

Licensing Sub-Committee Report

Item No:	
Date:	8 February 2018
Licensing Ref No:	17/14805/LIPN - New Premises Licence
Title of Report:	The Larder@Soho Sohostel 91-92 Dean Street London W1D 3SY
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:	New Premises Licence, Licensing Act 2003		
Application received date:	15 December 2017		
Applicant:	One Housing Group		
Premises:	The Larder@Soho		
Premises address:	Sohostel 91-92 Dean Street London W1D 3SY	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application, The Larder operates as a continental-style coffee shop/café.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	The Larder@Soho is located adjacent to Sohostel, and would like to extend the operation to include the retail sale of alcohol in a continental-style coffee shop/café. Whilst this premises is located within the West End Cumulative Impact Area, given the minimal hours applied for, and the thoughtful operation by One Housing, we are hopeful that Westminster Council will decide this will not have a negative cumulative impact on the local area.		
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							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	19:00	19:00	19:00	19:00	19:00	19:00	19:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	19:30	19:30	19:30	19:30	19:30	19:30	19:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Adam Deweltz
Received:	28 December 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>Following the agreement of conditions, the Metropolitan Police Service have withdrawn their representation.</p>	
Responsible Authority:	Licensing Authority
Representative:	Ms Shannon Pring
Received:	12 January 2018
<p>I write in relation to the application submitted for a New 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 Licensing Authority notes that in support of the Council statement of licensing policy and following a meeting with the responsible authorities at the premises, the applicant has agreed to add the following conditions to the operating schedule:</p> <ol style="list-style-type: none"> 1. The sale of alcohol on the premises shall be by waiter/waitress service only to persons seated at tables or the fixed seating areas. 2. There shall be no sales of alcohol for consumption off the premises. <p>We also acknowledge that the hours of operation and for licensable activities, as applied for, fall well within the council's core hours policy.</p>	

However, the premises is to be considered in conjunction with CIP1 as it is an application for a new premises licence within the cumulative impact area and as such it is for the applicant to demonstrate how the additional 30 people will not add to cumulative impact within the cumulative impact area.

Furthermore, please be aware that paragraph 2.5.23 of the council policy states that the 'grant of new licences for pubs or bars in the Cumulative Impact Area should be limited to exceptional circumstances'. The list of examples of what may be considered an exceptional circumstance can be found at paragraphs 2.4.2 – 2.4.13 of the Council's Statement of Licensing Policy.

Please accept this as a formal objection.

2-B Other Persons

Name: The Soho Society

Received: 14 January 2018

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

This café, adjacent to Sohostel towards the north end of Dean Street, is applying for a licence to sell alcohol.

Hours of operation

The café is open seven days a week from 10.00-19.30 and the application seeks to sell alcohol from 10.00-19.00 on each day. Given that there is a large Tesco supermarket across Dean Street from the premises where alcohol can easily be purchased, as well as The Nellie Dean pub at no. 89, we wonder exactly why another premises is applying for an alcohol licence in the heart of the West End Cumulative Impact Area. If Westminster see fit to grant this application, we would ask that it is at least brought within core hours, with regard to Sunday morning, which is the only quiet time nearby residents can experience during the entire week.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the

concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIA1 applies:	<p>(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.</p> <p>(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..</p>
Policy HRS1 applies:	<p>(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.</p> <p>(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.</p>
Policy PB2 applies:	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1</p>

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.

5. 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

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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	April 2017
4	Representation Metropolitan Police Service	28 December 2017
5	Representation Licensing Authority	12 January 2018
6	Representation The Soho Society	14 January 2018

Applicant Supporting Documents

Appendix 1

None submitted

Premises History

Appendix 2

There is no licence or appeal history for the premises

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 necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary 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

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.

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.

Conditions consistent with the operating schedule

9. 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 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. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
13. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. A 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.
19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
20. 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.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
22. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
23. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
24. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as café.

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

25. The number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.
26. No deliveries to the premises shall take place between (23:00) and (08:00) on the following day.

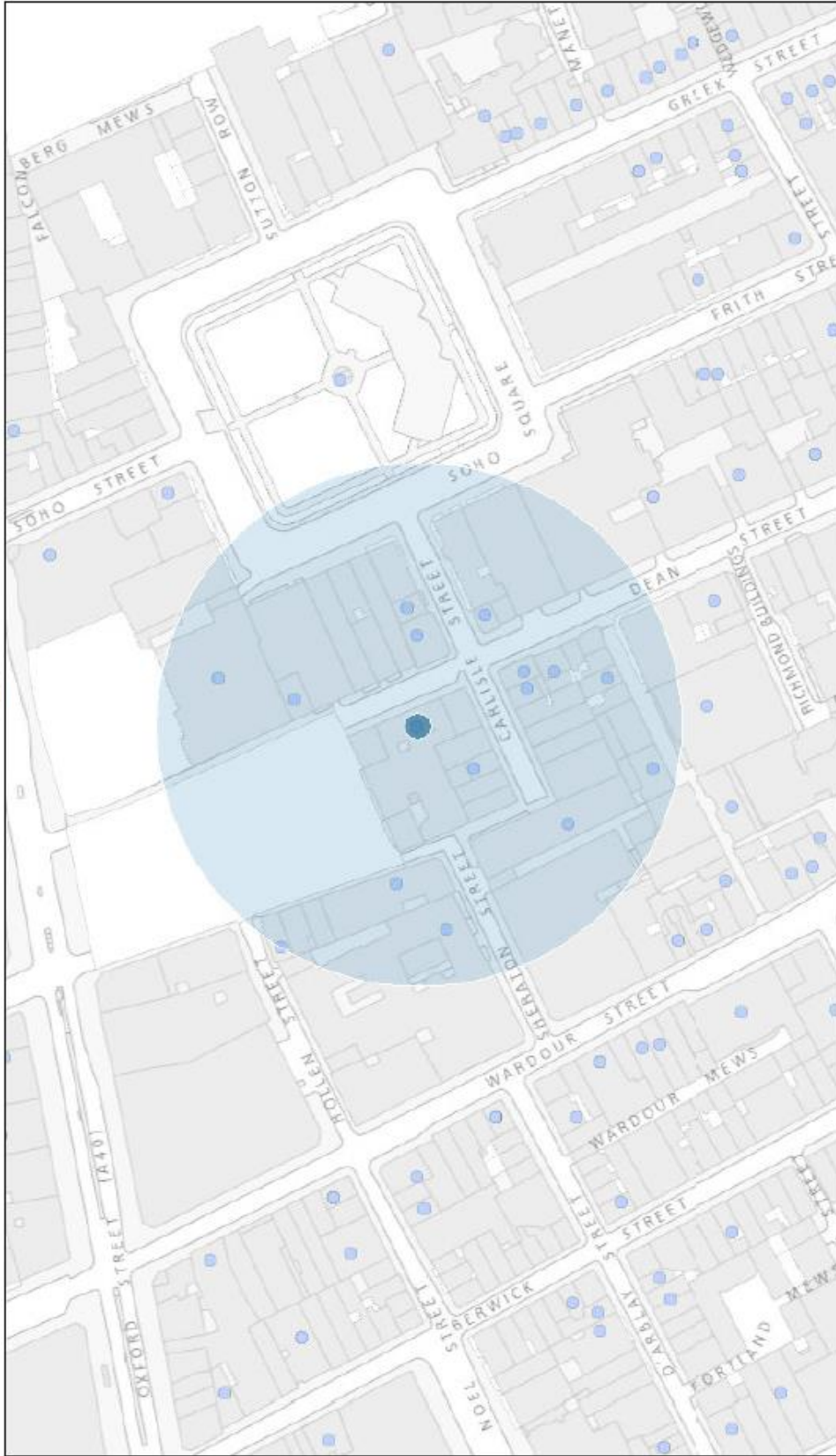
Conditions proposed by the Police and agreed with the applicant and so as to be incorporated within the operating schedule

27. All alcoholic drinks are to be decanted into polycarbonate/plastic containers or polycarbonate/plastic carafes prior to being served.

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

28. The sale of alcohol on the premises shall be by waiter/waitress service only to persons seated at tables or the fixed seating areas.
29. There shall be no sales of alcohol for consumption off the premises.

The Larder@Soho



January 30, 2018

● Live Licensing Act

1:1,500
0 0.0125 0.025 0.05 mi
0 0.02 0.04 0.08 km
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Resident count = 47

Licence Number	Trading Name	Address	Premises Type	Time Period
14/08365/LIPN	One Housing Sohostel	West End House 91-92 Dean Street London W1D 3SY	Hostel	Monday to Sunday; 00:00 - 00:00
16/07868/LIPN	Sohostel - 4th Floor	West End House 91-92 Dean Street London W1D 3SY	Hostel with on site management	Monday to Sunday; 12:00 - 23:00
13/02352/LIPN	Soho Business Club	16 Carlisle Street London W1D 3BT	Office	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
16/07516/LIPDPS	Pizza Express	Basement And Ground Floor 10 Dean Street London W1D 3RW	Restaurant	Monday to Saturday; 09:00 - 03:30 Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 Sunday; 09:00 - 00:00
15/03179/LIPDPS	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
16/11522/LIPDPS	Nellie Dean Public House	89 Dean Street London W1D 3SU	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
06/05166/WCCMAP	The Toucan	19 Carlisle Street London W1D 3BY	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
06/06593/WCCMAP	Pierre Victoire Restaurant	Basement And Ground Floor 5 Dean Street London W1D 3RQ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/06400/LIPDPS	Pizza Pilgrims	11 Dean Street London W1D 3RP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10652/LIPDPS	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
16/12431/LIPDPS	WeWork Great Chapel	Sheraton House 14 - 19 Great Chapel Street London W1F 8FW	Restaurant	Monday to Sunday; 00:00 - 00:00
17/00953/LIPDPS	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
15/10763/LIPCHT	Billy And The Chicks	27 - 28 St Anne's Court London W1F 0BN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

16/12427/LIPDPS	WeWork Soho	Medius House 2 Sheraton Street London W1F 8BH	Office	Monday to Sunday; 14:00 - 23:00
17/05688/LIPDPS	Tesco	Ground Floor 2 - 4 Dean Street London W1D 3RG	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
16/07970/LIPDPS	Heart Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Miscellaneous	Monday to Sunday; 00:00 - 00:00
14/04904/LIPDPS	Star Cafe	22 Great Chapel Street London W1F 8FR	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00