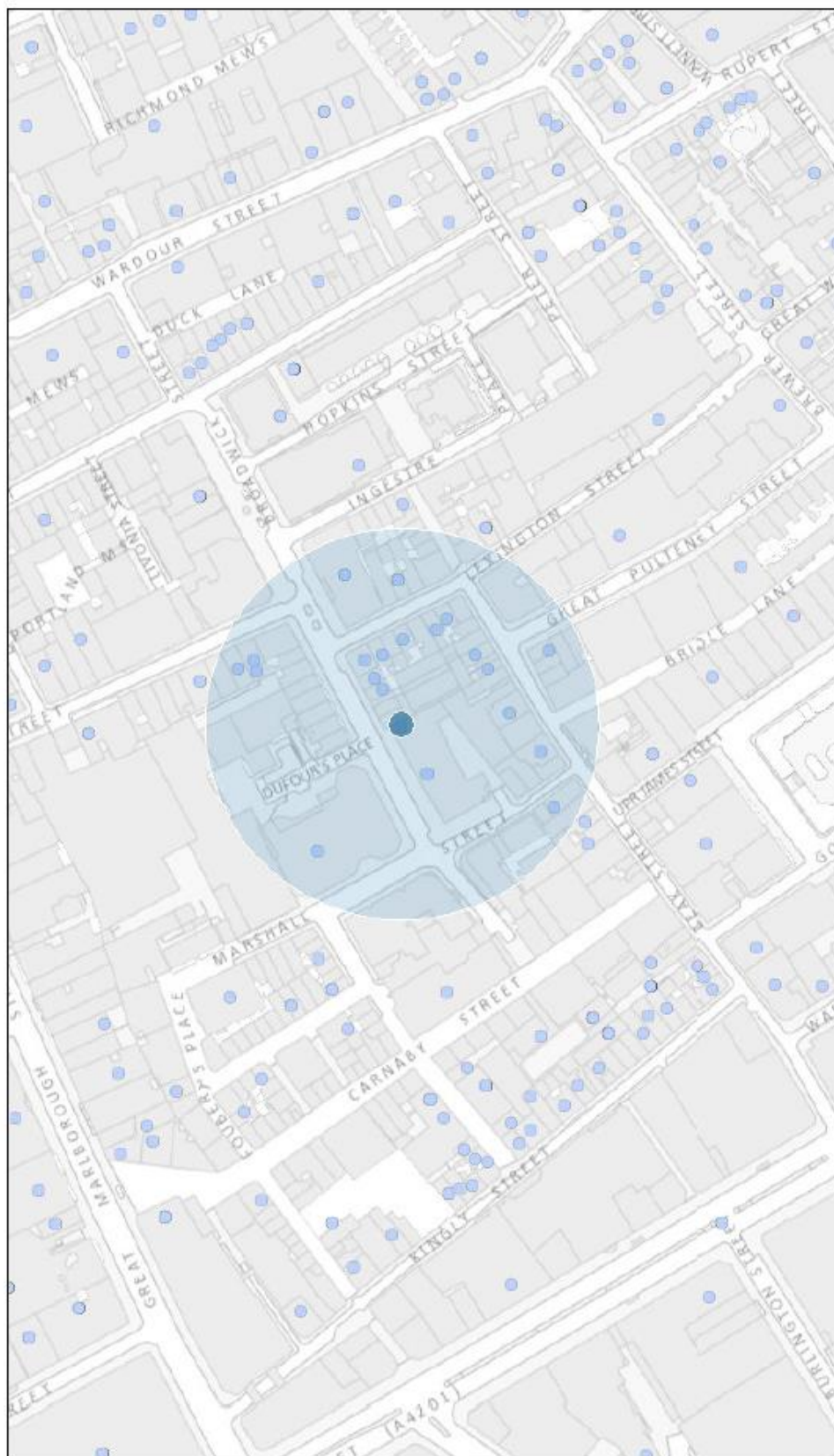
The applicant has proposed to amend condition 23 to read as the below:

The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.

Conditions proposed by the Police and agreed with the applicant so as to be incorporated within the operating schedule

24. After 23:00 hours patrons temporarily leaving the premises, eg. To smoke, shall not be permitted to take drinks or glass containers outside with them.

Inko Nito



January 17, 2018
● Live Licensing Act

Resident count = 291

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Licence Number	Trading Name	Address	Premises Type	Time Period
17/05023/LIPN	Not Recorded Central Convenience Store	57 Broadwick Street London W1F 9QS	Restaurant	Monday to Thursday: 08:00 - 23:00 Friday to Saturday: 08:00 - 00:00 Sunday: 10:00 - 23:30 Sundays before Bank Holidays: 10:00 - 00:30
13/09832/LIPDPS		43 Broadwick Street London W1F 9QN	Shop	Monday to Saturday: 08:00 - 23:00 Sunday: 10:00 - 22:30
15/02234/LIPN	Solid London	41 Broadwick Street London W1F 9QL	Shop	Monday to Saturday: 08:00 - 23:00 Sunday: 08:00 - 22:30
15/02877/LIPDPS	Comptoir Libanais	59 Broadwick Street London W1F 9QH	Restaurant	Monday to Sunday: 08:00 - 23:00
15/03050/LIPRW	Bao	53 Lexington Street London W1F 9AS	Restaurant	Monday to Thursday: 10:00 - 23:30 Friday to Saturday: 10:00 - 00:00 Sunday: 12:00 - 22:30
17/07385/LIPDPS	John Snow	39 Broadwick Street London W1F 9QJ	Public house or pub restaurant	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
17/09666/LIPN	Not Recorded	Basement And Ground Floor 49 Lexington Street London W1F 9AP	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00 New Year's Eve: 00:00 - 00:00
15/04973/LIPDPS	Ma Plucker	Basement And Ground Floor 75 Beak Street London W1F 9ES	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
06/06413/AVCCMAP	Mildred's Restaurant	45 Lexington Street London W1F 9AN	Restaurant	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
16/06672/LIPN	Fernandez & Wells	73 Beak Street London W1F 9SR	Cafe	Monday to Saturday: 08:00 - 23:30 Sunday: 10:00 - 22:00
15/11655/LIPT	Kazu Restaurants 1 Limited	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Restaurant	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
13/07955/LIPV	Fernandez And Wells	Basement And Ground Floor 43 Lexington Street London W1F 9AL	Cafe	Monday to Saturday: 08:00 - 23:30 Sunday: 08:00 - 22:00
12/01708/LIPV	Vinoteca	53 - 55 Beak Street London	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
15/06465/LIPVM	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 0LP	Wine bar	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
06/06539/AVCCMAP	Academy Club	First Floor Front 46 Lexington Street London W1F 0LP	Wine bar	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
17/00017/LIPT	Masala Zone Soho	9 Marshall Street London W1F 7EJ	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
17/05709/LIPVM	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	Restaurant	Monday to Sunday: 10:00 - 00:30
06/05127/AVCCMAP	Star & Garter	62 Poland Street London W1F 7NX	Pub or pub restaurant with lounge	Monday to Thursday: 10:00 - 23:30 Friday to Saturday: 10:00 - 00:00 Sunday: 12:00 - 22:50 Sundays before Bank Holidays: 12:00 - 00:00
17/03723/LIPDPS	Hearst Magazines	Sixth Floor 33 Broadwick Street London W1F 0DQ	Office	Monday to Sunday: 00:00 - 00:00
17/04674/LIPDPS	Ibu	31 Broadwick Street London W1F 0DG	Restaurant	Monday to Sunday: 09:00 - 21:30
11/07263/LIPDPS	Sun & Thirteen Cantons Old Coffee House Public House	21 Great Pulteney Street London W1F 9NG	Pub or pub restaurant with lounge	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
14/00895/LIPDPS		49 Beak Street London W1F 9SF	Pub or pub restaurant with lounge	Monday to Thursday: 10:00 - 23:30 Friday to Saturday: 10:00 - 00:00 Sunday: 12:00 - 23:00
14/01787/LIPN	Milk And Honey	61 Poland Street London W1F 7NU	Night clubs and discos	Monday to Saturday: 09:00 - 03:30 Sunday: 09:00 - 02:00 Sundays before Bank Holidays: 09:00 - 03:30

Proof of change of address

Appendix 5

Westminster City Council

Street Naming & Numbering
Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

www.westminster.gov.uk



City of Westminster

Our ref: SNN17/00046

Please reply to:

Email:

SNN@westminster.gov.uk

Tel No:

020 7641 2652

Samuel John

Ms Silvia Marcon
CBRE Ltd
16 Kingly Street
London
W1B 5PT

Street naming and numbering
Development Planning
City of Westminster
PO Box 732,
Redhill, RH1 9FL

16 May 2017

Dear Sir/Madam,

London Building Acts (Amendment) Act, 1939 - Part II

Address: 57 Broadwick Street, London, W1F 9QS,

Proposal: Registering to assign address numbering to 3 commercial units at Broadwick Street, W1F, Namely as 55, 57 and 59 , Broadwick Street, London, W1F 9QS.

We have recently received confirmation from Royal Mail of the postcodes for the new postal addresses as below :

**55-59 odds Broadwick Street
LONDON
W1F 9QS**

In accordance with Royal Mail's practice for newly created properties and flat units, the address/postcode has been added to the Not Yet Built Register ("NYB") as the works are not yet completed and consequentially, not occupied.

The NYB contains address details from local authorities of properties that are in the course of being built , or are scheduled to be built in the future , through the point of being an active postal address when occupation occurs. When you apply for your Meter Point Administration Numbers ("MPANs"), the Utility Company is advised where the address is to be found on Royal Mail's database, as Utility companies rely upon NYB to verify a postal address during its construction stages.

Once the works are completed, units/building accessible for mail/post delivery and possibly occupied, please reply to SNN@westminster.gov.uk so we can issue the Council's statutory order that formally brings into use the postal address.

Yours faithfully

Samuel John

Samuel John



**City of
Westminster**

**Schedule 12
Part A**

**WARD: West End
UPRN:
100023471296**

Regulation 33, 34

Premises licence

**Premises licence
number:**

17/05023/LIPN

Original Reference:

17/05023/LIPN

Part 1 - Premises details

Postal address of premises:

57 Broadwick Street
London
W1F 9QS

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

Non-standard Timings: These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday: 08:00 to 23:30
Friday to Saturday: 08:00 to 00:00
Sunday: 10:00 to 23:30
Sundays before Bank Holidays: 10:00 to 00:30

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Shaftesbury Soho Limited
22 Ganton Street, Carnaby,
London,
W1F 7FD
:

Registered number of holder, for example company number, charity number (where applicable)

05291606

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: TBC

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number:
Licensing Authority:

Date: _____ **17 August 2017** _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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.
 - (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.

- (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.
- (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

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. 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 entire 31 day period.
10. 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 is 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.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. 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
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
19. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
20. The premises shall only operate as a restaurant
- i. in which customers are shown to their table,
 - ii. where the supply of alcohol is by waiter or waitress service only,
 - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv. which do not provide any take away service of food or drink for immediate consumption,
 - v. which do not provide any take away service of food or drink after 23.00, and
 - vi. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
21. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.

Annex 4 – Plans

Attached



**City of
Westminster**

**Schedule 12
Part B**

**WARD: West End
UPRN:
100023471296**

**Premises licence
summary**

Regulation 33, 34

**Premises licence
number:**

17/05023/LIPN

Part 1 - Premises details

Postal address of premises:

57 Broadwick Street
London
W1F 9QS

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

Non-standard Timings: These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Non-standard Timings: These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday: 08:00 to 23:30

Friday to Saturday: 08:00 to 00:00

Sunday: 10:00 to 23:30

Sundays before Bank Holidays: 10:00 to 00:30

The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Shaftesbury Soho Limited
22 Ganton Street, Carnaby,
London,
W1F 7FD

Registered number of holder, for example company number, charity number (where applicable)

05291606

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: TBC

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: _____ 17 August 2017 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.