

**NW3 Frith Limited (Jersey)**  
**54 FRITH STREET**  
**LONDON**  
**W1D 4SL**

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**SPEAKING NOTE**

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**WC2H 9EP**

**Reference: AT/NW3.1.1**  
**Solicitors for the Applicant**

## INTRODUCTION

1. This application is for a new premises licence to reinstate licence 18/03323/LIPDPS which lapsed in March 2020 due to the administration of the last Tenant. The Applicant is the landlord who is now re-marketing the property for a new tenant.
2. This application is made on the same hours and terms save that:
  - a) The applicant has removed private entertainment contained on the previous licence.
  - b) Conditions have been agreed with the EHO, reflecting good practice.
3. The site was Barrafinna until the lease ended and there have been two pop-ups since. We are not aware of any issues of crime and disorder. We would like to re-let the unit to a food operator but maintain some flexibility to serve alcohol without food before 11pm as per the existing licence.
4. Conditions with the Police and LA have not been agreed. The Police want a condition that there is no entry after midnight and a SIA doorman. The LA want MC66 as if this was a new use, which it is not.
5. Any of these conditions would prevent us letting the premises to a good operator with such a modest capacity and with an SIA condition would inevitably be let to a pure bar operator.

## POLICY

At paragraph 2.1.8 : *"In cases where licences have lapsed through insolvency or death, the council will generally grant a new licence on similar terms to the lapsed licence as a replacement. However the council will take into account the previous history of the premises, the length of time the premises have been closed, and any problems at the premises, and will impose conditions that reflect current good practice for the type of business proposed at the premises."*

At paragraph 2.4.8: *"Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations that indicate there have been problems with the previous licence licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences e.g. on door supervision."*

At paragraph 2.4.14 *"Revised Guidance paragraph 13.34 continues to recognise that different types of premises have different impacts and it contrasts a large night club or a high capacity public house with a small restaurant or theatre. This continues to give support for policies directed at different types of premises and licensable activities in the Cumulative Impact Areas and treating restaurants differently from pubs and premises with music and dancing."*

6. At 2.4.8, we note the example of conditions which bring the licence in line with good practice on other licences. The example given is on door supervision. However, just because door supervision is given as an example, it doesn't necessarily apply to this type and these premises.
7. The Guidance makes it clear that different conditions should apply to different uses. Because we would like to sell alcohol without food before 11pm doesn't mean there should be a SIA requirement. That adds both enormous cost and sends out a very wrong image. There are numerous premises in Soho which are neither bars or restaurants and few, if any, have SIA door supervisors.
8. Similarly, because we can't agree a SIA condition, the policy doesn't say that a full restaurant condition should be imposed which would make the premises both unlettable and unviable.

9. We ask for what we had before with updated conditions which reflect good practice. Such conditions re those which are standard for all premises e.g. nuisance and servicing – not conditions which go beyond that and effectively change the use.

## REPRESENTATIONS

### Police

10. The following conditions have been agreed:

- *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
- *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.*
- *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.*
- *An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:*
  - (a) all crimes reported to the venue*
  - (b) all ejections of patrons*
  - (c) any complaints received concerning crime and disorder*
  - (d) any incidents of disorder*
  - (e) all seizures of drugs or offensive weapons*
  - (f) any faults in the CCTV system, searching equipment or scanning equipment*
  - (g) any refusal of the sale of alcohol*
  - (h) any visit by a relevant authority or emergency service.*

These conditions reflect good practice.

### Environmental Health

11. The following conditions have been agreed and the representation has been withdrawn:

- *After 23:00 hours Monday to Saturday and 22:30 hours on Sunday, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
- *There shall be no sales of alcohol for consumption off the premises after 23.00 hours.*

- *There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.*
- *Save for alcohol consumed at the licenced pavement area, all sales of alcohol for consumption off the premises shall be in sealed containers only.*
- *Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.*
- *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*
- *All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*
- *All tables and chairs shall be removed from the outside area by 23.00 hours each day.*
- *All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.*
- *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.*
- *The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.*

These conditions reflect good practice.

12. There are no representations whatsoever from local residents and no representations about issues with the premises previously.
13. The SIA, last entry and MC66 conditions do not reflect good practice. They change the nature of the premises - ironically to something that neither the City Council or the applicant wants.