

Licensing Sub-Committee Report

Item No:	
Date:	15 March 2018
Licensing Ref No:	18/00457/LIPN - New Premises Licence
Title of Report:	Sticks 'N' Sushi 40 Beak Street London W1F 9RQ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	15 January 2018		
Applicant:	Sticks 'N' Sushi Uk Ltd		
Premises:	Sticks 'N' Sushi		
Premises address:	40 Beak Street London W1F 9RQ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises will operate as a sushi/yakitori restaurant on the basement and ground floor		
Premises licence history:	The application is for a new premises licence therefore a premises licence history does not exist.		
Applicant submissions:	<p>Sticks 'n' Sushi are a Danish company which specialises in Japanese sushi and yakitori with a Scandinavian twist.</p> <p>They have two premises in Westminster in the Victoria, Nova development and on Henrietta Street in Covent Garden.</p> <p>The Sticks 'n' Sushi in Covent Garden is (like these premises) in Westminster's West End stress area and trades also on two floors (basement and ground floor) with a maximum occupancy of 170.</p> <p>These premises will also trade in a new development on two floors with a maximum occupancy of 179.</p> <p>Planning permission has been granted for A3 use with a maximum occupancy limit for both floors of 179.</p> <p>The premises have been and will continue to be constructed of a high quality in all respects.</p> <p>Sticks 'n' Sushi have proved themselves to be a successful, reliable and responsible operator in Westminster; they are mindful that this is a new operation in Soho but are confident that this proposed application to core hours, with the model restaurant condition and a number of others agreed following a pre-consultation exercise will both promote the licensing objectives and not have an adverse impact on the existing stress area.</p>		

	Proposed conditions are incorporated in Appendix 3 of the report
Plan	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:			Sundays before a Bank Holiday Monday 23:00 - midnight.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays before a Bank Holiday Monday 23:00 - midnight.				

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	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays before a Bank Holiday Monday 23:00 - midnight.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Mr Dave Nevitt
Received:	9 th February 2018
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	
Responsible Authority:	The Metropolitan Police (withdrawn)
Representative:	PC Toby Janes
Received:	30 th January 2018
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>A number of conditions have been offered in support of the application, these have been considered but do not fully address the concerns of Police.</p> <p>In addition to the conditions already offered, if the following condition is added to your operating schedule then Police will withdraw the representation.</p> <ul style="list-style-type: none">• 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, which will record the following:<ol style="list-style-type: none">(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

If you have any questions please do not hesitate to contact me.

On agreement by the applicant to the proposed additional incident log condition by The Police, the Police withdrew their representation to the application.

2-B Other Persons

Received: 11th February 2018

I am extremely concerned that this restaurant has too big a capacity for a narrow street with very thin pavements and that the extended hours encouraging more late drinking will have a deleterious effect in a stress area where residents and businesses are already feeling the negative effect of the night time economy.

I object on grounds of public safety and cumulative impact. I would ask the panel note that this premises is located at the intersection of a narrow (one-way) street and an even narrower (one-way) lane with no pavement at all. Deliveries, staff, outside smoking, refuse build-up and collection, can simply not be accommodated. Any conditions that restrict the hours of operation and the amount of people entering and exiting the premises need to be seriously considered.

If the Council is minded to offer the license please can they ensure an adequate dispersal policy, with no on-street queuing (which is becoming the norm in Soho at busy time) and no on street smoking.

Beak Street already sees pedestrians (including push-chairs and wheelchairs) forced onto the road because of crowds outside restaurants and pubs, drinking, smoking and queuing. The Council needs to do what it can to prevent.

Received: 1st February 2018

Beak Street is a narrow street busy with traffic . 179 seats in the restaurant will noise and congestion on the street. Queuing on narrow pavements could ensue which compromise pedestrian safety.. There is no mention of smokers, taxis, ubers. or street control. This is a 'Resident sensitive' area with 40 new high end flats being built on the corner one minute away from the entrance and a smaller block opposite. Takeaway will cause litter and further congestion. Alcohol as take away in such a chaotic situation is unwise. I object to this licence on the grounds of Cumulative Impact, Public Nuisance and the health and safety of Immediate Soho Residents. I also note that the application is to the full extent of the City Council's 'core hours' set out in its Statement of Licensing Policy. Without sufficient clarification and reassurances on the issues I have raised, I can only conclude at this juncture that the terminal hour is too late. The applicant needs to demonstrate that the application does not add to cumulative impact. At present, I do not believe that the application reaches this threshold. Please contact us for a meeting

so all these issues can be aired.

Received: 2nd February 2018

Beak Street is a narrow street with narrow pavements, it is often extremely congested and the proposed usage would have a massive negative effect on its useability both to road traffic and pedestrians.

I object to this licence on the grounds of Cumulative Impact, Public Nuisance and the health and safety of Immediate Soho Residents.

Received: 22 Jan 2018

I object to the non-standard hours on Friday and Saturday as this will create additional noise and strain as customers leave the restaurant on an already busy street and contribute to my loss of amenity as a result.

Received: 2nd February 2018

I am objecting on grounds of public nuisance; public safety; and cumulative impact. I do not believe that the applicant has fully understood the impact of conditions they are offering.

A 179 capacity (excluding staff) with an entrance facing my building deeply distresses me. The impact of noise nuisance, people smoking, safety of pedestrians pushed onto the road, taxi and uber pickups creating more congestion, deliveries where lorries already constantly reverse illegally down bridle lane with their warning sounds and flashing lights, will all make this part of the street unbearable. Previously the sight was occupied by a police building. Now the whole street, which was historically the quieter part of Soho, is going to be further altered for the worse.

In particular they are pushing the limit of core hours late at night and with no drinking up time specified.

They are proposing to enable takeaway both food and alcohol, limiting this to 11pm. This is far too late and will also inevitably result in more litter and noise outside my door if it is allowed at all.

There is a very narrow pavement with parts of Beak Street already unbearably crowded with people standing outside and across the road from patrons at the two pubs a few yards away from us, particularly when the weather is good. There is a real safety issue here as people will be forced to walk along the road.

There is little thought to how many people are allowed to smoke outside or loiter outside.

It certainly would make sense to impose a condition that people loitering outside the premises wait along bridle lane and not Beak Street. It would also be helpful if they would consider some dispersal policy.

To mitigate some of these concerns I would request the licensing authority review the maximum number of people, reduce the terminal hour, not allow takeaway and certainly no sale of alcohol for consumption off the premises. Perhaps a booking policy would be helpful and some dispersal policy.

I am really concerned for the safety of pedestrians. I am already facing difficulties pushing a push chair down this street and hope the licensing authority can set much

stronger conditions to mitigate my concerns.

Furthermore, can a condition be placed to ensure that the doors and windows are shut at all times except for ingress and maybe have an internal lobby door so that we don't hear the constant sound of music and noise as people leave. As I mentioned the door will be directly facing our building and it is going to have a dramatic impact to the quality of our life as we come and go with children. I will attached 2 photos of their proposed entrance on the corner of the building, taken from the street in front of my building and from my living room window to show you how I will be effected.

I would also like Richard Brown from the Licensing team at CAB (copied) to represent me at any future hearing.





Received:

2nd February 2018

I am writing to object to this application and fully support all the comments made by [REDACTED]. I also feel very strongly about this application and believe it will have an entirely negative impact on the local area.

One of my greatest concerns is the danger presented to pedestrians, as well as the additional risk for motorists attempting to navigate the local streets. As has been seen by the long term installation of scaffolding on this building, the access to pavements along Beak Street has been blocked for months - on one side by the works being undertaken on this building and on the other side by the overspill of patrons from the pub on the corner. This compromises the safety of pedestrians walking along the street - forcing them on to the roadway, which is a very busy thoroughfare. Once the building works stops, there will be patrons from this property loitering and blocking the pavement creating the same issues.

In addition, the area already suffers from an enormous number of intoxicated people walking on the street at all hours smoking and shouting. The volume of litter and vomit left every day is appalling.

Whilst this application is being considered, we are aware of a second large development near the corner of Beak and Lexington which will add to the numbers on the street late at night and so [REDACTED] concerns about a cumulative impact are factual not a potential concern



Received:	5 TH February 2018
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Beak Street is a narrow street busy with traffic . 179 seats in the restaurant will cause noise and congestion on the street. Queuing on narrow pavements could ensue which compromise pedestrian activity. There is no mention of smokers, taxis, ubers. or street control. This is a 'Resident sensitive' area with 40 new high end flats being built on the corner one minute away from the entrance and a smaller block opposite. Takeaway will cause litter and further congestion. Alcohol as take away in such a chaotic situation is unwise. I object to this licence on the grounds of Cumulative Impact, Public Nuisance and the health and safety of Immediate Soho Residents. I also note that the application is to the full extent of the City Council's 'core hours' set out in its Statement of Licensing Policy. Without sufficient clarification and reassurances on the issues I have raised, I can only conclude at this juncture that the terminal hour is too late. The applicant needs to demonstrate that the application does not add to cumulative impact. At present, I do not believe that the application reaches this threshold. Please contact us for a meeting so all these issues can be aired.

Received:	22 nd January 2018
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I object to the non-standard hours on Friday and Saturday as this will create additional noise and strain as customers leave the restaurant on an already busy street and contribute to my loss of amenity as a result.

Received:	23 rd January 2018
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I would like to make a comment regarding the Licence Application noted above for Sticks'n'Sushi at 40 Beak St, W1F9RQ.

I am strongly in favour of this application. Sticks'N'Sushi run very good quality restaurants. I live directly across the street from this site and I believe they will be a good asset for the local area

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.

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Copy of Pre-App Report
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Application Form	15 th January 2018
5	The Environmental Health Service- Representation	9 th February 2018
6	The Police Service- Representation (withdrawn)	30 th January 2018
7	Representation	1 st February 2018
8	Representation	11 th February 2018
9	Representation	2 nd February 2018
10	Representation	22 nd January 2018
11	Representation	2 nd February 2018
12	Representation	2 nd February 2018
13	Representation	5 th February 2018
14	Representation	22 nd January 2018
15	Support Comment	23 rd January 2018

Applicant Supporting Documents

Appendix 1

None received

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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. 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.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 179 persons.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
18. 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.

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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
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. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
23. 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.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

24. No licensable activities shall take place at the premises until the premises has 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.

Conditions proposed by the Police and agreed by the applicant

25. 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, which 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



Office Name: Dave Nevitt
 Designation: EHO
 Date: 13.12.2017
 Contact number: 020 7641 3188
 Email: dnevitt@westminster.gov.uk
 Uniform Reference: 17/14224/PREAPM

Trading name of business and Address: Stick & Sushi, 40 Beak Street		
Reference Number if Applicable: 17/14224/PREAPM		
Licence: N/A	Applicant: Mr. James Anderson J.Anderson@popall.co.uk	Stress Area: WEST END
Type of Business: RESTAURANT		
<p>Current timings: NEW BUILD PREMISES UNDERGOING CONSTRUCTION, OPENING 2018.</p> <p>Current areas: BMT & GF</p> <p>Current activities: N/A</p> <p><u>PROPOSED:</u></p> <p><i>'Sticks & Sushi propose a new premises licence for basement and ground floor as per plans attached. They are respected sushi/yakitori restaurateurs and already operate on Henrietta Street in Covent Garden. The proposal is a restaurant operation subject to the usual conditions with a holding bar and core hours.'</i></p> <p>Floor plans Ref L100 were submitted with the application.</p> <p><u>EH COMMENTS & ADVICE:</u></p> <p>A site meeting was held on 12.12.2017.</p> <p>The applicant would like to operate a restaurant <u>as defined by the City Council's Licensing Policy</u> (see Para 2.5.3 of the Policy).</p> <p>The location of the premises in the West End Cumulative Impact Area means that an application for a New Premises Licence will be subject to special policies, for example RNT2.</p> <p>The applicant is advised that an application for a <u>purely restaurant operation within the Core Hours</u> (Policy HRS1) would be the best course. Whilst the applicants have successfully operated similar premises in Covent Garden (Henrietta Street) and Victoria (Nova development), 40 Beak Street will be a <u>new operation</u> in this location</p>		

and there are a number of residents in fairly close proximity. The applicant is advised that HRS1 does allow some later hours on Sundays prior to Bank Holidays.

In light of the comments made in para 2.5.3 of the Policy about restaurant premises in Cumulative Impact Areas *'even in part'* operating as bars I recommend that the operation is subject to MC66 at all times. As discussed at the site meeting, there is enough flexibility in the application of MC66 and the understanding of 'ancillary' to allow customers to enjoy a drink before and after their meal.

It is understood that there will not be a take away service of food for immediate consumption.

'Off' Sales of alcohol will not be required.

It is understood that all activities are to be carried out inside the premises building and that it is not envisaged at this stage that there will be outside tables and chairs provided for patrons, although there may be smokers using the pavement outside. I recommend that the applicant gives some thought as to how smokers might be managed in a way that reduces the likelihood of nuisance to local residents.

The new-build premises will have good acoustic integrity with air-conditioning and non-opening glazing. There are offices located on the floors directly above.

The toilet provision for patrons shown on the drawings includes DDA/Accessible facilities and additional and separate staff facilities. The sanitary provision shown would support the proposed capacity of 180 patrons.

An application for a New Premises Licence will seek Sale of Alcohol for consumption 'On' the premises, and Late Night Refreshment.

An application for a New Premises Licence should be accompanied by a schedule of proposed Conditions drawn from our list of 'Model Conditions' as a starting point for detailed discussion/agreement during the Consultation process and at a Hearing of the Licensing Committee if required. I recommend that the following should be considered:

MC01 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.

MC02 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.

MC12 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.

MC13 Loudspeakers shall not be located in the entrance lobby or outside the premises building.

MC21 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

MC35 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.

MC37 The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 180 persons.

MC43 No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.

MC47 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.

MC48 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.

MC56 There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

MC57 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.

MC65 No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

MC66 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. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

MC81 No licensable activities shall take place at the premises until the premises has 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.

The police may seek additional Conditions following the application.

The applicant may also wish to consider the following permission:

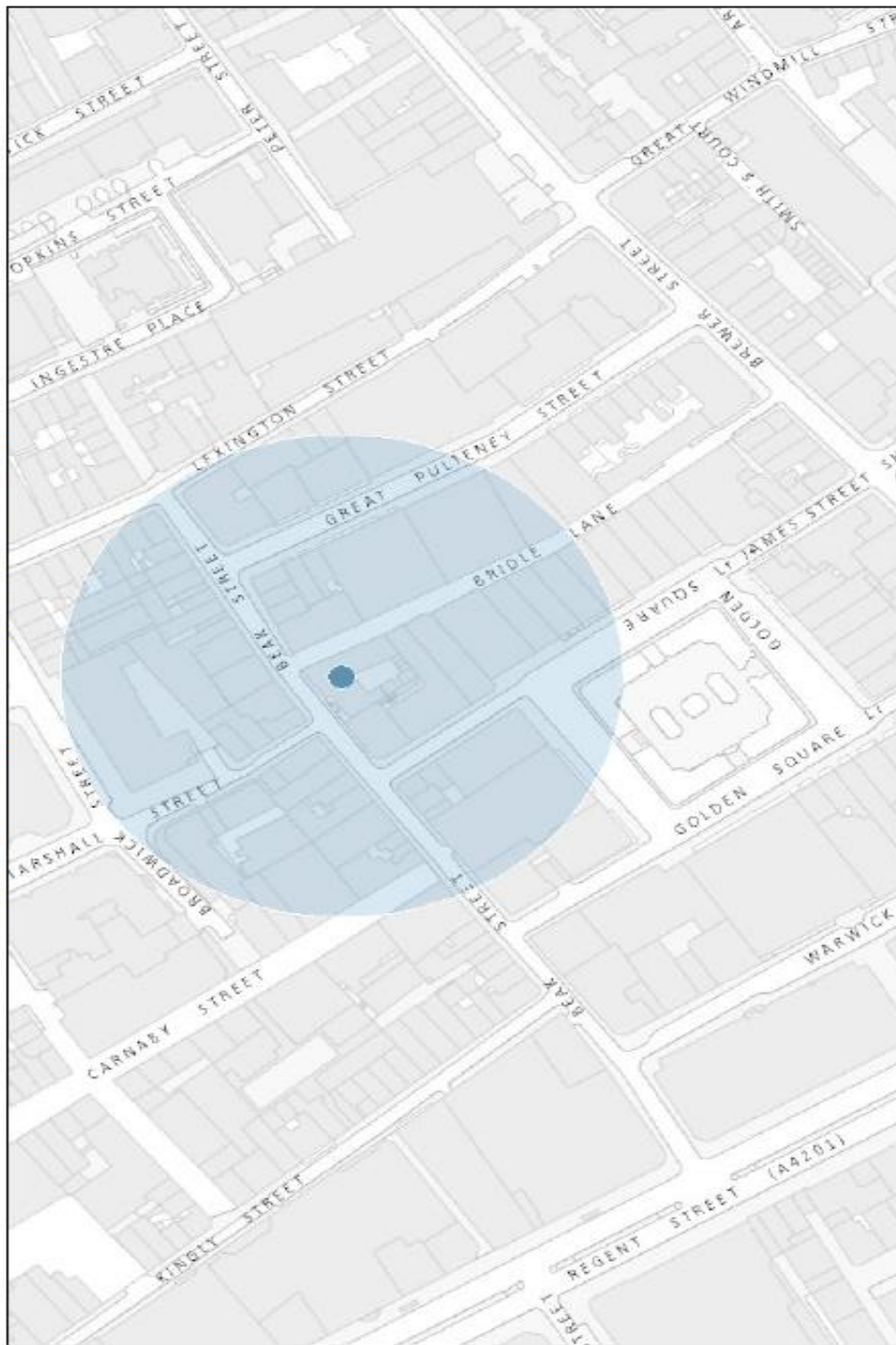
MC83 The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

A copy of the Pre-App Report will be sent to the District Surveyor, Alan Lynagh who may also have comments.

IF THE MATTER IS ADJUDICATED AT A HEARING OF THE LICENSING SUB CTEE THE APPLICATION WILL BE DETERMINED IN RELATION TO THE CITY COUNCIL'S LICENSING POLICY AND IT WILL BE FOR THE APPLICANT TO SHOW HOW THE LICENSING OBJECTIVES WILL BE PROMOTED.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Sticks 'N' Sushi 40 Beak Street London



Resident Count: 106

DISTANCE	OBJECTID	LicenceNumber	TradingName	Address	PremisesType	TimePeriod
20.93802636	5936	12/01708/LIPV	Vinoteca	53 - 55 Beak Street London	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
25.66341391	24683	17/07199/LIPN	Bob Bob Ricard (Shadow)	1 - 3 Upper James Street London W1F 9DE	Not Recorded	Monday to Saturday; 07:00 - 03:30 Sunday; 07:00 - 03:00
25.66341391	67915	16/01177/LIPDPS	Bob Bob Ricard	Basement And Ground Floor Part 1 - 3 Upper James Street London W1F 9DF	Restaurant	Monday to Saturday; 07:00 - 03:30 Sunday; 07:00 - 03:00 Sundays before Bank Holidays; 07:00 - 03:30
31.82501782	58345	17/06730/LIPN	Not Recorded	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00

31.82501782	58360	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
32.69084892	79787	14/00895/LIPDPS	Old Coffee House Public House	49 Beak Street London W1F 9SF	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
34.53686412	82384	11/07263/LIPDPS	Sun & Thirteen Cantons	21 Great Pulteney Street London W1F 9NG	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
35.53572109	58439	08/10747/LIPN	Regent News	Basement And Ground Floor 45 Beak Street London W1F 9SD	Shop	Monday to Friday; 06:30 - 20:00 Saturday to Sunday; 10:00 - 16:00
42.56618887	44821	16/08773/LIPT	Pizza Express	6 Upper James Street London W1F 9DQ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

43.48589689	5718	17/09677/LIPCH	Polpo	Ground Floor 41 - 43 Beak Street London W1F 9SB	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
45.6748867	44975	16/06672/LIPN	Fernandez & Wells	73 Beak Street London W1F 9SR	Cafe	Monday to Saturday; 08:00 - 23:30 Sunday; 10:00 - 22:00
51.15228721	68410	14/00346/LIPVM	Graphic Bar	Ground Floor 4 Golden Square London W1F 9HT	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
52.56394483	58343	15/04973/LIPDPS	Ma Plucker	Basement And Ground Floor 75 Beak Street London W1F 9SS	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
62.46121486	45122	17/12533/LIPDPS	M & C Saatchi	36 Golden Square London W1F 9JX	Office	Monday to Sunday; 00:00 - 00:00
64.29357978	76300	15/02877/LIPDPS	Comptoir Libanais	59 Broadwick Street London W1F 9QH	Restaurant	Monday to Sunday; 08:00 - 23:00

69.6422609	58309	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
70.59033049	83245	06/06413/WCCMAP	Mildred's Restaurant	45 Lexington Street London W1F 9AN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
72.16424741	47689	17/05023/LIPN	Not Recorded	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