



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	16 July 2020
Licensing Ref No:	20/00086/LIPV - Premises Licence Variation
Title of Report:	Rosso Italiano 2-3 Irving Street London WC2H 7AT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	5 January 2020		
Applicant:	Chahine Brothers Ltd		
Premises:	Rosso Italiano		
Premises address:	2-3 Irving Street London WC2H 7AT	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	<p>The premises currently operates as a café offering late night refreshment and the sale by retail of alcohol. The premises also has the benefit of Tables and Chairs Licence 20/01640/STTCF and a copy can be seen at Appendix 4.</p> <p>Planning Permission was granted for the area outside 1 Irving Street on the 31 March 2020. A Tables and Chairs Licence has been granted however since the current restrictions were imposed due to Covid-19, the Licence will commence on the 4 July 2020. The reference for this licence is 20/03266/STTC.</p>		
Variation description:	<p>The changes sought by way of this application are as follows:</p> <ul style="list-style-type: none"> to change the premises trading name to Rosso Italiano. to submit a revised plan to reflect a change of layout to the permitted external area by adding the permitted external area outside number 1 Irving Street to the existing premises licence for 2-3 Irving Street in order to join the two areas together a change in layout to the basement. to remove condition number 10 at annex 1 & condition number 13 at annex 3. to amend the wording of clause h) condition 26 annex 3 to read "<i>when police are called, the cad number shall be obtained and recorded in the incident book.</i>" to add addition conditions as shown at 1-D of the report. 		
Premises licence history:	The premises has had the benefit of a Premises Licence since 2005. The current Premises Licence 19/16138/LIPT is attached at Appendix 3 of this report together with a full licence history.		
Applicant submissions:	There are submissions from the applicant at Appendix 2 of this report.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of Recorded Music and Private Entertainment consisting of dancing, music, or other entertainment of a like kind for consideration and with a view to profit:						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		Unrestricted		Basement, Ground Floor	No Variation Sought
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations:	Current:				Proposed:	
	None				No Variation Sought	
Non-standard timings:	Current:				Proposed:	
	None				No Variation Sought	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No Variation Sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No Variation Sought		Basement and Ground Floor	No Variation Sought
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The terminal hour for Late Night Refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No Variation Sought	

Sale by Retail of Alcohol						
Off Sales Only			Current :		Proposed:	
			Off sales only		No Variation Sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No Variation Sought		Basement, Ground Floor and external space at 2-3 Irving Street	Basement, Ground Floor, external space at 1, 2 and 3 Irving Street.
Tuesday						
Wednesday						
Thursday						
Friday						

Saturday	10:00	23:00			
Sunday	10:00	23:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Please see condition 13 of the premises licence as shown at Appendix 3 of this report.			Condition 13 to be removed as part of this variation. This will remove the current restrictive hours for Good Friday and Christmas Day.	

On Sales Only			Current :		Proposed:	
			On Sales Only		No Variation Sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No Variation Sought		Basement and Ground Floor Only	No Variation Sought
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	10:00	23:30				
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	Please see condition 13 of the premises licence as shown at Appendix 3 of this report.			Condition 13 to be removed as part of this variation. This will remove the current restrictive hours for Good Friday and Christmas Day.		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	00:30	No Variation Sought		Basement, Ground Floor and external space at 2-3 Irving Street	Basement, Ground Floor, external space at 1, 2 and 3 Irving Street.
Tuesday	08:00	00:30				
Wednesday	08:00	00:30				
Thursday	08:00	00:30				
Friday	08:00	00:30				
Saturday	08:00	00:30				
Sunday	08:00	00:00				
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	Please see condition 13 of the premises licence as shown at Appendix 3 of this report.			Condition 13 to be removed as part of this variation.		

1-C	Layout alteration
<p>The changes sought to the layout of the premises by way of this variation are as follows:</p> <ul style="list-style-type: none"> reflect a change of layout to the permitted external area by adding the permitted external area outside number 1 Irving Street to the existing premises licence for 2-3 Irving Street in order to join the two areas together. Reconfiguration of the Basement to include the kitchen, 3 WCs and storage area. 	

1-D Conditions being varied, added or removed

Conditions to be removed

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Saturday, other than Christmas Day or Good Friday, 10:00 to 00:00 for sale of alcohol for consumption on the premises and 10:00 to 23:00 for sale of alcohol for consumption off the premises
- (b) On Sundays, other than Christmas Day, 10:00 to 23:30 for sale of alcohol for consumption on the premises and 10:00 to 23:00 for sale of alcohol for consumption off the premises
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day for the sale of alcohol for consumption on the premises.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (b) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (d) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (f) the taking of alcohol from the premises by a person residing there;
- (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Conditions proposed to be added:

1. On a minimum daily basis staff shall check that the CCTV system is operational and the date & time print correctly set and on a minimum weekly basis staff shall check that images are being recorded and stored for a minimum of 31 days and can be instantly downloaded.
2. The dps or a personal licence holder shall be on duty from 19.00 to the end of permitted licensed hours on Friday and Saturday evenings. At other times the dps, a personal licence holder or trained member of staff nominated in writing by the dps shall be on duty until the end of permitted hours.
3. Only trained staff authorised in writing by the dps may sell alcohol. The written authority will be produced to police or authorised officers on request.
4. Customers using the permitted external area outside number 1 Irving street shall be permitted to use the toilets at 2/3 Irving street free of charge.
5. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. The sale and supply of alcohol for consumption off the premises shall be restricted to 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.
6. A fire risk assessment & emergency plan will be prepared and regularly reviewed. Staff will receive appropriate fire safety training & refresher training.
7. Management and staff will proactively monitor the outside of the restaurant including customer conduct and smokers. Suitable containers will be provided for cigarette ends.
8. A phone number will be displayed for residents and any local residents association to contact management with any concerns. Details including the outcome will be recorded in the incident book.
9. Staff will call a cab for departing customers on request.
10. The doors will be kept closed during any musical entertainment except for entry and egress.
11. A written dispersal policy will be prepared which shall be kept under review. A copy will be submitted to the licensing authority.
12. 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.

13. All refusals of service will be recorded in the incident book (refusals section) and will be made available to the police or authorised officers on request.
14. Notices will be prominently displayed by the entry door and bar stating that both CCTV & challenge 25 are in operation.
15. Notices will also be displayed advising customers of the provisions of the licensing act regarding underage & proxy sales.
16. Waiting staff will be trained on induction and given refresher training at six monthly intervals. Training will include operating the CCTV system, operation of the challenge 25 proof of age scheme, including identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal plus avoiding proxy sales, avoiding sales to intoxicated persons, avoiding conflict, responsible alcohol retailing & safeguarding children.
17. No child or young person under 18 will be permitted to consume alcohol on the premises at any time.
18. No unaccompanied children will be permitted on the premises after 20.00.

2. Representations

2-A Responsible Authorities

Responsible Authority:	Licensing Authority
Representative:	Angela Seaward
Received:	20 January 2020

I write in relation to the application submitted for a variation of the premises licence, Caffè Italiano, 2-3 Irving Street, London, WC2H 7AT

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

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

The application seeks the following variations:

1. To change the premises trading name to Rosso Italiano,
2. change of plan to regularise and show external seating area which extends from number 1 to number 3 Irving Street and to show the internal layout change,
3. Removal of condition 10 and condition 13
4. Rewording condition 26 from;
 - 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 or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

To read as follows;

- When police are called, the cad number shall be obtained and recorded in the incident book

5. Add additional conditions to the operating schedule as attached to the application.

The application is currently considered under policy HRS1, CIP1 and RNT2

At present, the licensable hours fall within the Westminster's Core Hours Policy HRS1 which states that "Applications for hours within the core hours set out in the policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy".

The premises currently operates as a restaurant for on and off sales and is conditioned to be fully compliant under RNT2, the Licensing Authority also notes following mediation the applicant has further offered model condition 47 which reads;

- 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.

The premises is situated in the cumulative impact area, CIP1 advises that applications in the cumulative impact area will be subject to other policies and must demonstrate that they will not add to cumulative impact in the cumulative impact area.

Therefore it is for the Licensing Sub-committee to determine that the conditions offered by the applicant are appropriate to support the licensing objectives and that the applicant has sufficiently demonstrated that they will not impact the cumulative impact area.

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Service
Representative:	Mr Dave Nevitt
Received:	31 January 2020

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	1 February 2020		

1. This present Application is effectively the same or similar to Application No: 19/08807/LIPN made for a new Premises Licence respect of 1 Irving Street and which Application was withdrawn/refused on 19 November 2019 at the hearing before the Licensing

Sub-Committee. For the purpose of this objection I rely upon my original objections as if they were repeated in this present document in full.

2. So as to make matters clear what the Applicant is endeavouring to do is to extend the present premises licence at No 2/3 so as to incorporate the public highway frontage of No 1 Irving Street but without obtaining a premises licence for No 1. Such circumvention should not be allowed particularly as the No 1 premises is specifically excluded from the proposed licensed area (edged in red on the plan attached to the Application. In simple terms the exterior seating areas of Numbers 1 and 2/3 Irving Street will be joined together and the existing use of No 1 Irving Street which is that of a sandwich bar will be totally abandoned as there has been no indication from the Applicant to the contrary. This will be a sad loss of a useful retail facility in the area as it would be an odd state of affairs for customers to be consuming sandwiches and light snacks purchased at No 1 whilst at the same time other customers are being served hot meals and alcohol from 2/3 Irving Street.

3. I wish to repeat a number of important aspects of the what may be either continuing and/or future breaches of planning use of No 1 and 2/3 Irving street and in respect of which the Applicant has made no reference.

4. The freeholder of Number 1 and 2/3 Irving Street is Westminster City Council. The respective leases of 1 and 2/3 Irving Street provide that the respective uses are those of a sandwich bar and restaurant.

5. However it is significant that the planning use of 2/3 Irving Street specifically excludes any primary cooking process which for the purpose of the planning condition shall be taken to mean the application of heat to raw or fresh food in order to cook the food. To evidence such use I attach a copy of the planning consent dated 8 May 1997 and which is self-explanatory. As is evident from the photographs previously produced by me to the Licensing Sub-Committee and pursuant to the observations carried out at the property and by reference to the menu, hot food is consistently served by the Applicant to customers of 2/3 Irving Street in breach of the planning condition. Furthermore there is an illegal extraction system in operation at No 2/3 and which is creating a nuisance by way of the continual discharge of smoke and smell to the whole area. The Extraction system should expel smoke etc at rooftop level but in fact the extraction system has its extractor fitted at approximately 10 feet above ground level and spews out into Irving Street. If this Application is granted then then this will condone the existing planning breaches as well as more than doubling the present smoke and smell nuisance as a result of potentially expanding the overall premises by an additional 32 persons.

6. There is no existing planning consent for the Public Highway outside No 1 for Tables & Chairs. The last application for Tables and Chairs licence was refused although there is a present pending application which is being considered by Westminster and in respect of which 2 substantial objections have been made.

7. The proposed use of the toilet facilities at No 2/3 by customers using the outside seating area at No 1 is simply not viable. The toilet facilities will be overloaded and which is health and safety issue. The stairway down to the toilets at 2/3 is I believe the same stairway used by the waiting staff to bring food up and down the stairs. There are toilet facilities at Number 1 but the Applicant has chosen to exclude the Number 1 premises from this Application.

8. As indicated previously the customers in the outside seating at No 1 will be ordering food and alcohol to be supplied from Number 2. In reality what is likely to take place is that the outside area of No 1 will effectively become a virtual public house. As previously noted customers are likely to congregate outside the confines of the "outside seating area" as previously used to happen and will spill onto the pavement and obstruct the Irving Street thoroughfare and which is an important conduit between Leicester Square and Charing Cross Rd and which ought not to be blocked in anyway.

9. It is particularly concerning that alcohol was formerly being sold to customers congregating outside No 1 (from 2/3 on an uncontrolled basis) and if this present Application is granted will continue to be sold to the same genre of customers mainly young and possibly underage customers in and who congregate outside No 1 and generally cause a nuisance by their unruly and noise behaviour. Shisha (and unfortunately cannabis) is in common use in particular in the evening and night-time hour and drinking continues past closing time as a result of "off-sales" made to customers. No enforcement action has to my knowledge been taken by Westminster to curb these sales previously. It is hoped that Westminster will be taking action to deal with the continuing and ongoing breaches of planning and public health matters without being confronted with additional issues in relation to licensing and which will result from the grant of this Application. The proximity of the JD Wetherspoon premises in Leicester Square adds to the problems described. The Wetherspoon premises are properly and stringently policed by door staff who deny access to underage customers and often eject drunken or unruly customers. and who are immediately attracted to the closest licensed premises and gravitate ther for their further alcohol consumption and which unfortunately is number 1 Irving Street. The Applicant does not employ door staff and is happy to accommodate those customers who have been ejected or refused entry by Wetherspoons.

10. It is understood that the existing premises Licence for No 2/3 is limited to 30 persons only. If the present Application is granted then this will increase to close to 100 persons and hence as the Licensed Premises are situate within the West End Cumulative Impact Area this will place additional stress upon the area There should be no encouragement for any further growth in alcohol sales and which will actually lead to serious problems of disorder and/or public nuisance and in particular will affect residents, pedestrians and other businesses. In particular and as highlighted above many of the customers who are likely to use the No 1 premises will be those ejected or excluded from Wetherspoons in Leicester Square some of whom are already intoxicated or whose behaviour is already questionable and deemed below the policing standards of existing licensed premises

11. Insofar as the Applicant's proposed conditions are concerned, I rely upon the comments I have previously made in relation to the previous Application. In view of the Applicant's previous history and non-observance of planning consents and breaches of the existing premises Licence I have no faith in the Applicant being able to comply with the conditions it proposes.

12. In such circumstances and for the reasons set out above the present Application should be refused.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	2 February 2020		

I have seen a copy of the Notice of Objection sent to you [REDACTED].

I support his objections to the existing Premises Licence being varied by the inclusion of the exterior frontage of 1 Irving Street (the former Subway Sandwich Bar) and which forms part of the public highway within the Licenced Area. The former Licence Holder was unlawfully selling alcohol to customers without any licence in place.

The grant of this aspect of the variation will restore the previous nuisance and which was in place when there was a Tables & Chairs Consent. Such nuisance has thankfully been almost entirely eliminated following the refusal of the Planning Authority to renew the Table & Chairs consent. As a result the previous problems are now almost non-existent.

The proposed Licence Premises Extension will simply restore the status quo and allow the previous underage drinking and rowdiness to be reinstated (particularly at weekends) and where invariably customers are served with alcohol from staff at 2/3 Irving Street without food. These customers then congregate outside 1 Irving Street and at the junction with Leicester Square. This mainly very young crowd obstructs the thoroughfare and hinders pedestrian traffic and it can be a fearful experience to walk through this assembly. Cannabis was formerly being smoked openly and I anticipate will also take place again. There is absolutely no need for further alcohol sales in an already overcrowded and troublesome area.

As far as toilets are concerned I have no doubt that as previously the lack of sufficient accessible toilets will lead to some customers urinating in the street.

I also endorse the comments made about the smoke and smell nuisance from 2/3 Irving Street which continues unabated and is likely to get worse as no steps have been taken to enforce the planning position and/or to deal with the resiting of the ducting for the extraction system from the basement kitchens at 2/3.

3. Policy & Guidance

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

<p>Policy HRS1 applies</p>	<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><u>For premises for the supply of alcohol for consumption on the premises:</u> 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><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> 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>
<p>Policy CIP1 applies</p>	<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>
<p>Policy RNT2 applies</p>	<p>Applications will be granted subject to other policies in this</p>

	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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

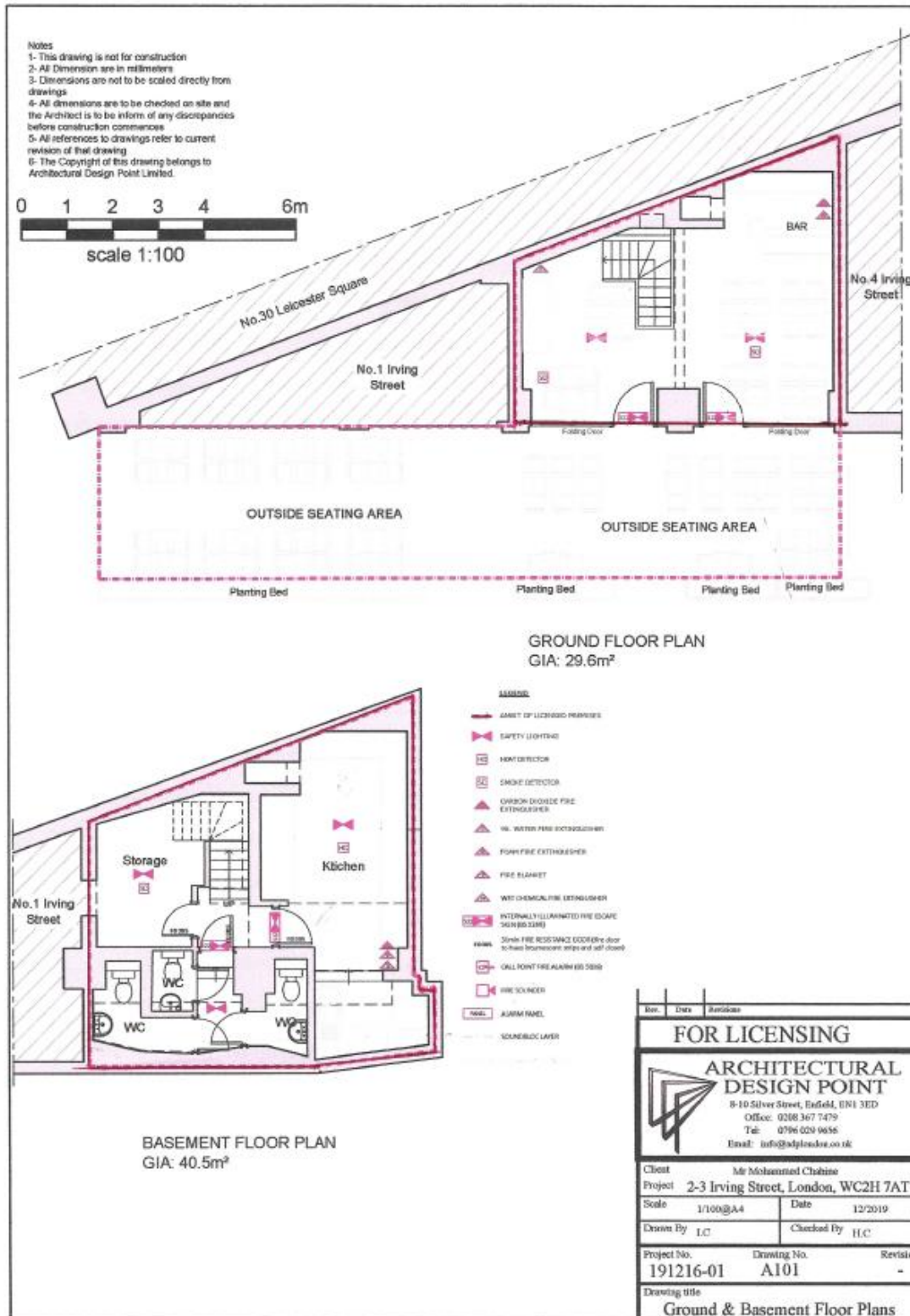
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Submissions from Objector 1
Appendix 4	Tables and Chairs Licences and Planning Permissions
Appendix 5	Premises history and current Premises Licence
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 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

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 2018
4	Licensing Authority representation	20 January 2020
5	Environmental Health Service	31 January 2020
6	Representation 1	1 February 2020
7	Representation 2	2 February 2020



Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant.

Thank you for your Notice dated 12 February 2020.

I note the hearing date and time of 27 February 2020 @ 10.00am. I hereby give you notice that I intend to be present and to attend the hearing. I may wish to be represented by solicitor or counsel but I have not yet made a decision to do so in the light of what I set out below.

Please note that on the last occasion I attended a hearing in respect of the previous licence application and which was withdrawn/dismissed took me more than 15 minutes from arriving at your ground Floor reception to get to your floor as there was a problem with the lifts and also a lack of a security person to accompany me. Can you please ask your reception to see if access can be quicker on 27 February. .

You may not be aware that on 10 February 2020 the Applicants Applicant for a Tables & Chairs Licence was refused. I attach copies of the refusal and the delegated report and you will note that many of my present similar objections (on this Licence Application) were upheld. Can you please ensure that copies of these documents are made available to Committee members in advance of the hearing. I shall be relying on the contents of the Delegated Report. The previous Sub- Committee was concerned at the lack of a tables & chairs Licence at the last hearing and when a previous application had been similarly refused on 28 September 2019..

It has also occurred to me in the light of observations made by the Sub Committee at the hearing of the last Application that you may wish to make an immediate enquiry of the Applicant (or his professional adviser) to see if he wishes to withdraw the present Application. This will save a great deal of time and trouble for all concerned.

I look forward to hearing from you. Please email me any additional documents/reports etc that have been or may be lodged with you in advance of the hearing in order that I can consider these documents together with any lawyer I appoint (if any).

Item No.

Delegated Report	Development Planning
-------------------------	-----------------------------

Address:	2-3 Irving Street, London, WC2H 7AT,
-----------------	--------------------------------------

Case No.:	19/08794/TCH	TP:	PP-08290769
Date Received:	13.11.2019	Date Valid:	13.11.2019
Date amended/ completed:	13.11.2019	8 Wk Date:	08.01.2020
		EoT date:	
Agent:	Mr Jonathan Phillips / Bidwells LLP	On behalf of:	
Development Plan Context:	- London Plan July 2011 - Westminster's City Plan November 2016 - Unitary Development Plan (UDP) January 2007		

LB:		CA:	Leicester Square
------------	--	------------	------------------

Proposal:

Use of an area of the public highway at 1 Irving Street measuring 6.00m x 2.95m for placing of 16 tables and 32 chairs within planters to be used only in association with restaurant use at 2-3 Irving Street.

Consultations:

WESTMINSTER SOCIETY: No response to date.

LEICESTER SQUARE ASSOCIATION: No response to date.

WASTE PROJECTS: No objection.

HIGHWAYS PLANNING: Objects - Tables and chairs should normally be placed on the frontage that they operate from whilst there are concerns that the servicing of the proposed tables and chairs from 2-3 could result in conflict between the users of number 1 and the service staff of 2-3.

PLANNING ENFORCEMENT: The investigation regarding the potential change of use is ongoing and still pending consideration.

NEIGHBOURING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 18

No. of responses: 2 Objections

- Before the tables and chairs were removed from 1 Irving Street following refusal they used to become an overspill from a neighbouring pub.
- Late evening nuisance with underage drinking, cannabis use and shisha outside number 1.
- Number 1 did not have an alcohol licence and so alcohol was served from 2/3 Irving Street.
- Since removal of the tables and chairs following refusal, problems have abated. If tables and chairs are permitted again in connection with 2/3, the problems will return.
- The lawful use of 1 Irving Street is A1 retail and has been unlawfully combined with 2/3, operating as a combined use for some time.
- 2/3 has been serving cooked food- issue of odours and contravention to condition 1 of the planning consent dated 8th May 1997. By allowing additional tables and chairs for use by 2/3 will intensify this unauthorised cooking.
- This application is a blatant attempt to circumvent existing regulations and expand capacity of the

Item No.

restaurant use at 2/3.

- In practical terms the waiting staff will consistently have to enter onto the pavement in order to make their way between No 1 and No 2/3. There will be breaches of the existing planning consents in respect of both No 1 and No 2/3 as well as a breach of the existing Premises Licence for No 2/3 relating to the sale of and consumption of alcohol.

- The numbers of customers consuming alcohol will significantly increase resulting in a subsequent increase in noise disturbance.

SITE AND PRESS ADVERTISEMENT NOTICE: Yes.

Relevant Planning History:

18/01596/TCH

Use of two areas of the public highway measuring 2.2m x 2.4m and 3.85m x 2.4m for the placing of 13 tables, 26 chairs and barriers in connection with existing cafe.

Application Permitted 16 April 2018

15/06761/TCH

Use of two areas of the public highway measuring 2.2m x 2.9m and 3.85m x 2.9m for the placing of 13 tables, 26 chairs, menu stand and barriers in connection with existing café.

Application Permitted 3 December 2015

15/00317/TCH

Use of two areas of the public highway measuring 2.2m x 2.9m and 3.85m x 2.9m for the placing of 13 tables, 26 chairs and barriers in connection with existing café.

Application Permitted 30 March 2015

14/00597/FULL

Variation of Condition 3 of planning permission dated 27 August 2013 (RN: 13/06340) for use of two areas of the public highway measuring 2.2m x 2.9m and 3.85m x 2.9m for the placing of 13 tables, 26 chairs and nine barriers in connection with existing café namely, to extend the hours for the placing of tables and chairs and barriers outside the premises from 08.00 to 01.00 hours Monday to Sunday.

Application Permitted 10 April 2014

Considerations:

SITE

The application relates to 2-3 Irving Street, a Class A3 restaurant at ground and basement level. The application also relates to the area of pavement to the frontage of neighbouring 1 Irving Street. 1 Irving Street is located on the north western corner of Irving Street where Irving Street adjoins Leicester Square. The property is unlisted and located within the Leicester Square Conservation Area. The nearest residential properties appear to be to the upper floors above with the main residential entrance located at 5 Irving Street which appear to be in close proximity to 1-3 Irving Street.

PROPOSAL

Planning permission is sought for the use of the public highway at 1 Irving Street measuring 6.00m x 2.95m for the placing of 16 tables and 32 chairs within planters to be used in connection with the restaurant use at 2-3 Irving Street.

PLANNING HISTORY

Given that the proposals relate to the placing of tables and chairs to the frontage of 1 Irving Street the planning history of both 1 Irving Street and 2-3 Irving Street are relevant to the context of this current application.

2-3 Irving Street

Item No.

18/01596/TCH

Planning permission was granted 16th April 2018 for the following;

'Use of two areas of the public highway measuring 2.2m x 2.4m and 3.85m x 2.4m for the placing of 13 tables, 26 chairs and barriers in connection with existing cafe.'

This permission is due to expire 30th April 2020.

1 Irving Street

18/00451/TCH

Planning permission was most recently granted on 7th June 2018 for the placing of 16 tables and 32 chairs upon the public highway. During the course of determination of this application no public objections were received whilst permission was granted for the tables and chairs on the basis of their use in connection with the lawful sandwich bar use at no.1, as acknowledged within the Officer's report. This was on the basis of Council records that showed 1 Irving Street to be in use as a sandwich bar. However, following a site visit in July 2019 it became evident that the use of 1 Irving appeared to have changed with its association and operation with 'Rosso Italiano' at 2-3 Irving Street. This potential material change of use of no.1 from A1 to a Sui Generis use is currently being investigated by planning enforcement.

19/04106/TCH

Planning permission was refused 28th September 2019 for the following;

'Use of the public highway for the placing of 16 tables and 32 chairs and a free standing menu in an area measuring 6.00m x 2.95m in connection with the existing ground floor use.'

The reason for refusal was as follows;

'The proposed tables and chairs would unacceptably intensify an existing unauthorised use at the application site. This could cause a nuisance to residents and harm the amenity of the area which would be contrary to Policy TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S32 of Westminster's City Plan (November 2016).'

During the course of determination objections were received regarding the use of the table and chairs area outside of 1 Irving Street with objectors claiming that the area was in reality being used in connection with the restaurant use at 2-3 Irving Street as objectors claimed the tables and chairs were being used for shisha smoking, increased alcohol drinking and dining and that there was therefore a subsequent increase in noise and disturbance. The lawful use of 1 Irving Street is A1 Retail and it was considered following site visits and from the shared advertising and associated awning spanning 1-3 Irving Street that the tables and chairs at 1 Irving Street were effectively operating as a combined operation with 2-3 and as such, the unit at 1 Irving Street was not operating as a Class A1 retail use but was operating ancillary to the restaurant at 2-3 and that by permitting tables and chairs for use in connection with restaurant functions, this would contravene the lawful A1 use of number 1. Subsequently the application was refused with the applicant advised to regularise the use of 1 Irving Street.

19/71697/U

Following the above refusal of planning permission there is an ongoing planning enforcement investigation for the separate unit at 1 Irving Street for the 'Unauthorised change of use to a mixed use (Sui Generis) comprising use for retail and restaurant purposes.'

CONSIDERATIONS

The planning statement outlines that 1 Irving Street is also within the ownership of the applicant of 2-3 Irving Street. The statement also refers to the refusal of tables and chairs at 1 Irving Street (RN: 19/04106/TCH) due to the perceived intensification of an unauthorised use at no.1. The statement responds to this claiming that in practice the use at No.1 is as a sandwich bar also selling ice creams, cold drinks and cakes and has not materially changed and that this use will continue regardless of the

Item No.

placing of tables and chairs to the frontage. The applicant claims that tables and chairs would not be required for the A1 use to continue and that the proposed tables and chairs to the front of 1 Irving Street would be used in connection with the restaurant use at 2-3 Irving Street only.

TACE 11 of the Unitary Development Plan (adopted January 2007) states that permission will be granted for tables and chairs where the proposals would not;

- 1) Unacceptably intensify an existing use.
- 2) Cause obstruction
- 3) Endanger pedestrian and wheelchair users
- 4) Cause or exacerbate a problem with refuse storage or street cleansing
- 5) Have a detrimental effect on the character and appearance of the area, or the setting of a listed building,
- 6) Cause a nuisance to residents
- 7) Harm the amenity of the area
- 8) Create opportunities for crime

The policy also 'recognises that al fresco eating and drinking is popular and can provide opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. The introduction of tables and chairs on the footway outside shops and eating and drinking premises can provide a pleasant facility for shoppers. However, they can also unacceptably intensify an existing use; cause obstruction to pedestrians, particularly the less mobile; obstruct entrances and fire exits....lead to a loss of residential amenity through increased noise levels, especially at night'

Policy TRANS 3 of the Unitary Development Plan seeks to improve conditions for pedestrians whilst S41 of Westminster's City Plan (adopted November 2016) states that developments will prioritise pedestrian movement and the creation of an attractive and safe environment for pedestrians.

Paragraph 238 of the 'Westminster Way Public Realm Strategy' (adopted September 2011) states that 'The principal use of the the street is movement with a secondary social element of interaction between people. Commercial activities therefore have to be regarded as an occasionally allowable privilege and carefully managed so that they do not get in the way of the main purpose of the the footway in particular'

The 'Guidelines for the placing of Tables and Chairs on the Highway' Supplementary Planning Guidance (adopted 2005) states 'Placing tables and chairs outside a premises can sometimes change them from a Class A1 use (shop) to a Class A3 use (restaurant/cafe) within the meaning of the Town and Country Planning (Use Classes) Order 1987. In these cases you will also need to apply for planning permission for a change of use. This would be assessed against our policies (Policies TACE 8, 9 and 10). We have to be sure that additional A3 uses will not have a harmful impact on residential amenity or "saturate" an area and put at risk the established character, for example by eroding the number and variety of retail shops, (A1 uses). Where we have these concerns we may refuse planning permission for a change of use, and therefore for tables and chairs.' (Page 24)

Objections have been received from neighbouring occupiers. Objections note that the tables and chairs that were at 1 Irving Street (that were placed prior to the recent refusal) attracted large numbers of customers that appeared to be consuming alcohol and becoming drunk and causing noise, disturbance and nuisance, which objectors claim were exacerbated due to the proximity of surrounding drinking establishments. As these tables and chairs should have been used in association with the A1 use at number 1 there should not have been consumption of alcohol from these tables and chairs and the alcohol was in reality served from the restaurant at 2-3. The comments received note that since the tables and chairs have been removed following the previous refusal this noise disturbance and nuisance has reduced. They also acknowledge that when the tables and chairs were previously used in connection with the previous Subway (consistent with an A1 use), residents did not have significant issues with noise and disturbance. Objectors consider the consumption of alcohol within the external area as the causation of problems. Objectors also note that the current licence of the restaurant at 2-3 restricts the sale and consumption of alcohol to maximum 30 people. They also note that the restaurant is undertaking primary cooking, contrary to condition 1 of the planning permission dated 8th May 1997

Item No.

(RN: 96/0A101/FULL) which prohibited primary cooking.

The concerns raised in objections are noted. In regards to the concerns regarding primary cooking, this is considered in a separate investigation by planning enforcement. If this application for 13 tables and 26 chairs were to be approved, to allow further provision of tables and chairs for the 2-3 Irving Street restaurant this would effectively bring the total number of external covers for the restaurant to 29 tables and 58 chairs, given there is an extant permission for tables and chairs for 2-3 (RN: 18/01596/TCH). This is a significant intensification of an A3 use directly below residential occupiers which would result in a noticeable increase in noise, whilst outstanding concerns are outlined within objectors comments. Although the street is located within the CAZ and a very busy street leading to Leicester Square that is characterised by tables, chairs and restaurants, other restaurants within the street do not appear to have windows of residential occupiers directly above. Furthermore it has not been demonstrated that the proposed increase of tables and chairs for 2-3 Irving Street can be managed in an appropriate way to ensure that customers would not cause nuisance by excessive drinking. No operational management plan has been provided whilst the planning statement lacks detail of measures that would be taken for the operation of the proposed area. Therefore it has not been demonstrated that the use would not result in harm to amenity. The considerable increase in the number of tables and chairs to be used by the A3 restaurant would be considered an unacceptable intensification of an A3 use in this case. The principle of tables and chairs in this location is accepted, however this has been historically accepted on the basis of the tables and chairs use being consistent with an A1 use which would generally result in lesser amenity impacts compared to an A3 use that also serves alcohol.

Secondly, the concerns outlined within the delegated report for the refusal of RN: 19/04106/TCH remain relevant, whilst it is also noted that the potential material change of use is still under investigation. Following this refusal, the tables and chairs have been removed from the highway and are being stored in the entirety of 1 Irving Street. As noted within the planning statement, the applicant now claims that 1 Irving Street would remain as an A1 use as a distinct and separate operation to the restaurant at 2-3 Irving Street, despite the proposed pavement frontage being entirely used for restaurant seating. If this were to be the case, then the placing of tables and chairs would cause a significant obstruction to the retail unit at number 1. The proposed seating area would be 4 tables deep encompassing the entire A1 frontage along with planters and with no clear demarcation of the seating area from that of 2-3 due to the proposed functional connection of the pavement area required for the use of the pavement area outside of 1 Irving Street by the 2-3 restaurant. Pedestrians and potential customers would therefore not read the A1 use at number 1 as a separate unit due to this obstruction by furniture whilst it would impede access for customers to the A1 use which combined could jeopardise the viability of this use. Furthermore, as servicing between the pavement area of number 1 and 2-3 would have to occur across the entrance way of number 1 there would likely be a conflict between users of the retail unit at 1 and the waiting staff of number 2-3. This obstruction of a main entranceway to a retail unit would be contrary to TRANS 3, S41 and TACE 11 (parts 2 and 3) whilst it could be argued that by obstructing the entranceway of the retail use this could jeopardise its viability, it could be argued to be contrary to S21 which seeks to protect retail uses.

If the pavement area at 1 Irving Street were to be permitted for use for tables and chairs as an extension to the tables and chairs currently in place for 2-3 Irving Street restaurant seating, this would result in the area of pavement at 1-3 effectively forming one functional tables and chairs area. As such it would impede and obstruct pedestrian access to the retail unit and its entrance at 1 Irving Street. Finally, the proposals would represent an unacceptable intensification of an A3 use due to the number of tables and chairs proposed. Therefore the proposed placing of tables and chairs to the pavement area to the frontage of 1 Irving Street for use in connection with the restaurant use at 2-3 is considered unacceptable.

Item No.

Recommendation:

Refuse planning permission - obstruction to pedestrians and harm to amenity.

Case Officer or Morning Meeting Officer: Jonathon Metcalfe	Date: 30 January 2020
Reason (if over 8/13 wk deadline):	

DRAFT DECISION LETTER

Address: 2-3 Irving Street, London, WC2H 7AT,

Proposal: Use of an area of the public highway at 1 Irving Street measuring 6.00m x 2.95m for placing of 16 tables and 32 chairs within planters to be used only in association with restaurant use at 2-3 Irving Street.

Plan Nos: Location Plan; Floor Plan 1 Irving Street

For Further Information;
Cover Letter by Bidwells dated 13/11/2019 ref. JB566970

Case Officer: Jonathon Metcalfe **Direct Tel. No.** 07866038118

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- Reason:
- 1 The tables and chairs would block the flow of pedestrians along the pavement by impeding and obstructing access to the shop front of 1 Irving Street. This would not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (X08AC)
- Reason:
- 2 The proposed tables and chairs are to be used in connection with the existing restaurant use at 2-3 Irving Street and are therefore in a remote location. The remote location combined with the use of the table and chairs for Class A3 purposes would cause harm to residential occupiers that overlook the site through increased levels of noise and disturbance. This would be contrary to S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 The principle of tables and chairs to the area of pavement outside of 1 Irving Street is not considered unacceptable, provided these items of furniture were to be used in connection with the lawful use of 1 Irving Street.

Item No.

Delegated Report	Development Planning
-------------------------	-----------------------------

Address:	2-3 Irving Street, London, WC2H 7AT,
-----------------	--------------------------------------

Case No.:	19/08794/TCH	TP:	PP-08290769
Date Received:	13.11.2019	Date Valid:	13.11.2019
Date amended/ completed:	13.11.2019	8 Wk Date:	08.01.2020
		EoT date:	
Agent:	Mr Jonathan Phillips / Bidwells LLP	On behalf of:	
Development Plan Context:	- London Plan July 2011 - Westminster's City Plan November 2016 - Unitary Development Plan (UDP) January 2007		

LB:		CA:	Leicester Square
------------	--	------------	------------------

Proposal:

Use of an area of the public highway at 1 Irving Street measuring 6.00m x 2.95m for placing of 16 tables and 32 chairs within planters to be used only in association with restaurant use at 2-3 Irving Street.

Consultations:

WESTMINSTER SOCIETY: No response to date.

LEICESTER SQUARE ASSOCIATION: No response to date.

WASTE PROJECTS: No objection.

HIGHWAYS PLANNING: Objects - Tables and chairs should normally be placed on the frontage that they operate from whilst there are concerns that the servicing of the proposed tables and chairs from 2-3 could result in conflict between the users of number 1 and the service staff of 2-3.

PLANNING ENFORCEMENT: The investigation regarding the potential change of use is ongoing and still pending consideration.

NEIGHBOURING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 18

No. of responses: 2 Objections

- Before the tables and chairs were removed from 1 Irving Street following refusal they used to become an overspill from a neighbouring pub.
- Late evening nuisance with underage drinking, cannabis use and shisha outside number 1.
- Number 1 did not have an alcohol licence and so alcohol was served from 2/3 Irving Street.
- Since removal of the tables and chairs following refusal, problems have abated. If tables and chairs are permitted again in connection with 2/3, the problems will return.
- The lawful use of 1 Irving Street is A1 retail and has been unlawfully combined with 2/3, operating as a combined use for some time.
- 2/3 has been serving cooked food- issue of odours and contravention to condition 1 of the planning consent dated 8th May 1997. By allowing additional tables and chairs for use by 2/3 will intensify this unauthorised cooking.
- This application is a blatant attempt to circumvent existing regulations and expand capacity of the

Item No.

restaurant use at 2/3.

- In practical terms the waiting staff will consistently have to enter onto the pavement in order to make their way between No 1 and No 2/3. There will be breaches of the existing planning consents in respect of both No 1 and No 2/3 as well as a breach of the existing Premises Licence for No 2/3 relating to the sale of and consumption of alcohol.

- The numbers of customers consuming alcohol will significantly increase resulting in a subsequent increase in noise disturbance.

SITE AND PRESS ADVERTISEMENT NOTICE: Yes.

Relevant Planning History:

18/01596/TCH

Use of two areas of the public highway measuring 2.2m x 2.4m and 3.85m x 2.4m for the placing of 13 tables, 26 chairs and barriers in connection with existing cafe.

Application Permitted 16 April 2018

15/06761/TCH

Use of two areas of the public highway measuring 2.2m x 2.9m and 3.85m x 2.9m for the placing of 13 tables, 26 chairs, menu stand and barriers in connection with existing café.

Application Permitted 3 December 2015

15/00317/TCH

Use of two areas of the public highway measuring 2.2m x 2.9m and 3.85m x 2.9m for the placing of 13 tables, 26 chairs and barriers in connection with existing café.

Application Permitted 30 March 2015

14/00597/FULL

Variation of Condition 3 of planning permission dated 27 August 2013 (RN: 13/06340) for use of two areas of the public highway measuring 2.2m x 2.9m and 3.85m x 2.9m for the placing of 13 tables, 26 chairs and nine barriers in connection with existing café namely, to extend the hours for the placing of tables and chairs and barriers outside the premises from 08.00 to 01.00 hours Monday to Sunday.

Application Permitted 10 April 2014

Considerations:

SITE

The application relates to 2-3 Irving Street, a Class A3 restaurant at ground and basement level. The application also relates to the area of pavement to the frontage of neighbouring 1 Irving Street. 1 Irving Street is located on the north western corner of Irving Street where Irving Street adjoins Leicester Square. The property is unlisted and located within the Leicester Square Conservation Area. The nearest residential properties appear to be to the upper floors above with the main residential entrance located at 5 Irving Street which appear to be in close proximity to 1-3 Irving Street.

PROPOSAL

Planning permission is sought for the use of the public highway at 1 Irving Street measuring 6.00m x 2.95m for the placing of 16 tables and 32 chairs within planters to be used in connection with the restaurant use at 2-3 Irving Street.

PLANNING HISTORY

Given that the proposals relate to the placing of tables and chairs to the frontage of 1 Irving Street the planning history of both 1 Irving Street and 2-3 Irving Street are relevant to the context of this current application.

2-3 Irving Street

Item No.

18/01596/TCH

Planning permission was granted 16th April 2018 for the following;

'Use of two areas of the public highway measuring 2.2m x 2.4m and 3.85m x 2.4m for the placing of 13 tables, 26 chairs and barriers in connection with existing cafe.'

This permission is due to expire 30th April 2020.

1 Irving Street

18/00451/TCH

Planning permission was most recently granted on 7th June 2018 for the placing of 16 tables and 32 chairs upon the public highway. During the course of determination of this application no public objections were received whilst permission was granted for the tables and chairs on the basis of their use in connection with the lawful sandwich bar use at no.1, as acknowledged within the Officer's report. This was on the basis of Council records that showed 1 Irving Street to be in use as a sandwich bar. However, following a site visit in July 2019 it became evident that the use of 1 Irving appeared to have changed with its association and operation with 'Rosso Italiano' at 2-3 Irving Street. This potential material change of use of no.1 from A1 to a Sui Generis use is currently being investigated by planning enforcement.

19/04106/TCH

Planning permission was refused 28th September 2019 for the following;

'Use of the public highway for the placing of 16 tables and 32 chairs and a free standing menu in an area measuring 6.00m x 2.95m in connection with the existing ground floor use.'

The reason for refusal was as follows;

'The proposed tables and chairs would unacceptably intensify an existing unauthorised use at the application site. This could cause a nuisance to residents and harm the amenity of the area which would be contrary to Policy TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S32 of Westminster's City Plan (November 2016).'

During the course of determination objections were received regarding the use of the table and chairs area outside of 1 Irving Street with objectors claiming that the area was in reality being used in connection with the restaurant use at 2-3 Irving Street as objectors claimed the tables and chairs were being used for shisha smoking, increased alcohol drinking and dining and that there was therefore a subsequent increase in noise and disturbance. The lawful use of 1 Irving Street is A1 Retail and it was considered following site visits and from the shared advertising and associated awning spanning 1-3 Irving Street that the tables and chairs at 1 Irving Street were effectively operating as a combined operation with 2-3 and as such, the unit at 1 Irving Street was not operating as a Class A1 retail use but was operating ancillary to the restaurant at 2-3 and that by permitting tables and chairs for use in connection with restaurant functions, this would contravene the lawful A1 use of number 1. Subsequently the application was refused with the applicant advised to regularise the use of 1 Irving Street.

19/71697/U

Following the above refusal of planning permission there is an ongoing planning enforcement investigation for the separate unit at 1 Irving Street for the 'Unauthorised change of use to a mixed use (Sui Generis) comprising use for retail and restaurant purposes.'

CONSIDERATIONS

The planning statement outlines that 1 Irving Street is also within the ownership of the applicant of 2-3 Irving Street. The statement also refers to the refusal of tables and chairs at 1 Irving Street (RN: 19/04106/TCH) due to the perceived intensification of an unauthorised use at no.1. The statement responds to this claiming that in practice the use at No.1 is as a sandwich bar also selling ice creams, cold drinks and cakes and has not materially changed and that this use will continue regardless of the

placing of tables and chairs to the frontage. The applicant claims that tables and chairs would not be required for the A1 use to continue and that the proposed tables and chairs to the front of 1 Irving Street would be used in connection with the restaurant use at 2-3 Irving Street only.

TACE 11 of the Unitary Development Plan (adopted January 2007) states that permission will be granted for tables and chairs where the proposals would not;

- 1) Unacceptably intensify an existing use.
- 2) Cause obstruction
- 3) Endanger pedestrian and wheelchair users
- 4) Cause or exacerbate a problem with refuse storage or street cleansing
- 5) Have a detrimental effect on the character and appearance of the area, or the setting of a listed building,
- 6) Cause a nuisance to residents
- 7) Harm the amenity of the area
- 8) Create opportunities for crime

The policy also 'recognises that al fresco eating and drinking is popular and can provide opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. The introduction of tables and chairs on the footway outside shops and eating and drinking premises can provide a pleasant facility for shoppers. However, they can also unacceptably intensify an existing use; cause obstruction to pedestrians, particularly the less mobile; obstruct entrances and fire exits....lead to a loss of residential amenity through increased noise levels, especially at night'

Policy TRANS 3 of the Unitary Development Plan seeks to improve conditions for pedestrians whilst S41 of Westminster's City Plan (adopted November 2016) states that developments will prioritise pedestrian movement and the creation of an attractive and safe environment for pedestrians.

Paragraph 238 of the 'Westminster Way Public Realm Strategy' (adopted September 2011) states that 'The principal use of the the street is movement with a secondary social element of interaction between people. Commercial activities therefore have to be regarded as an occasionally allowable priviledge and carefully managed so that they do not get in the way of the main purpose of the the footway in particular'

The 'Guidelines for the placing of Tables and Chairs on the Highway' Supplementary Planning Guidance (adopted 2005) states 'Placing tables and chairs outside a premises can sometimes change them from a Class A1 use (shop) to a Class A3 use (restaurant/cafe) within the meaning of the Town and Country Planning (Use Classes) Order 1987. In these cases you will also need to apply for planning permission for a change of use. This would be assessed against our policies (Policies TACE 8, 9 and 10). We have to be sure that additional A3 uses will not have a harmful impact on residential amenity or "saturate" an area and put at risk the established character, for example by eroding the number and variety of retail shops, (A1 uses). Where we have these concerns we may refuse planning permission for a change of use, and therefore for tables and chairs.' (Page 24)

Objections have been received from neighbouring occupiers. Objections note that the tables and chairs that were at 1 Irving Street (that were placed prior to the recent refusal) attracted large numbers of customers that appeared to be consuming alcohol and becoming drunk and causing noise, disturbance and nuisance, which objectors claim were exacerbated due to the proximity of surrounding drinking establishments. As these tables and chairs should have been used in association with the A1 use at number 1 there should not have been consumption of alcohol from these tables and chairs and the alcohol was in reality served from the restaurant at 2-3. The comments received note that since the tables and chairs have been removed following the previous refusal this noise disturbance and nuisance has reduced. They also acknowledge that when the tables and chairs were previously used in connection with the previous Subway (consistent with an A1 use), residents did not have significant issues with noise and disturbance. Objectors consider the consumption of alcohol within the external area as the causation of problems. Objectors also note that the current licence of the restaurant at 2-3 restricts the sale and consumption of alcohol to maximum 30 people. They also note that the restaurant is undertaking primary cooking, contrary to condition 1 of the planning permission dated 8th May 1997

Item No.

(RN: 96/0A101/FULL) which prohibited primary cooking.

The concerns raised in objections are noted. In regards to the concerns regarding primary cooking, this is considered in a separate investigation by planning enforcement. If this application for 13 tables and 26 chairs were to be approved, to allow further provision of tables and chairs for the 2-3 Irving Street restaurant this would effectively bring the total number of external covers for the restaurant to 29 tables and 58 chairs, given there is an extant permission for tables and chairs for 2-3 (RN: 18/01596/TCH). This is a significant intensification of an A3 use directly below residential occupiers which would result in a noticeable increase in noise, whilst outstanding concerns are outlined within objectors comments. Although the street is located within the CAZ and a very busy street leading to Leicester Square that is characterised by tables, chairs and restaurants, other restaurants within the street do not appear to have windows of residential occupiers directly above. Furthermore it has not been demonstrated that the proposed increase of tables and chairs for 2-3 Irving Street can be managed in an appropriate way to ensure that customers would not cause nuisance by excessive drinking. No operational management plan has been provided whilst the planning statement lacks detail of measures that would be taken for the operation of the proposed area. Therefore it has not been demonstrated that the use would not result in harm to amenity. The considerable increase in the number of tables and chairs to be used by the A3 restaurant would be considered an unacceptable intensification of an A3 use in this case. The principle of tables and chairs in this location is accepted, however this has been historically accepted on the basis of the tables and chairs use being consistent with an A1 use which would generally result in lesser amenity impacts compared to an A3 use that also serves alcohol.

Secondly, the concerns outlined within the delegated report for the refusal of RN: 19/04106/TCH remain relevant, whilst it is also noted that the potential material change of use is still under investigation. Following this refusal, the tables and chairs have been removed from the highway and are being stored in the entirety of 1 Irving Street. As noted within the planning statement, the applicant now claims that 1 Irving Street would remain as an A1 use as a distinct and separate operation to the restaurant at 2-3 Irving Street, despite the proposed pavement frontage being entirely used for restaurant seating. If this were to be the case, then the placing of tables and chairs would cause a significant obstruction to the retail unit at number 1. The proposed seating area would be 4 tables deep encompassing the entire A1 frontage along with planters and with no clear demarcation of the seating area from that of 2-3 due to the proposed functional connection of the pavement area required for the use of the pavement area outside of 1 Irving Street by the 2-3 restaurant. Pedestrians and potential customers would therefore not read the A1 use at number 1 as a separate unit due to this obstruction by furniture whilst it would impede access for customers to the A1 use which combined could jeopardise the viability of this use. Furthermore, as servicing between the pavement area of number 1 and 2-3 would have to occur across the entrance way of number 1 there would likely be a conflict between users of the retail unit at 1 and the waiting staff of number 2-3. This obstruction of a main entranceway to a retail unit would be contrary to TRANS 3, S41 and TACE 11 (parts 2 and 3) whilst it could be argued that by obstructing the entranceway of the retail use this could jeopardise its viability, it could be argued to be contrary to S21 which seeks to protect retail uses.

If the pavement area at 1 Irving Street were to be permitted for use for tables and chairs as an extension to the tables and chairs currently in place for 2-3 Irving Street restaurant seating, this would result in the area of pavement at 1-3 effectively forming one functional tables and chairs area. As such it would impede and obstruct pedestrian access to the retail unit and its entrance at 1 Irving Street. Finally, the proposals would represent an unacceptable intensification of an A3 use due to the number of tables and chairs proposed. Therefore the proposed placing of tables and chairs to the pavement area to the frontage of 1 Irving Street for use in connection with the restaurant use at 2-3 is considered unacceptable.

Item No.

Recommendation:

Refuse planning permission - obstruction to pedestrians and harm to amenity.

Case Officer or Morning Meeting Officer: Jonathon Metcalfe	Date: 30 January 2020
Reason (if over 8/13 wk deadline):	

DRAFT DECISION LETTER

Address: 2-3 Irving Street, London, WC2H 7AT,

Proposal: Use of an area of the public highway at 1 Irving Street measuring 6.00m x 2.95m for placing of 16 tables and 32 chairs within planters to be used only in association with restaurant use at 2-3 Irving Street.

Plan Nos: Location Plan; Floor Plan 1 Irving Street

For Further Information;
Cover Letter by Bidwells dated 13/11/2019 ref. JB566970

Case Officer: Jonathon Metcalfe **Direct Tel. No.** 07866038118

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**Reason:**

- 1 The tables and chairs would block the flow of pedestrians along the pavement by impeding and obstructing access to the shop front of 1 Irving Street. This would not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (X08AC)

Reason:

- 2 The proposed tables and chairs are to be used in connection with the existing restaurant use at 2-3 Irving Street and are therefore in a remote location. The remote location combined with the use of the table and chairs for Class A3 purposes would cause harm to residential occupiers that overlook the site through increased levels of noise and disturbance. This would be contrary to S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 The principle of tables and chairs to the area of pavement outside of 1 Irving Street is not considered unacceptable, provided these items of furniture were to be used in connection with the lawful use of 1 Irving Street.

NOTES

The Council may revoke this licence on certain specified grounds e.g. for misconduct, failure to comply with licence conditions.

The holder may employ any other person to ASSIST him/her in the conduct of the business without any further licence being required, but the licence may not be transferred to any other person nor may it be altered or tampered with in any way. Any failure by an Assistant to comply with licence conditions will be deemed to be a failure by the licence holder.

Any breach of this licence is punishable by a penalty not exceeding Level 3.



City of Westminster

CITY OF WESTMINSTER ACT 1

TEMPORARY LICENCE
FOR THE USE OF
TABLES AND CHAIRS

La Chandelle
2-3 Irving Street
London
WC2H 7AT

**LICENCE NO:
20/01640/STTCF**

1. THE WESTMINSTER CITY COUNCIL hereby grants to Chahine Brothers Ltd

A temporary licence to engage in the use of tables and chairs in the City of Westminster from the street outside La Chandelle, 2-3 Irving Street, London, WC2H 7AT

2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the conditions made under Section 21(2)(b) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.
3. This licence is valid from 27 February 2020 and shall remain in force until 26 August 2020 unless it is cancelled or revoked by the Council.



Ms Simone Murray
Senior Licensing Officer

Dated this: 10 February 2020
On Behalf of the Director of Public Protection & Licensing

SCHEDULE

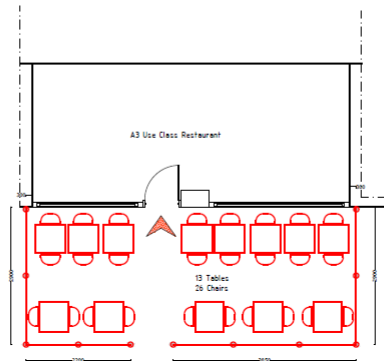
Number Of Places	26						
Type and number of other approved furniture	TABLES: 13 CHAIRS: 26 HEATERS: NIL PLANTERS: NIL						
Location / Premises	La Chandelle, 2-3 Irving Street, London, WC2H 7AT						
Dimensions of private forecourt	WIDTH: NONE DEPTH: NONE						
Dimensions of area licensed	WIDTH: Use of two areas of the public highway measuring 2.2m x 2.4m and 3.85m x 2.4m DEPTH:						
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From Time	08:00	08:00	08:00	08:00	08:00	08:00	08:00
To Time	01:00	01:00	01:00	01:00	01:00	01:00	01:00

FURTHER CONDITIONS

(i) No space heaters shall be permitted within the licensed area.

(i) No space heaters shall be permitted within the licensed area.

(ii) The approved furniture shall be removed from the highway each day no later than the terminal hour stated above and shall not be returned to the highway until the commencement time on the following day.



EXISTING and PROPOSED GROUND FLOOR
SCALE:1/100



Drawing Title Existing and Proposed Ground Floor Plan Scale 1:100	Client: Mr. Abdul Husseinbor	Revision: June 2013	ARCH PLANNING & LICENSING 33b Grand Parade, Green Lanes, Haringey, London N4 1LG Telephone: (020) 8809 2320 Mobile: (078) 4241 0527 E-Mail: info@archpl.co.uk Website: www.archpl.co.uk
	Address: La Chandelle 2-3 Irving Street London WC2H 7AT	Scale: 1:100 @ A4	
	ALL DIMENSIONS TO BE VERIFIED ON SITE	13.0140.01	

Planning Permission for 2-3 Irving Street

Westminster City Council

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

westminster.gov.uk



City of Westminster

Your ref: La chandelle
My ref: 18/01596/TCH

Please reply to:
Tel No:

Nikki Mitchell
020 7641 2681

Mr Ahmad Chahine

2-3 Irving Street
Wc2h 7at

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

16 April 2018

Dear Sir/Madam

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

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted. Unless any other period is stated in the Schedule this permission, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended) is subject to a condition that the development shall be commenced within 3 years of the date of this decision. Your attention is drawn to the Applicant's Rights.

SCHEDULE

Application No: 18/01596/TCH

Application Date:

Date Received: 24.02.2018

Date Amended: 24.02.2018

Plan Nos: Site Plan; Existing and Proposed Ground Floor Plan; Photograph.

Address: 2-3 , Irving Street, London, WC2H 7AT

Proposal: Use of two areas of the public highway measuring 2.2m x 2.4m and 3.85m x 2.4m for the placing of 13 tables, 26 chairs and barriers in connection with existing cafe.

See next page for conditions/reasons.

Yours faithfully

John Walker
Director of Planning

Condition(s):

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on the approved Existing and Proposed Ground Floor Plan. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 08.00 and 01.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the cafe at 2-3 Irving Street. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 30 April 2020. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 'Existing and Proposed Ground Floor Plan' and photographs.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) *Appeals to the Planning Inspectorate*

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at www.planningportal.gov.uk/planning/appeals/online/makeanappeal

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Table and Chairs Licence for 1 Irving Street

NOTES

The Council may revoke this licence on certain specified grounds e.g. for misconduct, failure to comply with licence conditions.

The holder may employ any other person to ASSIST him/her in the conduct of the business without any further licence being required, but the licence may not be transferred to any other person nor may it be altered or tampered with in any way. Any failure by an Assistant to comply with licence conditions will be deemed to be a failure by the licence holder.

Any breach of this licence is punishable by a penalty not exceeding Level 3.



City of Westminster

CITY OF WESTMINSTER ACT 1999

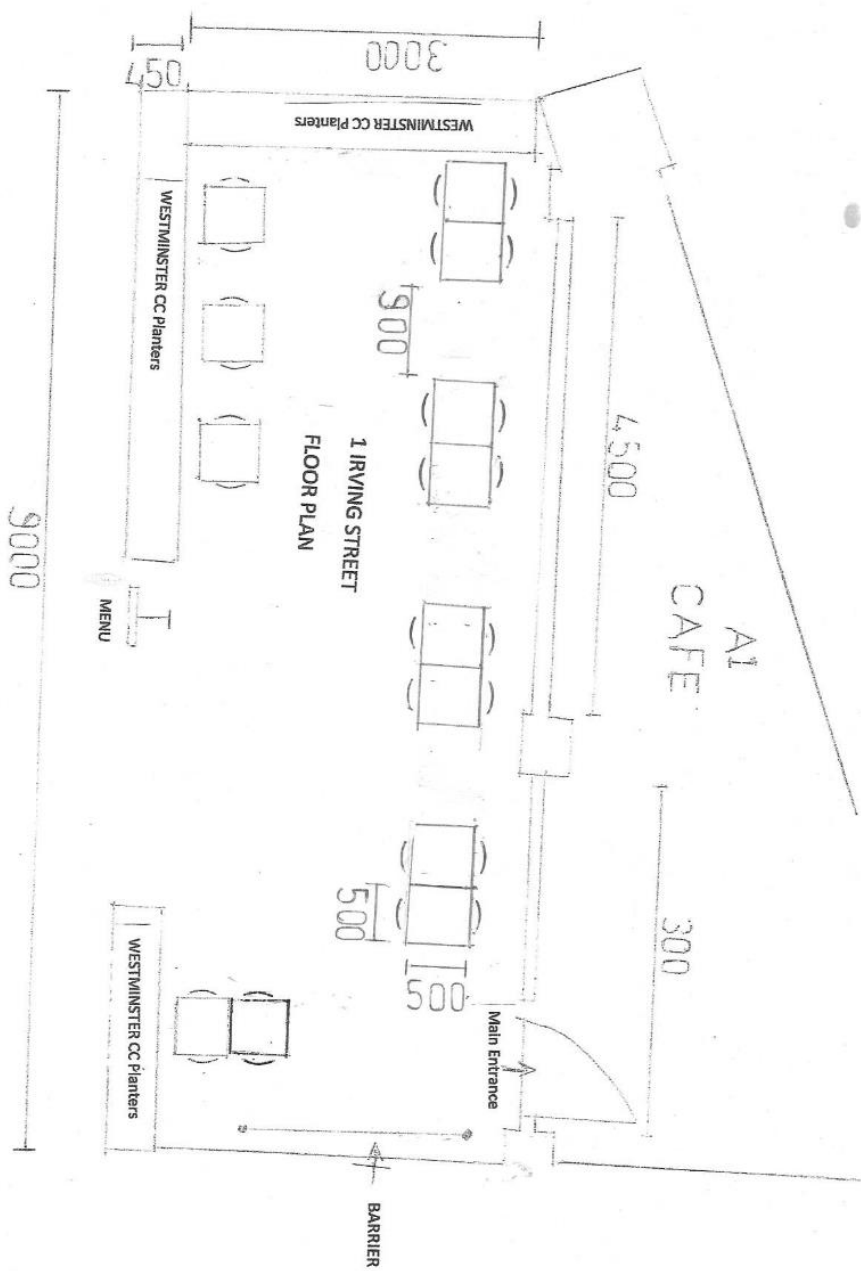
TEMPORARY LICENCE
FOR THE USE OF
TABLES AND CHAIRS

Cafe Italiano
1 Irving Street
London
WC2H 7AT

**LICENCE NO:
20/03266/STTC**

FURTHER CONDITIONS

- (i) No space heaters shall be permitted within the licensed area.
- (ii) The approved furniture shall be removed from the highway each day no later than the terminal hour stated above and shall not be returned to the highway until the commencement time on the following day.
- (iii) The authorised use of the outside area under this permit will only be allowed subject to the availability of public toilets at 2 - 3 Irving Street, London WC2H 7AT for use by customers using the outside area at 1, Irving Street, London WC2H 7AT.



PROPOSED EXTERNAL SEATING AREA
SCALE 1:50



Planning Permission for 1 Irving Street

Westminster City Council

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

westminster.gov.uk



Your ref: Cafe 1
My ref: 20/01135/TCH

Please reply to:
Tel No:

Jonathon Metcalfe
07866038118

Mr Mohamad chahine
1 Irving street
wc2h 7at

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

31 March 2020

Dear Sir/Madam

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

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted. Unless any other period is stated in the Schedule this permission, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended) is subject to a condition that the development shall be commenced within 3 years of the date of this decision. Your attention is drawn to the Applicant's Rights.

SCHEDULE

Application No: 20/01135/TCH

Application Date:

Date Received: 17.02.2020

Date Amended: 19.02.2020

Plan Nos: Site Location Plan; 1 Irving Street Floor Plan- Proposed External Seating Area

For Further Information Only:

Design and Access Statement Caffe Italiano; Caffe Italiano Sample Menu

Address: 1 Irving Street, London, WC2H 7AT,

Proposal: Use of the public highway for the placing of 13 tables and 26 chairs and a free standing menu in an area measuring 3m x 9m in connection with the existing ground floor use.

See next page for conditions/reasons.

Yours faithfully

A handwritten signature in cursive script that reads "Deirdra Armsby".

Deirdra Armsby
Director of Place Shaping and Town Planning

Condition(s):

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

Reason:

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

- 2 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing '1 Irving Street Floor Plan- Proposed External Seating Area'. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 08:00 and 23:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 4 The tables and chairs must only be used by customers of 1 Irving Street. (C25CA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 5 This use of the pavement may continue until 31st March 2021. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 6 You can only put out on the pavement the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved shown on drawing '1 Irving Street Floor Plan- Proposed External Seating Area'. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007. (R25EA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence, which can be applied for at the following link: www.westminster.gov.uk/tables-and-chairs-licence.
- If you want to know about the progress of your application for a licence, you can contact our Licensing Service by email to streettradinglicensing@westminster.gov.uk. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.
- Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times.
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) Appeals to the Planning Inspectorate

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



With immediate effect, prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate at least 10 days prior to appeal submission.

If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: www.planningportal.gov.uk/pes. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at www.planningportal.gov.uk/planning/appeals/online/makeanappeal

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





Schedule 12
Part A

WARD: St James's
UPRN: 100023431715

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/16138/LIPT

Original Reference:

05/10347/LIPC

Part 1 – Premises details

Postal address of premises:

Stephanos Cafe La Chandelle
2-3 Irving Street
London
WC2H 7AT

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Saturday:

23:00 to 00:30

Sunday:

23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Unrestricted

Sale by Retail of Alcohol

Monday to Sunday:

10:00 to 23:00 (Off Sales)

Monday to Saturday:

10:00 to 00:00 (On Sales)

Sunday:

10:00 to 23:30 (On Sales)

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1&3

The opening hours of the premises:

Monday to Saturday: 08:00 to 00:30
Sunday: 08:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Chahine Brothers Ltd
First Floor,
244 Edgware Road,
London W2 1DS
W2 1DS

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

07608688

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

Name: Ahmad Chahine

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: 11/10556/LIPERS
Licensing Authority: City Of Westminster Council

Date: 20 December 2019

This licence has been authorised by Mary Pring 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.
8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.

9(iii). Where the permitted price given by Paragraph 9(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.

- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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 which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

11. The terminal hour for Late Night Refreshment on New Years Eve is extended to 05:00 on New Years Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

12. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Saturday, other than Christmas Day or Good Friday, 10:00 to 00:00 for sale of alcohol for consumption on the premises and 10:00 to 23:00 for sale of alcohol for consumption off the premises
- (b) On Sundays, other than Christmas Day, 10:00 to 23:30 for sale of alcohol for consumption on the premises and 10:00 to 23:00 for sale of alcohol for consumption off the premises
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day for the sale of alcohol for consumption on the premises.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (b) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (d) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (f) the taking of alcohol from the premises by a person residing there;
- (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

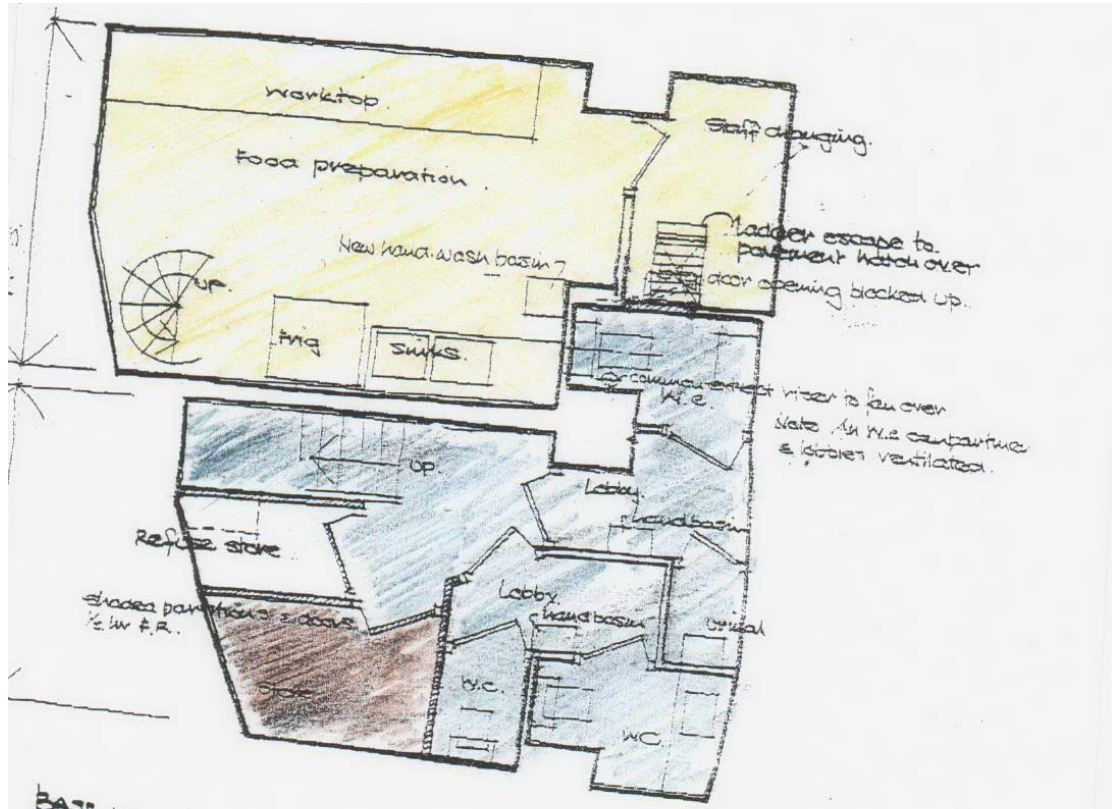
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. After 23:00 Patrons temporarily leaving the premises e.g. to smoke shall not be allowed to take any alcoholic drinks with them.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste of 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.
20. 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.
21. The number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.
22. 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.
23. 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 preceding 31 day period.
24. 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.
25. The premises, including any permitted external area, 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, save for consumption at tables and chairs outside the premises granted by a temporary licence under the City of Westminster Act 1999,
 - (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.
26. 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 or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
27. Tables and chairs outside the premises shall be rendered unusable or removed by 23:30.

Annex 4 – Plans



BASEMENT PLAN.

Sketch plan based on drawing supplied by applicant.
 Plan not checked dimensionally.
 N.B. This drawing is not to be scaled

M E P K ARCHITECTS <small>CHARTERED ARCHITECTS AND TOWN PLANNERS</small> <small>18 JOHN STREET LONDON WC1N 1DL TEL: 01753 686 140</small> <small>5A HARPUR STREET BEDFORD MK40 1PY TEL: 01234 21122</small>	JOB TITLE		Stephanos	
	DRAWING TITLE		283 IRVING STREET WC2	
DRAWING DATE		DRAWING NO.		CHECKED
2 97		P. 705		SK01

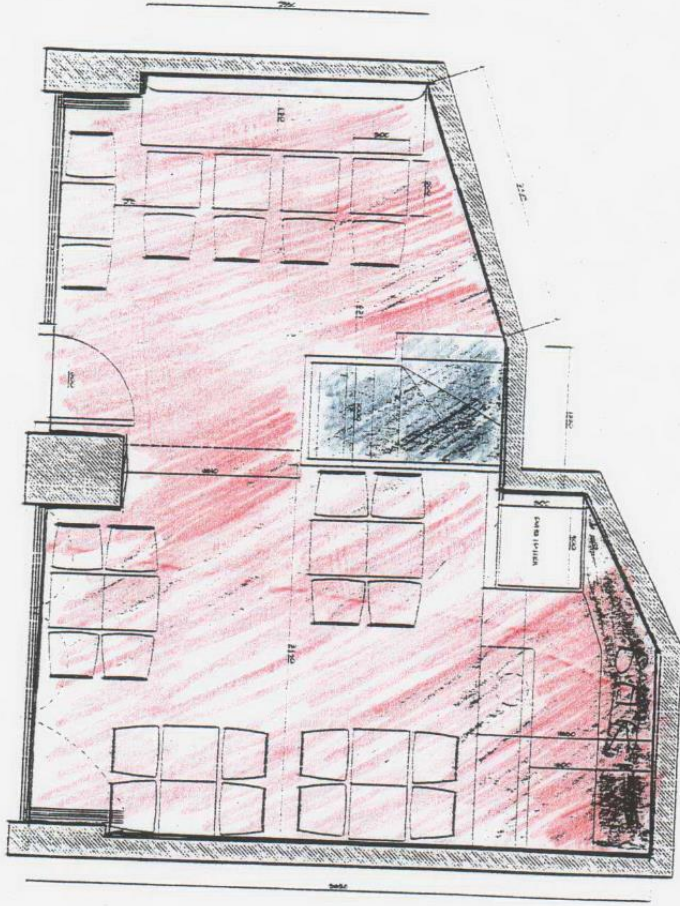
MAR 05 2004 11:45 AM

PHONE NO. : 01753 686 140

111-1000456-110

Stephanos
2/3 Irving Street

2-Proposed Plan
(New)



STEPHANOS CAFE
LEICESTER SQ
SCALE: 1:50

1



Schedule 12
Part B

WARD: St James's
UPRN: 100023431715

City of Westminster
64 Victoria Street, London, SW1E 6QP

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

19/16138/LIPT

Part 1 – Premises details

Postal address of premises:

Stephanos Cafe La Chandelle
2-3 Irving Street
London
WC2H 7AT

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Sunday:	10:00 to 23:00 (Off Sales)
Monday to Saturday:	10:00 to 00:00 (On Sales)
Sunday:	10:00 to 23:30 (On Sales)
Non-standard Timings: N/A	

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1&3

The opening hours of the premises:

Monday to Saturday: 08:00 to 00:30
Sunday: 08:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Chahine Brothers Ltd
First Floor,
244 Edgware Road,
London W2 1DS
W2 1DS

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

07608688

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

Name: Ahmad Chahine

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

Restricted

Date: 20 December 2019

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/10347/LIPC	Conversion of the Premise Licence number the Licensing Act 2003	24 November 2005	Granted under delegated authority
06/08681/WCCMAP	Master Licence	24 November 2005	Granted under delegated authority
08/01631/LIPT	Application to transfer Premises Licence	3 August 2005	Granted under delegated authority
08/01978/LIPDPS	Application to vary the Designated Premises Supervisor	3 August 2005	Granted under delegated authority
14/00705/LIPV	Application to vary the Premises Licence	10 April 2014	Granted at Licensing Sub-Committee
19/02589/LIPDPS	Application to vary the Designated Premises Supervisor	1 August 2019	Granted under delegated authority
19/16138/LIPT	Application to transfer the Premises Licence	17 December 2019	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.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Condition proposed by the applicant to be removed from the operating schedule by way of this variation:

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

11. The terminal hour for Late Night Refreshment on New Years Eve is extended to 05:00 on New Years Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

12. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Condition proposed by the applicant to be deleted from the operating schedule by way of this variation:

13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (f) Monday to Saturday, other than Christmas Day or Good Friday, 10:00 to 00:00 for sale of alcohol for consumption on the premises and 10:00 to 23:00 for sale of alcohol for consumption off the premises
- (g) On Sundays, other than Christmas Day, 10:00 to 23:30 for sale of alcohol for consumption on the premises and 10:00 to 23:00 for sale of alcohol for consumption off the premises
- (h) On Good Friday, 12:00 to 22:30
- (i) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30

- (j) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day for the sale of alcohol for consumption on the premises.

NOTE - The above restrictions do not prohibit:

- (i) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (j) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (k) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (l) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (m) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (n) the taking of alcohol from the premises by a person residing there;
- (o) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (p) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. After 23:00 Patrons temporarily leaving the premises e.g. to smoke shall not be allowed to take any alcoholic drinks with them.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste of 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.

20. 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.
21. The number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.
22. 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.
23. 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 preceding 31 day period.
24. 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.
25. The premises, including any permitted external area, 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, save for consumption at tables and chairs outside the premises granted by a temporary licence under the City of Westminster Act 1999,
 - (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.

26. 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 or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
27. Tables and chairs outside the premises shall be rendered unusable or removed by 23:30.

Conditions proposed by the applicant by way of this variation so as to form part of the operating schedule:

28. On a minimum daily basis staff shall check that the CCTV system is operational and the date & time print correctly set and on a minimum weekly basis staff shall check that images are being recorded and stored for a minimum of 31 days and can be instantly downloaded.
29. The dps or a personal licence holder shall be on duty from 19.00 to the end of permitted licensed hours on Friday and Saturday evenings. At other times the dps, a personal licence holder or trained member of staff nominated in writing by the dps shall be on duty until the end of permitted hours.
30. Only trained staff authorised in writing by the dps may sell alcohol. The written authority will be produced to police or authorised officers on request.
31. Customers using the permitted external area outside number 1 Irving street shall be permitted to use the toilets at 2/3 Irving street free of charge.
32. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. The sale and supply of alcohol for consumption off the premises shall be restricted to 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.
33. A fire risk assessment & emergency plan will be prepared and regularly reviewed. Staff will receive appropriate fire safety training & refresher training.
34. Management and staff will proactively monitor the outside of the restaurant including customer conduct and smokers. Suitable containers will be provided for cigarette ends.
35. A phone number will be displayed for residents and any local residents association to contact management with any concerns. Details including the outcome will be recorded in the incident book.
36. Staff will call a cab for departing customers on request.
37. The doors will be kept closed during any musical entertainment except for entry and egress.
38. A written dispersal policy will be prepared which shall be kept under review. A copy will be submitted to the licensing authority.
39. 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.
40. All refusals of service will be recorded in the incident book (refusals section) and will be made available to the police or authorised officers on request.

41. Notices will be prominently displayed by the entry door and bar stating that both CCTV & challenge 25 are in operation.
42. Notices will also be displayed advising customers of the provisions of the licensing act regarding underage & proxy sales.
43. Waiting staff will be trained on induction and given refresher training at six monthly intervals. Training will include operating the CCTV system, operation of the challenge 25 proof of age scheme, including identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal plus avoiding proxy sales, avoiding sales to intoxicated persons, avoiding conflict, responsible alcohol retailing & safeguarding children.
44. No child or young person under 18 will be permitted to consume alcohol on the premises at any time.
45. No unaccompanied children will be permitted on the premises after 20.00.

Conditions proposed by the Environmental Health Service

None

Residential Map and List of Premises in the Vicinity

Appendix 7



Resident Count: 16

Licensed Premises within 75 metres of Rosso Italiano, 2-3 Irving Street, London, WC2H 7AT				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/16495/LIPDPS	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Not Recorded	Monday; 09:00 - 01:30 Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 01:30 Thursday; 09:00 - 01:30 Friday; 09:00 - 01:30 Sunday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 01:30
18/05674/LIPDPS	Global Radio	29-30 Leicester Square London WC2H 7LA	Office	Monday to Friday; 07:00 - 00:00

19/04918/LIPVM	Il Padrino	6-7 Irving Street London WC2H 7AT	Not Recorded	Monday; 10:00 - 05:00 Tuesday; 10:00 - 05:00 Wednesday; 10:00 - 05:00 Thursday; 10:00 - 05:00 Friday; 10:00 - 05:00 Sunday; 11:00 - 01:30
18/14488/LIPT	Wox	8 Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 23:00 - 05:00
18/07437/LIPVM	Moon Under Water	28 Leicester Square London WC2H 7LE	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
19/09073/LIPN	Shadow Licence	28A Leicester Square London WC2H 7LE	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
20/00423/LIPVM	The Lost Alhambra	28A Leicester Square London WC2H 7LE	Night clubs and discos	Monday; 09:00 - 03:30 Monday to Wednesday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Thursday to Saturday; 09:00 - 06:00 Friday; 09:00 - 03:30 Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
17/12395/LIPVM	Not Recorded	9A Irving Street	Cafe	Monday to Saturday;

		London WC2H 7AT		08:00 - 23:30 Sunday; 08:00 - 23:00
06/12648/WCCMAC	Beefsteak Club	Basement To First Floor 9 Irving Street London WC2H 7AH	Club or institution	Monday to Friday; 17:30 - 23:30 Monday to Friday; 13:00 - 15:00
10/05756/LIPN	Pompidou	9A Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 07:00 - 23:30 Sunday; 09:00 - 23:00
18/14963/LIPDPS	MOD Pizza	17 - 18 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00 Christmas Eve; 07:00 - 02:30 New Year's Eve; 07:00 - 07:00
17/09529/LIPN	Not Recorded	Basement And Ground Floor 16 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 07:00 - 01:00 Sunday; 07:00 - 00:00 Christmas Eve; 07:00 - 02:30 New Year's Eve; 07:00 - 07:00
18/09520/LIPDPS	Bella Italia	10 Irving Street London WC2H 7AT	Restaurant	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:00
19/10538/LIPDPS	Garfunkels Restaurants	Ground Floor 19 - 20 Irving Street London WC2H 7RR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/00179/LIPT	The Halal Guys	Basement And Ground Floor 14-15 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 23:30 - 23:00
18/14184/LIPDPS	Wagamama	14A Irving Street	Restaurant	Monday to Saturday;

		London WC2H 7AF		10:00 - 00:30 Sunday; 12:00 - 00:00
18/09120/LIPDPS	Radisson Hampshire Hotel	31-36 Leicester Square London WC2H 7LH	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
18/01279/LIPDPS	Saravana Bhavan	17 Charing Cross Road London WC2H 0EP	Restaurant	Monday to Sunday; 10:00 - 00:30
19/01132/LIPVM	Steak & Co	Ground Floor 3 - 5 Charing Cross Road London WC2H 0HA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/00395/LIPT	Maharaja Of India	19A Charing Cross Road London WC2H 0ET	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/11008/LIPVM	Odeon Cinema	24 - 27 Leicester Square London WC2H 7JY	Cinema	Monday to Sunday; 00:00 - 00:00
19/05778/LIPCH	Odeon Cinema	24 - 27 Leicester Square London WC2H 7JY	Cinema	Monday to Sunday; 00:00 - 00:00
18/12523/LIPT	Assembly Hotel	Basement And Ground Floor Part Alhambra House 27 - 31 Charing Cross Road London WC2H 0AU	Hotel, 3 star or under	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 22:30
15/07167/LIPDPS	Bella Italia	22 Leicester Square London	Restaurant	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:00