



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	30 May 2019
Licensing Ref No:	19/03369/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:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 March 2019		
<b>Applicant:</b>	Inko Nito Broadwick Street Limited		
<b>Premises:</b>	Inko Nito		
<b>Premises address:</b>	55 Broadwick Street London W1F 9QS	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises in its entirety is primarily a Japanese restaurant.		
<b>Variation description:</b>	<p>This variation application seeks to add off-sales of alcohol to patrons subject to the attached plan and to add the following conditions:</p> <ul style="list-style-type: none"> <li>• The sale and supply of alcohol for consumption off the premises shall be restricted to: <ul style="list-style-type: none"> <li>a) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only; or</li> <li>b) in sealed containers only, and shall not be consumed on the premises.</li> </ul> </li> <li>• No off sales after 23.00.</li> <li>• All outside tables and chairs shall be rendered unusable by 23.00 each day.</li> </ul>		
<b>Premises licence history:</b>	<p>The premises has had the benefit of Premises Licence since it was granted in July 2017. The premises benefits from a Tables and Chairs Licence which expires on the 29 October 2019 and Planning Permission for the external space which expires on the 31 October 2019.</p> <p>The full details of the Premises Licence history can be found at <b>Appendix 3</b> of this report.</p>		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No change		Ground Floor	No change
Tuesday	23:00	00:30				
Wednesday	23:00	00:30				
Thursday	23:00	00:30				
Friday	23:00	00:30				
Saturday	23:00	00:30				
Sunday						
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.  On Sundays prior to bank holidays/public holidays until 00:30				No Change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change		Ground Floor	Ground Floor and External Terrace
Tuesday	10:00	00:30				
Wednesday	10:00	00:30				
Thursday	10:00	00:30				
Friday	10:00	00:30				
Saturday	10:00	00:30				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.  On Sundays prior to bank holidays/public holidays until 00:30				No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	07:30	00:30	No change		Ground Floor	Ground Floor and External Terrace
<b>Tuesday</b>	07:30	00:30				
<b>Wednesday</b>	07:30	00:30				
<b>Thursday</b>	07:30	00:30				
<b>Friday</b>	07:30	00:30				
<b>Saturday</b>	07:30	00:30				
<b>Sunday</b>	07:30	23:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.  On Sundays prior to bank holidays/public holidays until 00:30				<b>Proposed:</b> No Change	

1-C Layout alteration
The changes sought under this application is the addition of the external seating area as shown on the plan at <b>Appendix 1</b> . There are no other changes sought under this application.

1-D Conditions being added:
<b>Condition</b>
<ul style="list-style-type: none"> <li>The sale and supply of alcohol for consumption off the premises shall be restricted to: <ul style="list-style-type: none"> <li>a) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only; or</li> <li>b) in sealed containers only, and shall not be consumed on the premises.</li> </ul> </li> <li>No off sales after 23.00.</li> <li>All outside tables and chairs shall be rendered unusable by 23.00 each day.</li> </ul>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service ( <i>Withdrawn</i> )
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	17 April 2019
I refer to the application for variation of the Premises Licence for the above premises which is located in the West End Cumulative Impact Area.	

The applicant has submitted a plan of the premises showing the proposed outside seating area, ref PL-100A, dated 1/10/2018.

**The applicant is seeking the following variation:**

1. To add the Supply of Alcohol 'Off' the premises, including for consumption at 6 tables and 12 chairs immediately outside the premises, from 10:00 to 23:00 hours Monday to Saturday and 12:00 to 22:30 hours Sunday.

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

1. The addition of the Supply of Alcohol 'Off' the premises, particularly for consumption at the tables and chairs immediately outside, may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

The applicant has offered some conditions for the variation but these are insufficient to allay Environmental Health concerns.

If the applicant agrees to the following additional conditions then Environmental Health may withdraw its representations:

- **The premises licence holder shall ensure that any patrons using any authorised tables and chairs outside the premises are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.**
- **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.**

**Following discussions with the applicant during the consultation period and the agreement of conditions, the Environmental Health Service withdrew their representation on the 26 April 2019.**

<b>Responsible Authority:</b>	Licensing Authority ( <i>Withdrawn</i> )
<b>Representative:</b>	Daisy Gadd
<b>Received:</b>	16 April 2019

I write in relation to the application submitted for a variation of the Premises Licence for Inko Nito, situated at 55 Broadwick Street.

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 has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following variation:

- To add off-sales of alcohol in accordance with the following proposed conditions:
  - *The sale and supply of alcohol for consumption off the premises shall be restricted to*
    - (a) *Alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only; or*
    - (b) *In sealed containers only, and shall not be consumed on the premises.*
  - *No off sales after 23:00.*
  - *All outside tables and chairs shall be rendered unusable by 23:00 each day.*

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1, RNT2 and PN1.

The applicant has proposed the Council's model condition 70A restricting the sale and supply of alcohol for consumption off the premises. However, the Licensing Authority requires further the applicant to provide further information as to how persons will be seated outside and how the premises intends to manage and control those seated in the outside area.

Further discussions will be held with the applicant and any additional documentation will be forwarded over for Members consideration.

**Following discussions with the applicant during the consultation period and the agreement of conditions with the Environmental Health Service and the Metropolitan Police, the Licensing Authority withdrew their representation on the 26 April 2019.**

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn</i> )
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	29 March 2019

As you know, I visited Rebecca yesterday to view the internal cameras to see what coverage exists outside.

Unfortunately the coverage is not sufficient enough and Police would struggle to identify suspects outside from the internal cameras.

I am not requesting an 'all-singing, all-dancing' CCTV system. The CCTV system already in place is very good. It is just a question of adding a couple of cameras to the DVR, which does not cost very much. Any CCTV contractor could do this. It is very common for licensed premises to have external cameras if their customers are outside. It not only aids Police in our investigations but it acts as a deterrent against thieves.

As already discussed with you, this area is a hot spot for crime and by having table and chairs outside this will certainly add to the cumulative impact of the area.

Therefore I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.

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.

**Following discussions with the applicant during the consultation period and the agreement of conditions with the Environmental Health Service, the Metropolitan Police Service withdrew their representation on the 26 April 2019.**

**2-B Other Persons**

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	18 April 2019		

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.

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.

Application summary

The addition of off-sales of alcohol to patrons subject to the plan and conditions set out in the operating schedule.

No change to current conditions save the addition of:

The sale and supply of alcohol for consumption off the premises shall be restricted to,

- a) alcohol consumed by persons who are seated in a area appropriately authorised for the use of table and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only; or
- b) in sealed containers only, and shall not be consumed on the premises

- No off sales after 23.00
- All outside table and chairs shall be rendered unusable by 23.00 each day

The application

We object to the use of 6 tables and 12 chairs until 23.00. We object on the grounds that the application will fail to the promote the licensing objectives of the prevention of public nuisance. Residents live directly above these premises and nearby, they will be disturbed by the noise from people eating and drinking on the highway until 23.00. However, if you are minded to approve this application we would not object if the tables and were rendered unusable at 22.00.

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 the prevention of public nuisance.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies:</b>	<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>
<b>Policy HRS1 applies:</b>	<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> <p>For premises for the supply of alcohol for consumption on the premises:  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p>For premises for the supply of alcohol for consumption off the premises:  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p> <p>For premises for the provision of other licensable activities:  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy RNT2 applies:</b>	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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

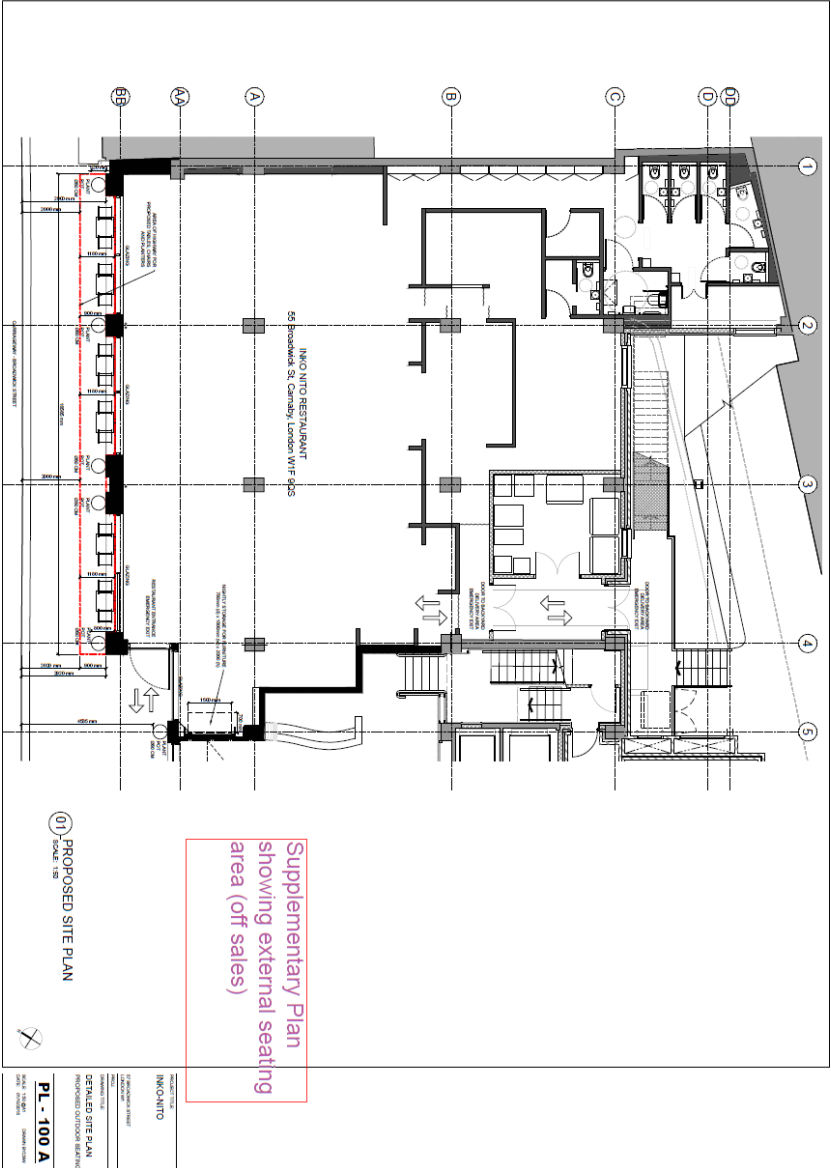
<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service ( <i>Withdrawn</i> )	17 April 2019
<b>5</b>	Licensing Authority ( <i>Withdrawn</i> )	16 April 2019
<b>6</b>	Metropolitan Police Service ( <i>Withdrawn</i> )	29 March 2019
<b>7</b>	Public Representation 1	18 April 2019

Supplementary plan showing external seating area:





**Applicant Supporting Documents**

**Appendix 2**

None

## Licence &amp; Appeal History



City of Westminster

Schedule 12  
Part AWARD: West End  
UPRN: 010033640559

Premises licence

Regulation 33, 34

Premises licence  
number:

18/04825/LIPVM

Original Reference:

17/05023/LIPN

## Part 1 – Premises details

## Postal address of premises:

Inko Nito  
55 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 Saturday: 23:00 to 00:30

Non-standard Timings: No change to New Years Eve provision (i.e. from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day).

On Sundays prior to bank holidays/public holidays until 00:30

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:30

Sunday: 12:00 to 22:30

Non-standard Timings: No change to New Years Eve provision (i.e. from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day).

On Sundays prior to bank holidays/public holidays until 00:30

**The opening hours of the premises:**

Monday - Saturday: 07:30 to 00:30  
Sunday: 07:30 to 23:00

**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:**

Inko Nito Broadwick Street Limited  
150 Aldersgate Street  
London  
EC1A 4AB  
*Telephone Number : 0207 042 0415*

**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:** Yenifer Bernando Gonzales

*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:** LN/000017910  
**Licensing Authority:** London Borough Of Haringey

**Date:** \_\_\_\_\_ 17 July 2018 \_\_\_\_\_

**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. 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.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.
23. After 23:00 hours patrons temporarily leaving the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers outside with them.

## **Annex 4 – Plans**

Attached



City of Westminster

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 010033640559

Regulation 33, 34

Premises licence  
number:

18/04825/LIPVM

Part 1 – Premises details

Postal address of premises:

Inko Nito  
55 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 Saturday: 23:00 to 00:30

Non-standard Timings: No change to New Years Eve provision (i.e. from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day).

On Sundays prior to bank holidays/public holidays until 00:30

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:30

Sunday: 12:00 to 22:30

Non-standard Timings: No change to New Years Eve provision (i.e. from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day).

On Sundays prior to bank holidays/public holidays until 00:30

The opening hours of the premises:

Monday - Saturday: 07:30 to 00:30  
Sunday: 07:30 to 23:00

**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:**

Inko Nito Broadwick Street Limited  
150 Aldersgate Street  
London  
EC1A 4AB

**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:** Yenifer Bernando Gonzales

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

Restricted

**Date:** \_\_\_\_\_ 17 July 2018 \_\_\_\_\_

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



<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
17/05023/LIPN	Application for a New Premises Licence	29 June 2017	Granted at Licensing Sub-Committee
17/13422/LIPT	Application to Transfer Premises Licence	8 March 2018	Granted under delegated authority
17/14383/LIPV	Application to Vary the Premises Licence	1 February 2018	Granted at Licensing Sub-Committee
18/04141/LIPDPS	Application to vary the Designated Premises Supervisor	17 July 2018	Granted under delegated authority
18/04825/LIPVM	Application for a Minor Variation	23 May 2018	Granted under delegated authority

**There is no appeal history**

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

When determining an application for a 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 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.

#### **Alternative wording for condition 9 proposed by Environmental Health and agreed with the applicant so as to form part of the operating schedule:**

9. **The premises, including any authorised external area, 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. 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.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.
23. After 23:00 hours patrons temporarily leaving the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers outside with them.

**Conditions proposed by the applicant so as to form part of the operating schedule:**

24. The sale and supply of alcohol for consumption off the premises shall be restricted to:
  - a) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only; or
  - b) in sealed containers only, and shall not be consumed on the premises.
25. No off sales after 23.00.
26. All outside tables and chairs shall be rendered unusable by 23.00 each day.

**Further conditions proposed by Environmental Health and agreed with the applicant so as to form part of the operating schedule:**

27. The premises licence holder shall ensure that any patrons using any authorised tables and chairs outside the premises are supervised by staff or via CCTV so as to ensure that there is no public nuisance or obstruction of the public highway.
28. 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.



Resident Count: 275



**Premises within 75 metres of Inko Nito, 55 Broadwick Street, London, W1F 9QS**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
18/04825/LIPVM	Inko Nito	55 Broadwick Street London W1F 9QS	Restaurant	Monday to Saturday; 07:30 - 00:30   Sunday; 07:30 - 23:00
15/02877/LIPDPS	Comptoir Libanais	59 Broadwick Street London W1F 9QH	Restaurant	Monday to Sunday; 08:00 - 23:00
13/09832/LIPDPS	Central Convenience Store	43 Broadwick Street London W1F 9QN	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
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
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
15/02234/LIPN	Said London	41 Broadwick Street London W1F 9QL	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 08:00 - 22:30
19/04305/LIPDPS	Yeni	53 - 55 Beak Street London	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
15/03540/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
19/04591/LIPT	Ma Plucker	Basement And Ground Floor 75 Beak Street	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday;

		London W1F 9SS		12:00 - 00:00
18/05402/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
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
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
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
18/15484/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
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
18/00457/LIPN	Sticks N Sushi	40 Beak Street London W1F 9RQ	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
19/01980/LIPT	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
06/06539/WCCMAP	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
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
17/05709/LIPVM	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	Restaurant	Monday to Sunday; 10:00 - 00:30