



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	29 July 2021
Licensing Ref No:	21/01357/LIPN - New Premises Licence
Title of Report:	Ground Floor 52 Lupus Street London SW1V 3EE
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	25 February 2021		
Applicant:	Merano Ltd T/a Brewhouse		
Premises address:	Ground Floor 52 Lupus Street London SW1V 3EE	Ward:	Warwick
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as a coffee shop.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists. The premises have had the benefit of Temporary Event Notices. Full details of these applications can be found at Appendix 3 .		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	21:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	21:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Cheryl Boon
Received:	16 March 2021
<p>Application for a New Premises Licence Brewhouse Ground Floor 52 Lupus Street SW1V 3EE 21/01357/LIPN</p> <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>The venue is situated outside the Cumulative Impact Area and Special Consideration Zones but it is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and disorder.</p> <p>I would like to propose the following conditions that if agreed to would be added to any future operating schedule:</p> <ol style="list-style-type: none">1. 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 and will include the external area immediately outside the premises entrance. 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.2. 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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.3. The consumption of alcohol on the premises shall only be to persons seated at table. Food will be available throughout the trading period.4. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.5. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram7. 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.

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

9. 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.

10. There shall be no self-service of Alcohol.

11. Sales of alcohol for consumption off the premises shall be in sealed containers only, save for any external seating area shown on the plan.

12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and ancillary to their meal.

Please let me know whether you are willing to agree to the conditions that Police are proposing as this may enable us to withdraw our representation. If you have any questions about any of the above then do not hesitate to contact me.

Conditions were amended and agreed between the applicant and the Metropolitan Police Service and can be found at Appendix 4.

Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	14 April 2021

Ground Floor, 52 Lupus Street, London, SW1V 3EE

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.

The applicant is seeking to supply alcohol for consumption "on & off" the premises Monday to Saturday 11:00 to 23:00 hours and Sunday 11:00 – 21:00 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. The supply alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant is asked to contact the undersigned for further discussion and following this,

additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

Conditions were amended and agreed between the applicant and Environmental Health Service and can be found at Appendix 4.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	17 March 2021
<p>Dear Committee</p> <p>As a local resident of 40 years I would like to object to this extension of licence for alcohol. The Prevention of Public Nuisance</p> <p>We live in [REDACTED] immediately opposite to the premises being considered. Our quiet street is a natural 'cut through' for people walking between Lupus St and the residential area in Churchill gardens. When people come out of drinking establishments they tend to speak and shout loudly and our road serves almost as a barometer of the numbers of drunk people. they linger in our road because it's a cul de sac and on a warm evening a pleasant place to hang around. People who have not been drinking speak naturally more quietly so it's no problem if they stand and chat. the issue is purely about consumption of alcohol.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	18 March 2021
<p>I object to the granting of the Licence as a resident of a flat at [REDACTED] due to:</p> <ol style="list-style-type: none">1. Public nuisance: the parade closes around 6pm to give residents a respite from noise and public nuisance. This will affect residents mental health and peaceful enjoyment of their homes due to music and increase of nuisance till late at night2. Proximity of several schools. Granting of such Licence will not protect children from harm.3. Closeness of tables near the private entrance to the flats will threaten the safety of the residents.4. Granting of such licence will increase crime and disorder5. Smoking of clients will affect the health of the residents of the flats above with open windows <p>As such I object to the granting of the Licence Please confirm</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	18 March 2021
<p>I object to the granting of the Licence as an owner of a flat at [REDACTED] for the following reasons:</p> <ol style="list-style-type: none">1. Proximity of several schools. Granting of such Licence will not protect children from harm.2. Public nuisance: the parade closes around 6pm to give residents a respite from noise and public nuisance. This will affect residents mental health and peaceful enjoyment of their homes due to music and increase of nuisance till late at night3. Granting of such licence will increase	

crime and disorder 4. Closeness of tables near the private entrance to the flats will threaten the safety of the residents.
5. Smoking of clients will affect the health of the residents of the flats above.
As such I object to granting such a Licence.

Name:

██████████

Address and/or Residents Association:

██████████
██████████
██████████
██████████

Received:

18 March 2021

I object to the granting of the Licence as a resident of a flat at ██████████ due to:

1. Public nuisance: the parade closes around 6pm to give residents a respite from noise and public nuisance. This application will affect residents and their peaceful enjoyment of their homes due to music and increase of nuisance and smell till late at night
2. Proximity of several schools
3. Closeness of tables near the private entrance to the flats and crowding of a narrow pavement close to a busy junction and road crossing in both a NS and EW direction
4. Granting of such licence is likely to give rise to unruly behaviour on occasion
5. Smoking of clients will affect the residents of the flats above with open windows
6. This is just another attempt to gain permission for licensed premises with extended opening hours contrary to the wishes and well being of local residents. This application should be refused as have been earlier applications have been

Name:

██████████

Address and/or Residents Association:

██████████
██████████
██████████

Received:

19 March 2021

I am writing regarding the new application which will affect residents in ██████████, which is for Brewhouse, at the corner of Lupus St & St George's Drive.

I object to the plan to serve alcohol on and off the premises from 11 am - 11 pm Mon -Sat plus 11 am - 9 pm Sundays; the general trading which would commence at 8 am onwards for 7 days a week. The proposal to have background music; tables & chairs outside on both sides of the premises, along Lupus St & St George's Drive.

If allowed this application, would probably change the nature of the retail parade substantially & it will also have an impact for residents in Neate House too, in terms of the late hours, noise, lighting and possible smoking. It's guessed that it will be especially difficult to open windows etc during late Spring through to Autumn. If drinking is allowed outside on the pavement till late, general public safety may also be affected.

Yours sincerely,

Name:

██████████

Address and/or Residents Association:

██████████
██████████
██████████
██████████

Received:

19 March 2021

I live in ██████████. I write to oppose the external use of pavements by Brewhouse, at the corner of Lupus St and St George's Drive.

The serving of alcohol and sound of music outside, plus smoking will cause considerable

unpleasantness for residents.

At the moment we already have groups of standing coffee drinkers outside the Portuguese Deli below my flat. Their voices are clearly audible indoors.

Music and alcohol may be very tempting for the teenagers who pass by from school every day.

Please restrict this new development to indoor premises only.

Sincerely

Further correspondence received: I wrote to you earlier and now realise I made a serious error. With so many weeks of isolation and quiet I had completely forgotten one important fact about Neate House: that internally noise travels appallingly. Whenever someone has a party the whole block suffers. If the Brewhouse plays music loudly it will definitely disturb us all.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	19 March 2021

This application, for an alcohol licence to run seven days a week, mostly up to 11pm, is grossly out of proportion with the nature of the premises and its neighbours and way beyond anything that was suggested as intention when permission was first granted for the former shop to trade as a cafe.

We live in [REDACTED] the Brewhouse and are not at all opposed to commercial activities on our ground floor, plainly they're the lifeblood of Westminster. But the peaceful enjoyment of our homes will certainly be adversely affected if this licence and, especially, those hours, are allowed to go ahead.

As tables and chairs would be placed outside the likelihood is that people will sit there smoking producing a direct nuisance and hazard for the flats above with windows open, as they need to be for much of the year. There is also the obvious possibility of disorder outside our front door with alcohol involved. You have no right to inflict this upon us.

I suspect the owner may have asked for excessively long licensing hours so that he/she can be seen to make a concession by offering slightly reduced hours and thereby hoping to win the sympathy of the council.

The council must make an extra effort to counsel the views of immediate neighbours before it comes to any decision about this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	19 March 2021

I own a flat on the [REDACTED] and I wish to register my strong objection to this application to permit the consumption of alcohol in this establishment on the grounds of residential amenity. These include the detrimental effects on the amenity of residents in Lupus St and St George's Drive of noise and a threat to public safety. In addition, to approve this would be entirely inconsistent with previous licensing and planning decisions, both historical and very recent.

Permitting the retail outlet in 52 Lupus St to operate effectively as a cafe/wine bar/ pub would be detrimental to what is a residential block of flats and be a radical departure from previous practice in the parade of shops. The premises have previously operated as a small supermarket (for a number of decades), a chemist and then a cafe. While the previous supermarket operated as an off-licence, the consumption of alcohol has never been permitted in the previous outlets or in the parade. Moreover, the proposed opening hours (from 8am to 11pm) are completely at

variance with previous practice and the other retail outlets. This application is further offensive since in proposing outside tables it infringes on a public right of way. Although it is understandable that because of Covid, this restriction has been temporarily relaxed, this application appears to propose a permanent loss of public amenity. This section of Lupus is very quiet and is mainly residential, as the recent (4 November 2019) planning decision (see below) confirmed, and if the business is allowed to operate as requested, it will entirely alter the character of the street.

All residents (and particularly those on the first floor) will be affected by noise from raised voices (inevitable when people have consumed alcohol) and by tobacco smoke from customers on outside tables. This will be particularly unpleasant from Spring and Summer in the evenings when residents need to open their windows to mitigate heat.

Undoubtedly there will also be noise (including background music) carrying from the retail premises themselves disturbing residents late at night.

The issue of public safety is also relevant. The opening hours will extend to 11pm, which means that residents may well be faced with intimidatory gatherings in the street late at night around their entrances on returning home. This is naturally of special concern to the elderly and to women.

With regards the protection of children there are 3 local schools nearby as well as a nursery. The proposal contravenes several policies of the Council, CS31 where the Council undertakes to reduce noise pollution, a particular problem within its boundaries. It Policy CS10 protects Pimlico residents against major shifts in the residential character. The operating hours proposed will mark a radical change in character because all other outlets close in the evening.

To permit this development would reverse decisions of Westminster's Licensing and Planning Committees in response to previous applications regarding this site. The Committee should note that a proposal regarding the same premises for extended hours was rejected by the Planning Inspectorate on grounds of residential amenity on 4 November 2019. Moreover, The very recent decision on the application of the neighbouring Portuguese delicatessen, Delicias, allowed an off-licence only, banning the consumption of alcohol on outdoor tables and restricting the hours of operation (Monday to Saturday closing at 8pm, and on Sunday at 6pm).

I ask that the Licensing Committee reject this application in its entirety.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	23 March 2021

Please see below my comments for the licensing application at Brewhouse on Lupus Street. I would be very grateful if these comments could be taken into consideration.

Kind regards,

[REDACTED]

I am a resident in the [REDACTED] the premises and am very concerned by this licensing application, and wish to object. The application is for the sale of alcohol on the premises, trading up to 11pm with seating both inside & outside on the pavement. The application if granted would permit the premises to operate essentially as a pub or wine-bar and if granted it would entirely change the nature & ambience of the neighbourhood. It would cause problems in terms of public nuisance, public safety and the protection of children, and would be seriously detrimental to residential amenity.

If granted, the proposals would cause a clear divergence in operation for the parade. This part of Lupus Street is mainly residential & is generally quiet in the evenings. The valued retail parade of shops under Neate House includes a carpet shop, florist, glass shop & recently a delicatessen. Of these, none is licensed for on-site sale of alcohol and as far as I know there has been no on-site sale of alcohol previously. Earlier on this site, there was a café, a few years

before, there was a pharmacy trading and before that, there was a supermarket which traded quietly - it had an off-licence, but no alcohol was served. Delicias the delicatessen further along the parade has recently been granted an off-licence, but on-site alcohol consumption is not allowed.

The hours are also concerning, and are entirely out of step with the rest of the parade. Most of the shops close at around 6pm; the delicatessen has been allowed to trade until 8pm but tables & chairs must be taken in at 6pm.

In terms of public nuisance, the proposals would certainly lead to an increase in noise for local residents. There would be noise from customers drinking at tables inside the premises & also from background music - this would undoubtedly cause noise issues for residents in the block above - Neate House is a 1950s build & has no sound insulation. There would also be noise from customers drinking outside - whether seated or standing - no indication appears to be given on the limit of customers & tables outside. The late hours will make it difficult for residents to sleep, and the noise from voices and music will certainly make it very difficult for residents living above and neighbours opposite to open windows during the Spring - Autumn period. There will probably also be noise from clearing up operations post 11 pm.

Furthermore, if the premises are open till late, the lighting outside & inside will cause a nuisance in terms of light pollution for residents opposite. Smoking from customers seated or standing outside will also cause a nuisance. There may also be a nuisance to the neighbourhood from increased litter from customers outside.

While the hours are up to 9pm on Sunday (rather than 11pm) they are still late, and this means that residents have no respite on any day.

It should also be noted that although the plans show outside seating, both on Lupus Street and St George's Drive, the pavement area is a 'deemed highway' on the grounds of being in public use for more than 20 years.

There are also issues for public safety: for example, the operation may result in large groups gathering outside, which could be a problem for local residents. Large groups, especially late in the evening, may become disorderly and anti-social, and could cause residents, especially the elderly or women, returning home in the evening to feel threatened. It should be noted that one of the doors to the block of flats is close to where tables & chairs would be positioned.

In terms of the protection of children, application site is close to three local schools and a nursery. It is also in a family residential area.

The application is also for the sale of alcohol off-site, but there are already a number of outlets up & down the street where alcohol is sold. I do not think a further outlet will help, and the increased availability of alcohol could lead to anti-social behaviour and disorder.

While this is a licensing matter, I believe that residential amenity is still relevant in this case.

Recently, a planning application (18/10574/FULL) was refused, and in November 2019, an appeal (APP/X5990/W/19/3234214) for the application on the same premises was refused on the grounds of adverse residential amenity. Residential amenity will be seriously affected if these proposals are allowed to proceed. I feel it is important that local residents should be able to enjoy the amenity of their homes, whether to work at home, or to relax, or sleep.

For these reasons I strongly object to this application and hope that the Council will listen to these concerns and refuse permission for these proposals completely.

Name:

████████████████████

Address and/or Residents Association:

██████
████████████████
████████
████████████████

Received:

23 March 2021

I am a local resident ██████████ the premises & wish to object on the grounds of public nuisance - especially noise from customers inside & seated or standing outside the premises) & from background music. The section of the street is mainly residential & generally quiet in the evenings. There will also be a public nuisance to local residents from light pollution from the

operation & from increased litter on the streets. I also wish to object on the grounds of public safety - the operation could cause large groups outside and antisocial behaviour on the street. The late hours & increased availability of alcohol from on-site & off-site sales could also lead to anti-social behaviour. The late hours up to 11pm are completely out of step with the rest of the retail parade & will give no respite to local residents. I also wish to object on the grounds of protection of children - there are 3 local schools nearby & a nursery. Residential amenity will be seriously affected if these proposals are allowed to proceed. It is important that local residents should be able to enjoy the amenity of their homes, whether to work at home, or to relax, or sleep. For these reasons I strongly object to this application and hope that the Council will listen to these concerns and refuse permission for these proposals entirely.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	24 March 2021

I strenuously object to this application which would, if approved, transform a modest daytime cafe into a day and night public house, which would be entirely to the detriment of neighbours, myself included.

This licence would entirely change the nature of what has always been a predominantly residential area. The other shops adjacent to Brewhouse (carpet fitters, florist, glazier, delicatessen) all close by 6pm, allowing residents to enjoy a peaceful evening.

Serving alcohol until 23h six days a week and until 9pm on a Sunday, particularly with extensive outdoor seating (which of course will increase post Covid) will be noisy, intrusive and can lead to anti-social nuisance. There are enough problems with violence already (a stabbing incident happened only last week further along the same street) without alcohol on tap 12 hours per day. I therefore ask the Council to reject this application.

Name:	██████████
Address and/or Residents Association:	██████████ ████████████████████ ██████████ ██████████
Received:	25 March 2021

I am a nearby resident of Brewhouse and I wholly object to this application for the following reasons:

- I have been a resident of ██████████ since 2000 and chose it because of the quiet and predominantly home-based occupation. We have already had an ongoing noise issue with Delicias in Lupus Street since it moved into its location in November. Adding yet more noise, especially into the evenings is yet another deterioration of our well being, peace and although difficult to prove - the value of our homes.
- Brewhouse has already placed tables and chairs outside their shop which takes up what is already a narrow amount of footpath on what is a very busy corner/intersection with significantly more road traffic than what it was as recently as a couple of years ago. Since the embankment has been narrowed down, a lot of traffic now comes through the St Georges Drive and Lupus Street routes. Particularly when customers of Brewhouse have push chairs, children and move the tables and chairs further out, it creates significant risk for them and those who use the footpath. With lock-down in particular the amount of foot traffic concentrated in that area has been much higher.
- Increased smoking and the likelihood of rowdier conversation and customers if an alcohol

licence is permitted will be felt by nearby residents, even more so in warmer months when they wish to open windows.

- the playing of music really would be an unacceptable externality cost that we as residents would have to bare.

- Brewhouse has never shown its internal space to be over run so I fail to understand why they should be expanding when they can't even fill what they have. They might think outdoor seating and alcohol service will increase their business, but I seriously doubt it will increase their margins to a material extent. Yet the impact and cost to us as residents would be material.

I know other residents have similar views, so I hope that WCC will seriously re-consider

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received:

26 March 2021

My concern about this application relates largely to the issue of public nuisance. Given the residential nature of [REDACTED] a license for alcohol, background music and outdoor seating will cause a nuisance to the residents of Neate House, to their guests and to the public using the busy pavement outside Neate House.

Plainly the risks to public safety will be increased if an area which is currently residential and quiet, despite being a busy thoroughfare, becomes an area where drinkers gather, parties are held and the thoroughfare is obstructed.

It is difficult to see how a license is compatible with the nature Neate House. I trust therefore that you will turn down this application.

I am writing to object in the strongest possible terms to the new application by the Brewhouse, for a license to serve alcohol from the shop in Neate House on the corner of Lupus St & St George's Drive.

It would be wholly inappropriate for this shop which is below a block of residential flats to be permitted to sell alcohol, have background music or outside seating.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Received:

29 March 2021

I object strongly to this application. It appears that the applicant wishes to run the premises effectively as a bar or public house. I would make the following observations:

- The hours applied for are antisocial (till 11pm Monday to Saturday, 9pm on Sundays) and are wholly inappropriate for a quiet residential block).

- The hours applied for are out of keeping with the current, much shorter trading hours of the premises currently, and of other premises in the building.

- The nature of this business will demonstrably cause noise and physical intimidation to residents of Neate House, as the residents' entrance is immediately adjoining the premises.
- The premises are within c.100m of two schools, and a public library where school age children congregate on a regular basis. Consumption of alcohol in view of these institutions would not be compatible with the 2003 Act's objective of protecting children from harm.
- The premises appear to have contravened licensing requirements by selling alcohol without a licence as recently as this year. The applicant is therefore not a fit person to be entrusted to execute the conditions of a licence.
- The undertakings being proposed by the applicant to manage risks are generic in nature and it is not clear that they have specific plans to execute them.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	31 March 2021

Public Safety

Selling alcohol all day from 11 am to 11 pm will mean the place could be operated as a pub or bar. Intoxicated patrons late at light will be a frightening presence for residents of Neate House and anyone who passes by. I live opposite and the prospect of all-day drinking and the inevitable anti-social behaviour is a menacing prospect for any residents living close to the premises.

Prevention of Crime and Disorder

Wherever there is alcohol there is violence and aggression. This is a Local Area Shopping street and is residential on both sides of the street. The granting of an on-license would set a dangerous precedent for this street which is very quiet in the evenings.

The Protection of Children from Harm

The idea of children passing drinkers at outdoor seating is unsavoury. There are two primary schools and a large academy in close proximity to the premises. The children pass by this shop every day on their way to and from school. This should not be permitted.

Public Nuisance

Where to begin on this one! The shop is directly beneath a block of 12 residential flats with windows only a few feet above the pavement. The applicant wishes to place outdoor seating beneath these residential windows. Noise and smoking will deprive residents of the right to open their windows. Packing up at night is likely to be noisy and carry on after closing time. Any nuisance on the Neate House parade will also affect residents in the terrace opposite. The shop will open at 8 am and trade until 11 pm which is a total of 15 hours of nuisance. Music is also intended to be played. This will deprive residents of the rest and relaxation they are entitled to. Lights inside the shop will show through the very large windows at night and intrude into other properties.

The prospect of a bar or pub operating in this residential area is appalling. I wish to object in the strongest terms. Please do not grant an on-license in this case.

Name:	[REDACTED]
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Address and/or Residents Association:	[REDACTED]
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Received:	1 April 2021
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Dear Westminster Licencing Team

Further to the below, I wish to draw attention to specific details of the application that illustrate additional cause for concern and that subsequently constitute grounds for its rejection:

The plans show an outside area on both frontages of the premises to be considered part of the 'licensed premises' and so an 'on' sale not an 'off' sale area.

The proposed hours of operation are therefore of great concern given the aforementioned family residential nature of the area. The proposal addresses sales as well as off sales and there is a distinct lack of detail about the outside areas and where will off sales be consumed.

There is no precedent for an 'on sales' operation at the site and it is likely to be a precursor for a public nuisance in this residential area, promote crime and disorder by the gathering of intoxicated individuals on the street nearby and cause public harm.

Regards

01/04/2021 9:14 PM This area is a quiet, family neighbourhood with a distinctive peaceful, residential character, which is the reason many individuals and families have chosen to move to and raise a family here. It is located at the end of a wholly residential street.

There are no late night licenced premises nearby. This would be completely out of character and harmful nuisance to local residents in terms of noise, large groups of people and rowdy behaviour. There is a risk Intoxicated individuals would loiter in the vicinity and cause a public nuisance.

At the heart of the local community, the longstanding neighbouring public institutions include the local library, nursery school, primary and secondary school. The sale of alcohol at this location would set a bad example to children and young people who frequent this area with the likelihood of causing them harm.

It is also in close proximity to the community GP surgery and pharmacy, which serves the community including individuals being treated for alcohol abuse-related conditions. There is sheltered accommodation for some of these individuals very close by on St George's Drive. Their safety and wellbeing would be put at risk.

The safety of this family area is a major concern for residents in light of the recent increase of crime, including a stabbing on this very street, just a few weeks ago, and other violent crime in the vicinity. The promotion and consumption of alcohol, and the encouragement of people to gather while intoxicated would serve to increase crime and disorder at a sensitive time for the community.

To summarise, I believe licencing this premises would:

- Create a grave public nuisance
- Promote crime and disorder
- Be a risk to public safety
- Be a threat to children and young people

The business is currently operating as a popular cafe serving the community and I wish the owners all the best with this.

Name:	[REDACTED]
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Address and/or Residents Association:	[REDACTED]
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Received:	5 April 2021
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The Brewhouse is situated on the corner of Lupus Street and St Georges Drive, within the Pimlico Conservation area. This residential area is characterised by rows of terraced stucco-fronted housing, providing a peaceful and harmonious environment for its denizens.

Name:	████████████████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	15 April 2021

I am writing regarding the above application as a concerned neighbour from ██████████, ██████████.

The licence has previously been rejected for these premises and the circumstances have not changed. This is a quiet residential neighbourhood ideal for families with kids and licensing these premises will undermine the quiet and safety of the area particularly since the owners have requested outdoor service.

In any case, these premises are directly opposite Pimlico primary and secondary academies as well as a nursery. A licensed premises so close to children would set a bad example and may incite teenagers to drinking. To protect children it is best if these premises remain a friendly neighbourhood cafe.

Here are my representations against the objectives:

1. Prevention of crime and disorder/ 2. promotion of public safety

- Venue is asking for late licensing hours and outdoor service, which would result in drunk and disorderly conduct in the area. This would add to the current uptick in violent crime on Lupus street and surrounding area.

3. Prevention of public nuisance

- Venue is asking for late hours and outdoor service, which would result in drunk people congregating outside and talking in loud voices as is common around pubs. This is a quiet residential neighbourhood with period windows, so the noise would be a nuisance to the local residents.

4. Protection of children from harm

The venue is directly opposite Pimlico Academy and Primary School, Eton Square Nursery and Churchill Garden Primary Academy. Children congregate close to the venue and pass it on the way to Tesco when going for a snack. Having a licensed venue so close would be a bad example for the children and may encourage them to drink alcohol. Further large groups of drunks would intimidate and potentially harass the pupils.

Kind regards,

████████████████████

- 1. Prevention of crime and disorder,
- 2. Promotion of public safety,
- 3. Prevention of public nuisance, and
- 4. The protection of children from harm

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	15 April 2021
<p>The Application is incomplete. The Applicant has failed to supply an Operating Statement and a plan of any interior and exterior seating and the number of covers proposed. No Noise Impact Assessment has been provided. The percentage of alcohol sales on and off the premises is not stated. Will the sale of coffee be ancillary to the sale of alcohol? This information must be supplied before an informed decision can be made.</p> <p>PREVENTION OF CRIME AND DISORDER</p> <p>There is a realistic expectation that a business selling alcohol for consumption on and off the premises throughout the day from 11 am until 11 pm at night will be conducive to rowdy and anti-social behaviour. The Application shows that the business could be operated as a pub or a bar. The Applicant imagines his staff can control the behaviour of inebriated patrons late at night. Recent history shows off-licenses along Lupus Street i.e. Wine Rack and Tesco have both had problems with customers when refused service. The solution is not to exacerbate the matter by granting an on-license.</p> <p>PUBLIC SAFETY</p> <p>As the evening progresses, inebriated patrons seated both indoors and outdoors or standing or seated on the public pavement will be intimidating for passers-by and residents of Neate House entering and leaving Flat nos:1-6 through the door abutting the premises. A coffee shop does not attract the same type of customer that an all-day drinking hole will do. On the Companies House website the Applicant's occupation is stated to be 'publican'. Therefore it is clear that Brewhouse is not merely a coffee shop but will be operated with full license to trade as a pub or bar with all the accompanying problems. This tallies with the Applicant's previous track-record operating chains of vodka bars and pubs.</p> <p>PROTECTION OF CHILDREN FROM HARM</p> <p>There is a serious absence of information here. The Applicant states that the business is a coffee shop but he requires both an on-license and an off-license for the sale of alcohol. Parents and children currently patronise the coffee shop - so at what time of day will alcohol commence to be sold and children be excluded from the premises? How is this possible with an all-day on-license?</p> <p>The shop is situated in close proximity to two primary schools: Pimlico Primary and Churchill Gardens Primary Academy in addition to Pimlico Academy. These are all within a few hundred yards of the premises. Primary School children pass the shop when walking to and from school. The sight of drinkers at outside tables is not an acceptable example for young children to witness on a daily basis.</p> <p>PUBLIC NUISANCE</p> <p>Residents are anxious to ensure the Committee pays particular attention to the following and to the Statement of Licensing Policy 2021 at PN1 which requires relevant considerations to be paid regarding nuisance where there is residential accommodation in proximity of the premises. See</p>	

PN1 (1) (2) (3) and Appendix 11.

This business will operate directly beneath and opposite residential properties. Lupus Street is very quiet in the evenings as noted by the Appeals Inspector in the recent APP/X5990/W/19/3234214 – Cafe de Borek, 52 Lupus Street which intended to trade from 10 am to 10 pm:

'Noise and Odour

17. There are residential properties directly above and opposite the appeal premises and during my site visit, I did not note any evening or late night uses in the immediate vicinity. Although situated on a fairly busy road I would therefore expect pedestrian and vehicular activity to reduce and the area to be quieter throughout the evening.

18. Noise is likely to result from customers arriving at and departing from the appeal premises, talking and possibly congregating in groups on the footway outside. In addition, noise may well arise from staff legitimately engaged in activities such as clearing away and locking up the premises at closing time. Such noise will occur directly beneath the windows of the upper floor flats and in close proximity to other neighbouring residential properties. This will be more intrusive in the evening when background noise levels are likely to be lower. Residents have a reasonable expectation that their living accommodation should be quieter at this time: indeed, I note representations from neighbours in this regard.

19. For the reasons set out above I conclude that the development has a harmful effect on the living conditions of the occupants of neighbouring residential properties with regard to noise and local environmental quality.

24. The current use of the appeal premises may well provide a valuable community and social facility for all its customers. However, the adverse impacts set out above outweigh any such benefits.'

Neate House is not sound-insulated and cannot withstand the inevitable noise nuisance the granting of an on-license will cause. 'Background music' is proposed which will increase public chatter as the evening proceeds. Smoking beneath residential windows is an environmental health issue which will prevent residents above from opening their windows.

These windows are only a few feet above pavement level. The pavement seating on the Lupus Street and St George's Drive sides of Neate House completely surrounds both sides of the corner flat directly above so that the resident has nowhere to go to escape the noise and smoke rising from beneath. (Photos pages 5 & 6).

The Applicant has placed 6 tables with 3 chairs each on Lupus St and 3 tables with 3 chairs on St George's Drive and with the 25 he proposes inside the shop this makes a total of 52 seats. (Photos pages 5 & 6). This overwhelms the area and is an eyesore in the Pimlico Conservation Area to the detriment of residential amenity and the surrounding neighbourhood.

The proposed pavement seating will cause an obstruction on the public highway and is not at the required 1.8 m distance from the kerb. Patrons frequently reposition the seats. (Photo page 7). It is too close to pinch points at a 20 mph traffic speed sign, a lamp standard and to two Pelican crossings. These are used by primary school children who will pass patrons drinking on the pavement. (Photos pages 8 & 9). The previous lessee introduced such seating and received an WCC Enforcement Notice to remove it.

The Applicant lays claim to the forecourt of the premises but under Section 31 of the Highways Act 1980 it has been in uninterrupted public use for over 40 years and is therefore deemed highway.

The premises are surrounded by floor-to-ceiling glass windows on both Lupus St and St George's Drive. The light spill late at night will be of particular nuisance to residents in the terrace immediately opposite where there are living rooms and children's bedrooms.

The new Delicias delicatessen only two doors away at 58-60 Lupus St has (with residents' strong opposition) been granted an off-license to trade until 20:00 hrs with conditions that no alcohol may be consumed on the premises or on the forecourt and pavement seating must be removed by 18:00 hrs and fascia lights turned off. There is no justification for an exception in this case.

What happens on the Neate House parade has the disadvantage of being audible, visible and inescapable for the residents in the terrace opposite. This is due to the windows of pavement level commercial units being face-to-face with pavement level residential windows immediately opposite. A situation which does not exist in any other section of Lupus Street.

This Local Area Shopping Centre is largely residential. This proposal will totally change the tone and character of the neighbourhood to its detriment and is harmful to residents.

The policy to support the local economy has overlooked the need to protect local residents who since the introduction of Use Class E have become an irrelevance in their own homes.

I therefore request that this application is **REFUSED**.





Further submissions received from the Interested Party on 25th April 2021.

Further to my email and attachment submitted on April 14th 2021 in objection to the above application (acknowledged April 15th) I am submitting further material following current

developments at the Applicant's premises.

PREVENTION OF CRIME AND DISORDER

The photograph on page 3 shows that the tables and chairs formerly situated on St George's Drive have been relocated on to Lupus Street and there are now 9 tables and 18 chairs crammed onto the pavement causing severe overcrowding. The Applicant has no pavement license and this was reported as long ago as August 19th 2020.

Lupus Street is not a designated area for the temporary relaxation of outdoor hospitality seating during the Covid emergency.

It is the Applicant's intention to provide alcoholic drink both indoors and outdoors and the proximity of patrons so closely packed is an invitation to anti-social behaviour.

PUBLIC SAFETY

The photograph on page 4 shows that Brewhouse customers are using the public highway to park bicycles against the Pelican Crossing preventing public access to the push-button control panel. This is a serious concern for public safety.

The photograph on page 5 shows that table service is in progress and the waitress is using the public highway to reach the tables. This is a health and safety issue as liquids are being served and this is causing an obstruction to passers-by. If an on-license is granted this will become a matter for serious concern when alcohol is served.

PUBLIC NUISANCE

The conversations and mobile calls of customers seated outside the premises can be clearly heard from within my property. This is an inescapable nuisance and alcohol will encourage patrons to talk over each other thus depriving residents of the quiet they are entitled to expect during the evenings.

Please refuse this application.





Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	15 April 2021

[REDACTED] object to this licensing application, as submitted, for ON and OFF Sales of alcohol.

[REDACTED] is an umbrella company representing c16 individual Residents Associations wholly located within Pimlico, and is recognised and respected as a formal, official "Consultee" body.

It is rare for [REDACTED] to comment on a licensing application, but we are doing so exceptionally on account of severe concerns about the loss of residential amenity to the block of flats immediately above the premises and other impacts.

In summary we believe that granting a licence for ON and OFF sales, except for very limited shop hours, could result in a bar/pub with outside tables and evening drinking under and adjacent to residential units with a substantial loss of amenity to those residents who expect the ground floor to be occupied by shops.

Included in this representation are references to the Council's Statement of Licensing Policy, 2021 (SoLP).

The licence, if granted as applied for, will **not** promote the 4 licensing objectives of:

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

Location
Pimlico is widely acknowledged to be primarily residential area in nature in Westminster with a "village" feel.

The ground floor, 52 Lupus Street, is the last shop unit to the East within the linear “Lupus Street Local Shopping Centre” located on the North side of Lupus Street. This short parade of shops, 52-62 Lupus Street has 3 floors of residential apartments above, Neate House, with residential immediately adjacent on St George’s Drive and opposite from basement upwards. Neate House is expressly listed in the Pimlico Conservation Audit document as an “unlisted building of merit”. See Appendix.

As a non-core frontage within a “local shopping centre” it ranks next to the bottom of the Town Centre Hierarchy retail space as set out in Westminster’s City Plan (sitting immediately above the lowest category – individual corner shops).

52 Lupus Street lies within Pimlico CAZ (non Core frontage) and is wholly situated within the Pimlico Conservation Area. See Maps within the Appendix.

No 52 is a corner property at the busy junction of Claverton Street, Lupus Street with a return frontage on St George’s Drive, opposite Pimlico Academy and Pimlico Primary School and adjacent to two busy Pelican crossings (St George’s Drive and Lupus Street).

It is simply the wrong location for an alcoholic establishment.

Background. Licensing & Planning History

For many years, the unit was a convenience store, a local corner shop, closed August 2014. Then the ground floor became Gees Chemist (2014-2017) and most recently a “shop” trading as Café de Borek (Sept 2018 – Nov 2019).

The current occupiers trading as Brewhouse opened August 2020.

The basement is currently occupied by a Physiotherapy practice.

The current occupier and licence applicant is Merano Ltd t/a Brewhouse, incorporated 31/1/2018 with Mr Gary Hibberd as sole registered director according to Companies House.

It is a coffee shop. According to their website, the trading hours are from 8am – 6pm daily, however Instagram and their own Brewhouse website has the coffee shop closing at 4.30pm.

Licensing History

As a local corner convenience shop (closed August 2014), the premises benefitted from an **off sales alcohol licence only**, as ancillary to the sale of usual corner shop goods.

Most Recent Planning History

Although the recent revision of the Use Class Order has propelled this unit into the new Use Class E, allowing the operation of the premises as a café, the past planning decisions – all refused : 2 at WCC planning committee hearings AND on appeal by the Appeals Inspectorate (25/11/2019), remain relevant due to the explained reasons for refusal.

18/10574/FULL. Use of Ground Floor as sandwich bar and café (Sui Generis) (Retrospective). Dated 14/12/2018. Refused.

This decision was appealed to the Planning Inspectorate.

Reference 19/00748/TPREF. Appeal Dismissed.

Reasons for this dismissed appeal were:

- 1) Land Use (revisions to the Use Class Order have made this reason “redundant”)
- 2) **Impact on residential amenity. Still relevant. Refer to extract from Planning Inspectorates decision in appendices.**

18/02472/FULL. Use of Ground Floor as a mixed retail/restaurant use (Sui Generis) with new ducting at the rear and retractable awnings to the front and side elevation”. Dated 27/3/2018 Refused at committee hearing.

18/02473/ADV. Display of 3 no. Externally illuminated fascia signs. 27/3/2018.
Permitted. (But not implemented).

The Application

As it is written, the licence application, if granted, would permit the premises to operate as a pub/wine bar/drinking establishment ON and OFF premises. (Notwithstanding necessary planning permission – change of use from Use Class E to “Sui generis”)

The applicants, Merano Ltd, wish for both **ON and OFF alcohol sales from 11am to 11pm daily** (until 9pm on Sunday) and **include the use of an outside area for tables and chairs for drinking alcohol.**

The application is deficient in detail.

The following reports must be provided by the applicant for consideration in accordance with WCC SoLP:

- Operational Schedule & Statement
- Waste Management Plan/Schedule
- Inside seating plan (stated 25 covers)
- Outside seating plan (in accordance with WCC guidelines), currently operating 26 covers.
- Acoustic/noise report
- Policy to protect children from harm
- Policy to protect residential amenity

No reference is made to the “type” of alcohol to be sold or served. No mention of type of containers, draught? ABV?

It appears that either an “on” or “off” premises licence (or both) for this coffee shop/café UNTIL 11PM will result in an “alcohol led premises” rather than a business with an ancillary offering of alcohol.

It should be noted that according to the Brewhouse (Pimlico) Facebook page, the premises is referred to as a bar.

Reasons for Objection

Public Safety

The location of the café is wholly unsuitable for an on premises licence. The positioning and use of the public highway for tables and chairs so close to two pelican crossings and other street furniture will cause an obstruction to pedestrians. No plan is provided. In particular no measurement is given regarding the close 20mph speed sign (within 1.8m), the street light and Pelican crossings. These Pelican crossings are regularly used by primary school children in their classes, in pairs, escorted by their teachers.

The premises are directly below, opposite and adjacent to residential units.

No plan is provided illustrating the extent of the pavement that will be used, nor the number of proposed covers nor where the tables and chairs will be stored overnight.

The applicant includes an extract from the Land Registry in order to illustrate a “private forecourt” with the clear intention to use it for the consumption of alcohol.

The applicant has placed 9 tables with 26 chairs outside the premises. (During Coronavirus pandemic). This is excessive and may be considered overcrowding with the potential for crime and disorder, public safety issues etc.

Deemed Highway

However, this area is considered “deemed highway” under S31 Highways Act 1980 as it has been used and accessed by the public for well in excess of 20 years.

The use of the outside area and placement of tables and chairs has the potential to block the access to the Neate house apartments on the upper floors and obstruct any emergency evacuation (against. PS1). Indeed the Land Registry plan submitted actually includes the entrance to Flats 1-6 Neate House!

Prevention of Crime and Disorder

Any consumption of alcohol, especially later into the evening/night has the acknowledged potential to lead to an increase in crime and disorder. Of the c370 crimes committed in February 2021, within 0.5 of a mile, over half related to anti-social behaviour.

Licensing Hours

The hours applied for are excessive, until 11pm. Similar to pub opening hours. The proposed hours are significantly at odds with the coffee shop/café actual trading hours.

All the shops in this parade, including the application premises, close at 6pm at the latest. Therefore this application is against **HRS1 (E14) “Applicants are encouraged not to apply for later hours than they will in fact trade.”**

Protection of Children from Harm

No operating schedule is provided nor any policy supplied to protect children from harm.

It is inappropriate to have an **all day** drinking establishment so close to 3 schools in a residential area. Two schools, Pimlico Academy and Pimlico Primary are immediately opposite the premises with Churchill Gardens Primary Academy a stones throw away. See Map.

As mentioned above, the two adjacent Pelican crossings are used by primary school children, in pairs, in “crocodile” formation supervised by their teachers. (See photos)

Children will be exposed to potentially increasingly rowdy noisy customers outside, drinking and smoking all day. See photos.

The licence, as applied for, could result in a premises that “morphs” into a bar (alcohol led premises) later in the day. There is no policy provided to protect children eg a time when, say under 16s will not be permitted at the premises. (Contrary to CH1 and COMB1).

Public Nuisance

This application fails to promote the prevention of public nuisance. Policy PN1 is a key consideration.

“The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.”

The application fails to illustrate and promote/comply with SoLP PN1 (C14, C15, C16, C17, C18, C22)

The applicant has failed to provide any plan/policy to protect residential amenity and avoid public nuisance.

Waste Management/Recycling/Service Plan

There is NO waste/recycling operational statement included in this application.

Imagine the noise of glass bottles being thrown into a metal bin in a residential area at 11.15pm!

Waste collection and recycling collection has the potential to cause a nuisance. There are no proposed conditions, so does the applicant intend to use the City Council waste service?

Operating Schedule

None provided. Is this a Shop? Café? Restaurant? Bar? Pub?

The licence application as it stands would mean the premises could operate as an all day

drinking establishment with 25 covers inside with a further 26 outside.

Environment & Noise

No acoustic/noise report is provided. However such a report should accompany this application.

See Licensing Policy, Appendix 11. (5)

“All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met”.

The following stipulated criteria is NOT met.

(D) There are no noise sensitive properties above below adjacent opposite in the proximity of the premises or otherwise likely to be affected.”

The premises are situated immediately below residential accommodation “Neate House” with more residential properties opposite and adjacent. Therefore classed as “noise sensitive properties”.

Local residents have a reasonable expectation (and a legal right) of “quiet enjoyment”.

In Summer 2018, the then occupants of this shop placed tables and chairs outside. This resulted in many complaints of both noise and customers/staff smoking outside with residents unable to open their windows due to “second hand” smoke. These complaints are documented in the planning sub-committee reports and actioned by local Councillors. The placement of tables and chairs outside the premises was refused by WCC.

The potential for noise nuisance and negative impact on residential amenity was highlighted by the independent Planning Appeals Inspectorate in the written report dated 25/11/2019. The impact on residential amenity was one of the reasons why the appeal was dismissed. Extract attached. Reference 19/00748/TPREF.

In addition to general chatter/mobile phone usage and smoking nuisance, the applicant also wishes to play “background music”. This also will create noise nuisance. Neate House has no sound insulation and noise will be transmitted through the fabric of the building.

Off Premises Alcohol Sales

Pimlico [REDACTED] fail to understand how off licence sales of alcohol can be ancillary to a coffee shop.

There are numerous shops within the Lupus Street Local Shopping Centre, including a Tesco Metro, a mini supermarket and delicatessens where it is possible to purchase alcohol “off premises”. All alcohol sales are ancillary to their main business.

The most recent licensing decision (at WCC Committee hearing), in January 2021 relates to 58-60 Lupus Street, a delicatessen, just a couple of doors down from this premises application. An “off” premises only licence was granted until 8pm (as ancillary use) with strict conditions.

All tables and chairs (permission granted but limited to 4 tables and 8 chairs) to be removed from outside and stored inside by 6pm.

All external lights to be turned off by 6pm.

No noise/vibration nuisance to residents.

These conditions were imposed to protect residential amenity and residents well being.

Conclusion

This residential location is totally unsuited for either an on or off premises licence.

The resulting nuisance will totally change this parade of non core frontage and severely impact on residential amenity.

A premises licence may turn this coffee shop into a bar.
Please refuse this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	15 April 2021

I am writing in relation to a representation in respect of a new premise license application under The Licensing Act 2003, Applicant Merano Ltd T/a Brewhouse at the location Ground Floor, 52 Lupus Street, London SW1.

Granting a license for this premises will not promote licensing objectives, particularly, the prevention of public nuisance, the prevention of crime and disorder, public safety, and the protection of children from harm.

52 Lupus Street lies within the Councils Cumulative Impact Area and enabling the premise to sell alcohol would be totally detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption both on and off the premises between 11 am -11 pm Monday - Saturday and 11 am - 9 pm Sunday. This would provide a further source of alcohol within an area already so heavily populated with licensed premises.

My children in the past year, have witnessed a customer urinating on a tree opposite and on two occasions resisting arrest, both of which had to be restrained on the pavement outside the premises. They even saw customers punch the manager of the premises in the face. This is all without alcohol involved. The people frequenting this business do not know how to behave and are not aware of their actions.

The area surrounding the premises is quiet and residential (especially during the evening) and the noise from customers arriving or leaving is likely to have a negative impact, not to mention when alcohol consumption is introduced.

There is also the issue with the lack of detail regarding the outside areas and whether or not they are included within the 'on' licensed area. There is also no mention as to the capacity, whether people would need to eat or whether smoking would be permitted. Due to the proximity of residents opposite the proposed outside areas, this is likely to further impact the local residents throughout the daytime and into the evening.

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night and it is unacceptable to expect them to continue to do so.

As with the issues relating to the proposals of 'off' sale of alcohol and the hours, there is a further likely effect as to the protection of children from harm. There is a school close by and children walk around the area.

Ultimately, under the current proposal, the premises could operate as a bar. A previous owner of the premises had an 'off' licence which did not cause any additional problems; however, I think that this was because the owners were aware of their responsibilities and acted responsibly. There are now plenty of premises with 'off' licences and there is no need for a further one in Lupus Street.

If the granting of an off license did not encourage licensing 'creep', it might be acceptable, but I must point out the absence of meaningful conditions proposed in the application to mitigate concerns and address the obvious issues of the proximity of residential properties.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation

	<p>applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RTN1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

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.

5. Appendices

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

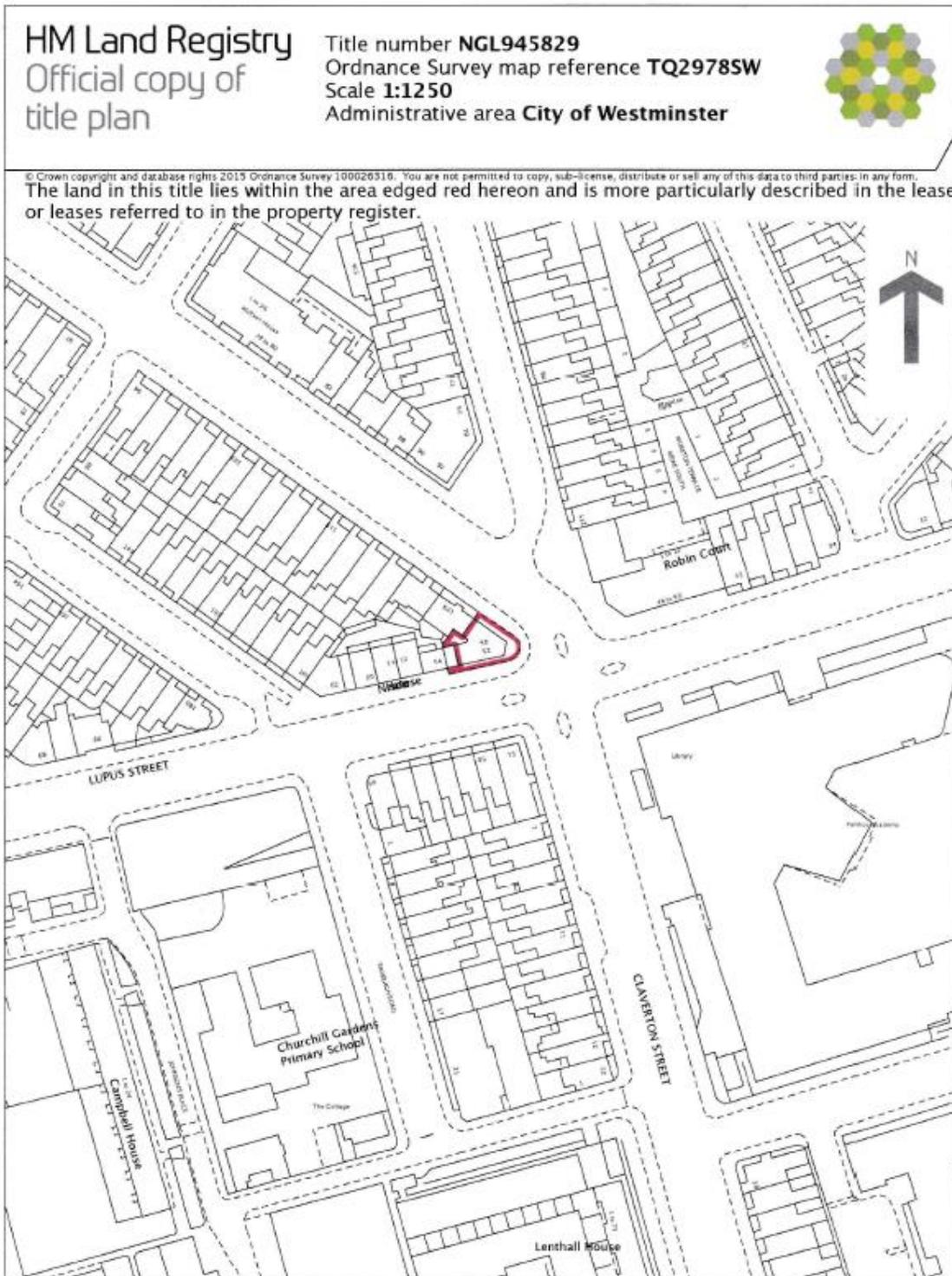
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If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	16 ^h March 2021
5	Environmental Health Service	14 th April 2021
6	Representation 1	17 ^h March 2021
7	Representation 2	18 ^h March 2021
8	Representation 3	18 ^h March 2021
9	Representation 4	18 ^h March 2021
10	Representation 5	19 ^h March 2021
11	Representation 6	19 ^h March 2021

12	Representation 7	19 ^h March 2021
13	Representation 8	19 ^h March 2021
14	Representation 9	23 rd March 2021
15	Representation 10	23 rd March 2021
16	Representation 11	24 ^h March 2021
17	Representation 12	25 ^h March 2021
18	Representation 13	26 ^h March 2021
19	Representation 14	29 ^h March 2021
20	Representation 15	31 st March 2021
21	Representation 16	1 st April 2021
22	Representation 17	5 th April 2021
23	Representation 18	12 th April 2021
24	Representation 19	15 th April 2021
25	Representation 20	15 th April 2021
26	Representation 21	15 th April 2021
27	Representation 22	15 th April 2021

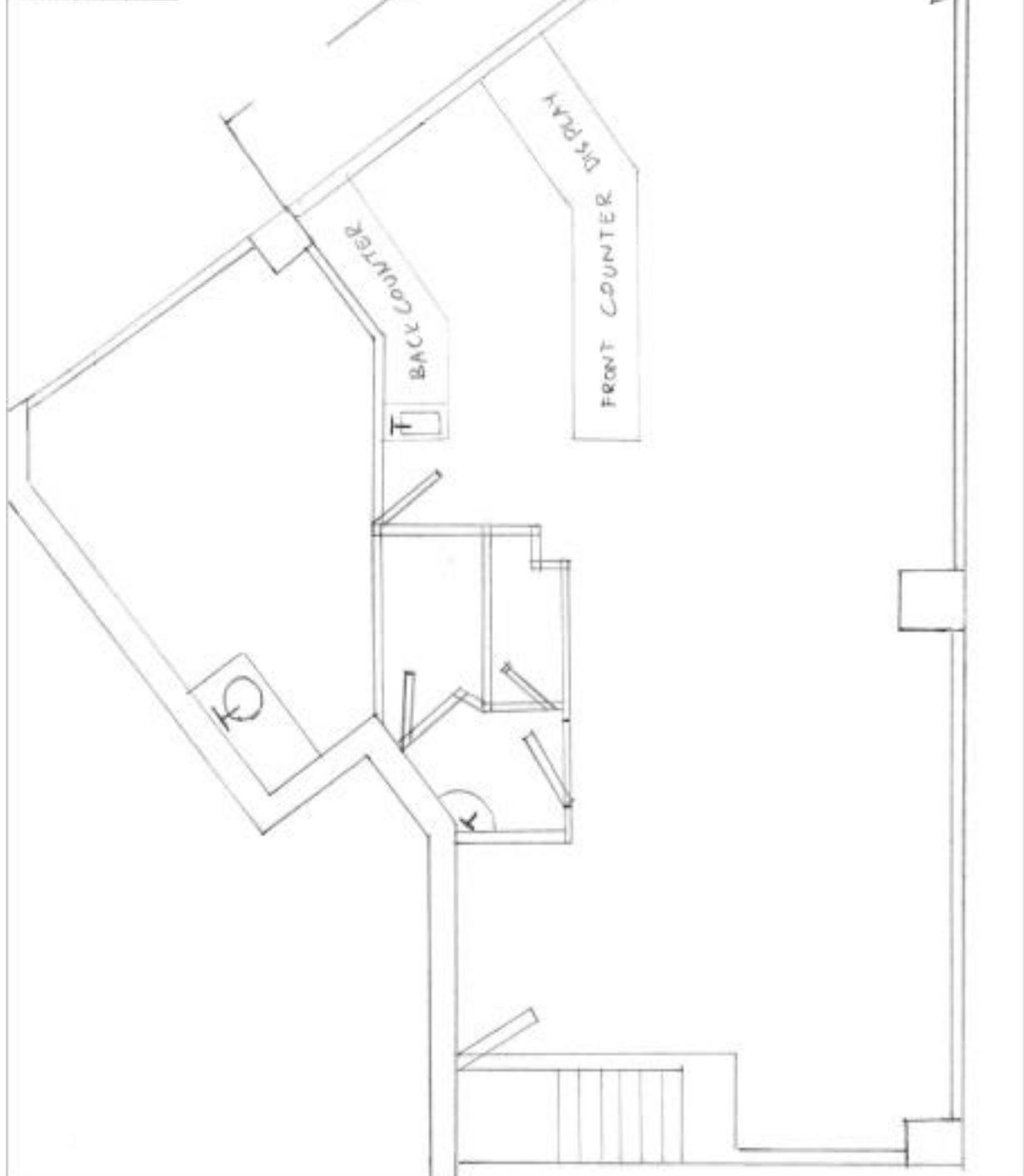


Brew House

52 Lorus Street, SMV SEE

GROUND FLOOR PLAN

SCALE	DATE
1:50	05/03/2021

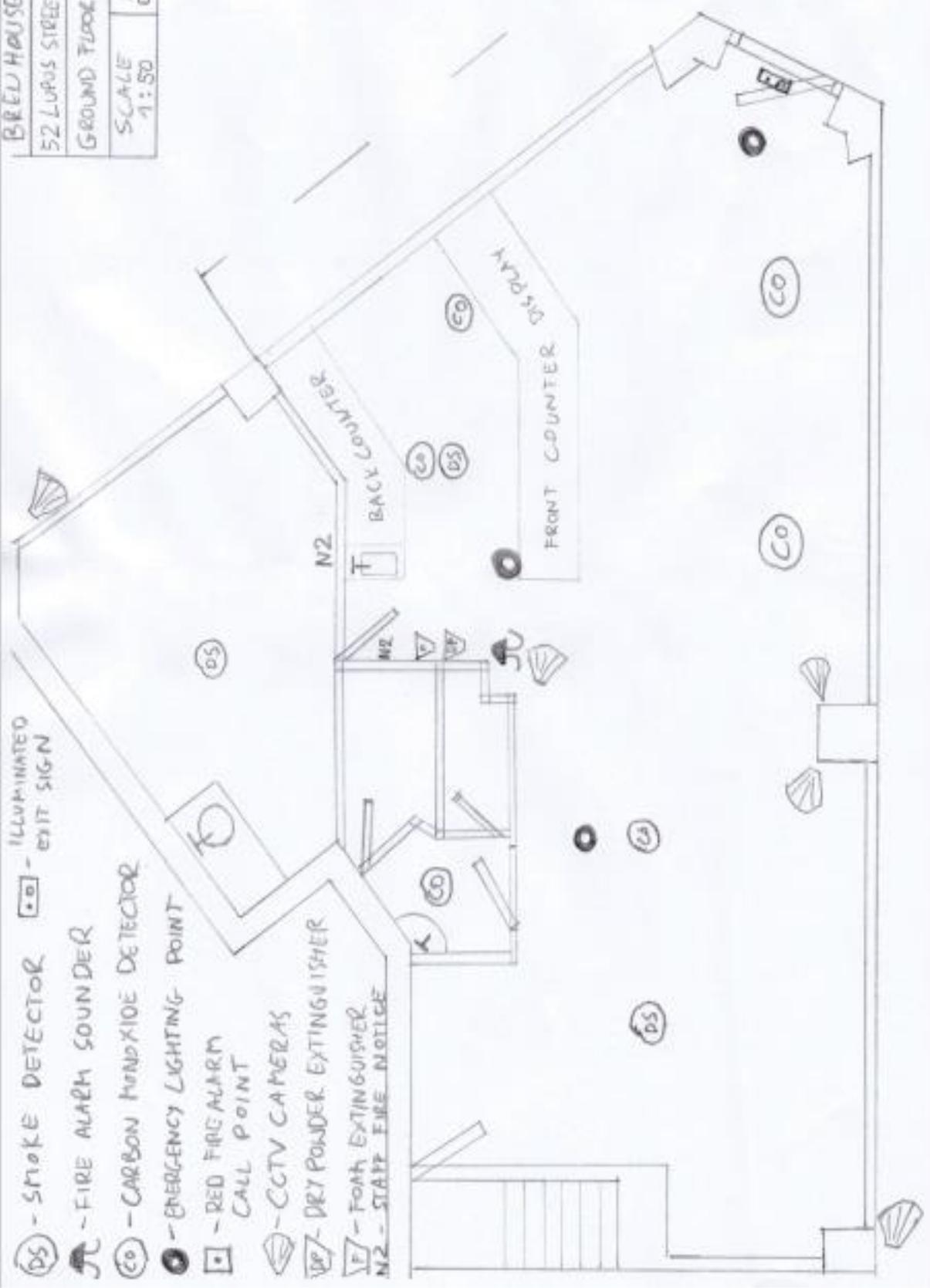


BREW HOUSE

52 LUPUS STREET SMV SEE
 GROUND FLOOR PLAN
 SCALE 1:50 DATE 05/03/2024

ILLUMINATED EXIT SIGN

- (DS) - SMOKE DETECTOR
- (A) - FIRE ALARM SOUNDER
- (CO) - CARBON MONOXIDE DETECTOR
- (L) - EMERGENCY LIGHTING POINT
- (S) - RED FIRE ALARM CALL POINT
- (C) - CCTV CAMERAS
- (V) - DRY POWDER EXTINGUISHER
- (F) - FOAM EXTINGUISHER
- N2 - STAFF FIRE NOTICE



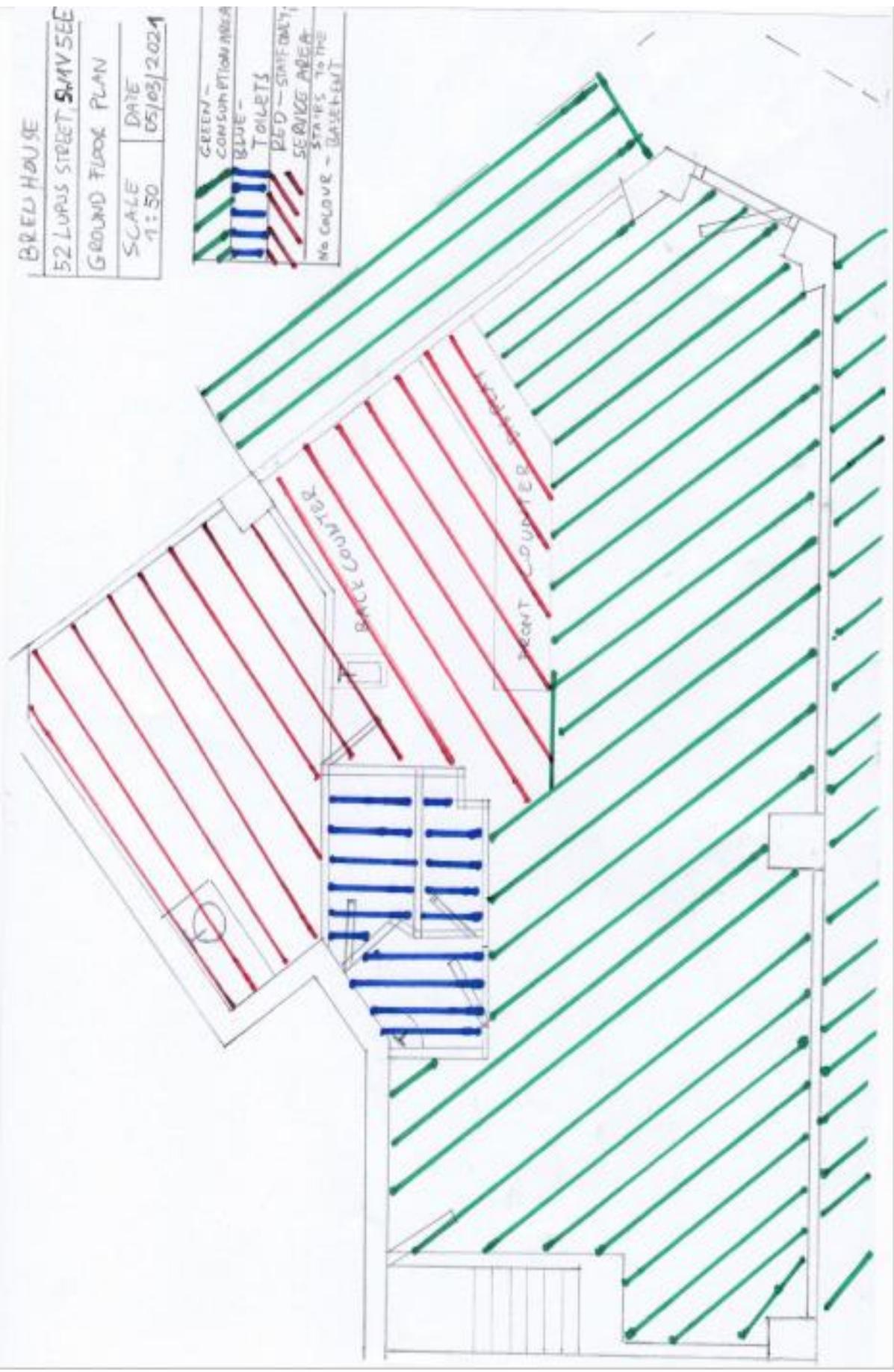
BRED HOUSE

52 LUPUS STREET, SMV SEE

GROUND FLOOR PLAN

SCALE 1:50
DATE 05/03/2024

GREEN - CONSUMPTION AREA
BLUE - TOILETS
RED - STAFF ONLY SERVICE AREA
STAIRS TO THE MEzzanine - BASEMENT



Applicant Supporting Documents

Appendix 2

None

Premises History**Appendix 3**

There is no appeal history.

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
20/11201/LITENP	Temporary Event Notice	5 December 2020	Notice Granted
20/11203/LITENP	Temporary Event Notice	17 December 2021	Notice Granted

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

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

None

Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the operating schedule.

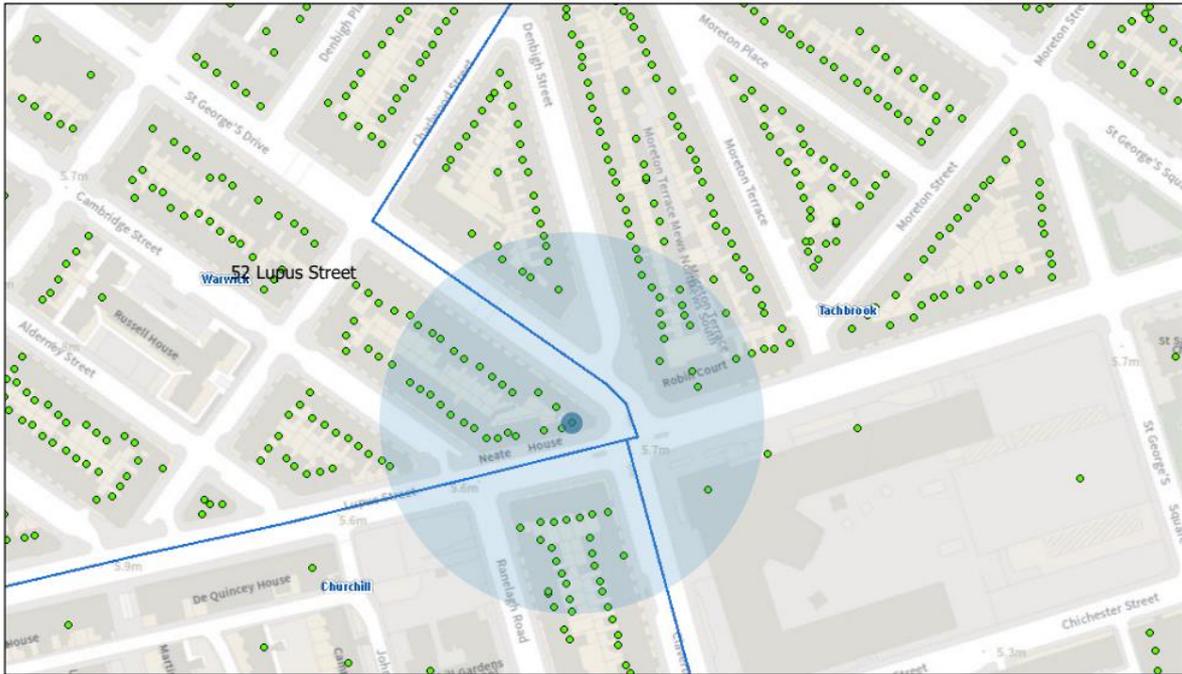
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
10. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fidea and where the consumption of alcohol by such persons is ancillary to food/snack, and where the supply of alcohol is by waiter or waitress service only
11. All outside tables and chairs shall be rendered unusable by **20.00** hours each day
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity
13. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
15. The number of persons permitted in the premises, excluding the outside area, at any one time (excluding staff) shall not exceed 30 persons
16. The supply of alcohol shall be by waiter or waitress service only
17. 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
18. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule.

19. 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 and will include the external area immediately outside the premises entrance. 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.
20. 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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

21. The consumption of alcohol on the premises shall only be to persons seated at table. Food will be available throughout the trading period.
22. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
26. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
27. 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.
28. There shall be no self-service of Alcohol.
29. Sales of alcohol for consumption off the premises shall be in sealed containers only, save for any external seating area shown on the plan.
30. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and ancillary to their meal.

52 Lupus Street, London, SW1V 3EE



Resident Count = 311

Licensed premises within 75 metres of 52 Lupus Street				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/08598/LIPN	Not Recorded	58 - 60 Lupus Street London SW1V 3EE	Food store	Monday; 08:00 - 22:00 Tuesday; 08:00 - 22:00 Wednesday; 08:00 - 22:00 Thursday; 08:00 - 22:00 Friday; 08:00 - 22:00 Saturday; 08:00 - 22:00 Sunday; 09:00 - 22:00