



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	02 September 2021
Licensing Ref No:	21/02796/LIPV - Premises Licence Variation
Title of Report:	Flat White 17 Berwick Street London W1F 0PT
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

1. Application

1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	31 March 2021		
Applicant:	Flat White Limited		
Premises:	Flat White		
Premises address:	17 Berwick Street London W1F 0PT	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises currently operates as a Café.		
Variation description:	<p>The application seeks the following:</p> <ul style="list-style-type: none"> • To extend the hours for licensable activities to core hours • To add Late Night Refreshment • To permit the use of the bar until 21:00 • To add off sales of alcohol • To remove condition 25 and 26 • To amend condition 22, 27 and 28 		
Premises licence history:	The premises has had the benefit of a premises licence since 2013. The current premises licence 13/07127/LIPN is attached at Appendix 3 of this report along with full licence history.		
Applicant submissions:	There are no submissions from the applicant.		
Applicant amendments:	The applicant has agreed amended conditions with Environmental Health as set out below at 1-D.		

1-B	Current and proposed licensable activities, areas and hours					
Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			N/A		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A	N/A	23:00	23:30	N/A	Ground Floor
Tuesday	N/A	N/A	23:00	23:30		
Wednesday	N/A	N/A	23:00	23:30		
Thursday	N/A	N/A	23:00	23:30		
Friday	N/A	N/A	23:00	00:00		
Saturday	N/A	N/A	23:00	00:00		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		N/A			Sundays before bank holidays: 23:00 - 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00	21:30	10:00	23:30	Ground Floor	No change
Tuesday	12:00	21:30	10:00	23:30		
Wednesday	12:00	21:30	10:00	23:30		
Thursday	12:00	21:30	10:00	23:30		
Friday	12:00	21:30	10:00	00:00		
Saturday	12:00	21:30	10:00	00:00		
Sunday	12:00	21:30	12:00	22:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sundays before Bank Holidays 12:00 to 22:30.			Sundays before bank holidays: 10:00 - 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	22:00	08:00	23:30	Ground Floor	No change
Tuesday	08:00	22:00	08:00	23:30		
Wednesday	08:00	22:00	08:00	23:30		
Thursday	08:00	22:00	08:00	23:30		
Friday	08:00	22:00	08:00	00:00		
Saturday	09:00	22:00	08:00	00:00		
Sunday	09:00	22:00	08:00	22:30		
Seasonal variations/ Non-standard timings:	Current: Sundays before Bank Holidays 12:00 to 23:00				Proposed: Sundays before bank holidays: 08:00 - 00:00 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

1-C	Conditions proposed to be removed
	<p>Condition 25</p> <p>25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.</p> <p>Condition 26</p> <p>26. The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.</p>

1-D	Conditions being varied	
Condition	Proposed variation	
<p>22. There shall be no off sales of alcohol.</p>	<p>22. Save for customers seated in an external area, off-sales of alcohol shall be in sealed containers only.</p> <p>The applicant has agreed an alternative wording for condition 22 with Environmental Health as follows:</p> <p>22. There shall be no 'Off' sales of alcohol after 23.00 hours Monday to Saturday.</p>	
<p>27. 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.</p>	<p>27. After 21:00 hours 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 an ancillary to their meal.</p> <p>The applicant has agreed an alternative wording for condition 27 with Environmental Health as follows:</p> <p>27. After 21:00 hours 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 an ancillary to their meal and served by waiter/waitress service.</p>	
<p>28. The supply of alcohol shall be by waiter or waitress service only.</p>	<p>28. After 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.</p> <p>The applicant has agreed an alternative wording for condition 28 with Environmental Health as follows:</p> <p>28. Before 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.</p>	

2. Representations

2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service (<i>Withdrawn 22 June 2021</i>)
Representative:	Ian Watson
Received:	27 April 2021

I refer to the application for variation of the Premises Licence.

The premises are located within the West End Cumulative Impact Zone as stated in the City of Westminster's Statement of Licensing Policy.

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday between 10.00 and 23.30 hours, Friday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. Sunday before Bank holiday 10.00 to 00.00 hours. New Year's Eve to New Year's Day.
2. To provide Late Night Refreshment 'Indoors' Monday to Thursday between 23.00 and 23.30 hours, Friday and Saturday between 23.00 and 00.00 hours. Sunday before Bank holiday 23.00 to 00.00 hours. New Year's Eve to New Year's Day.
3. Remove conditions 22, 25 and 26.
4. To amend condition 27 to state,
 - After 21:00 hours 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 an ancillary to their meal.
5. To amend condition 28 to state,
 - After 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.
6. Replace condition 22 with,
 - Save for customers seated in an external area, off-sales of alcohol shall be in sealed containers only.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CIZ.
2. The hours requested to permit the provision of Late-Night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the

West End CIZ.

3. No representation.
4. The change of condition will impact on prevention of public nuisance within the West End CIZ.
5. The change of condition will impact on prevention of public nuisance within the West End CIZ.
6. No representation.

The applicant has provided additional information with the application which is being addressed.

Should you wish to discuss the matter further please do not hesitate to contact me.

Following an agreement of conditions with the applicant the Environmental Health Service withdrew their representation on 22 June 2021.

Responsible Authority:	Licensing Authority
Representative:	Kevin Jackaman
Received:	27 April 2021

I write in relation to the application submitted for a variation of the premises licence for Flat White, 17 Berwick Street, London, W1F 0PT

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

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

The application seeks the following:

1. To extend the hours for the sales of alcohol to 23:30 Monday to Thursday, 00:00 Friday and Saturday and 22:30 Sunday
2. Add late night from 23:00 to 23:30 Monday to Thursday and 23:00 to 00:00 Friday and Saturday
3. Amend conditions 27 and 28 of the current premises licence to permit the sale of alcohol without food and the remove the requirement of waiter/waitress service before 21:00
4. Add off sales of alcohol

The premises are located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1 and PB1.

Policy CIP1 states:

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy PB1(B) states:

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

Notwithstanding that the application is only seeking to extend the hours within core hours, The Licensing Authority has concerns that the removal of the ancillary nature of the sale of alcohol before 21:00 will result in the premises becoming a bar therefore the impact in the cumulative impact area has potential to be far greater. In order to fully assess the application, the Licensing Authority require the applicant to make further submissions in respect of the following points:

- Why the variation is sought and will it result in a change in operating style
- How does the applicant intend to operate before 21:00?

It is also noted that the applicant has applied to add off sales from the premises. It is noted that the applicant has proposed a condition that "Save for customers seated in an external area, off-sales of alcohol shall be in sealed containers only. The Licensing Authority would seek further submission on how off sales will be operated from the premises?"

The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1 and PB1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	28 April 2021		
We write to make a relevant representation to the above application on behalf of T [REDACTED] [REDACTED]			
[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.			
About [REDACTED] [REDACTED] is a charitable company limited by guarantee established in 1972. [REDACTED] is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its			

facilities, amenities and environment. In particular, [REDACTED] supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

Premises variation

Sale of alcohol: Mon-Thurs: 10:00 - 23:30. **Fri-Sat:** 10:00 - 00:00. **Sun:** 12:00 - 22:30

Late night refreshment: Mon-Thurs: 23:00 - 23:30. **Fri-Sat:** 23:00 - 00:00

Opening hours: Mon-Thurs: 08:00 - 23:30. **Fri-Sat:** 10:00 - 00:00. **Sun:** 08:00 - 22:30

Additional information:

- Extension of licensable activities to core hours
- To add late night refreshment
- Permit bar use until 21:00 and amend conditions accordingly
- Add off sales
- Remove conditions 22, 25, 26.

Current licence

Sale of alcohol: Mon-Sun: 12:00 - 21:30

Opening hours: Mon-Fri: 08:00 - 22:00. **Sat-Sun:** 09:00 - 22:00

Capacity: 30 (including staff)

Conditions: 9. Substantial food and non-intoxicating beverages including drinking water, shall be available in all parts of the premises where alcohol is sold

Condition 24. Outside table and chairs shall be rendered unusable by 22:00 each day

Condition 27. 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.

[REDACTED] Position

- **The application:** seeks to extend to core hours, permit bar use until 21:00hrs, off sales and late night refreshment. The Operating Schedule provides very little detail of the operation, it fails to put forward a reason for this change of use or offer any additional conditions to address the impact of creating a new bar in the West End Cumulative Impact Zone. Flat White is a standard cafe, and according to their website its main focus is coffee. It also provides food in the form of all day breakfast, sandwiches, bagels, pastries. The application for the current licence 13/07127/LIPN received representations from local residents and the decision of the Licensing Sub-Committee on 14th November 2013 noted some important points. The applicant had agreed conditions with environmental health that ensured the premises would be operated as a restaurant (with a capacity of 30) and the operation would not be drink led. The licence was granted on this basis, however, these premises are not operating as a restaurant. **We object to the proposed bar use until 21:00hrs and off sales. The applicant has not provided a reason for turning this cafe into a bar from 10:00 to 21:00, a total of 11 hours which becomes the predominant use, cafe use being reduced to 1.5hrs (Sun), 2.5hrs Mon-Thurs) and 3hrs (Fri-Sat) respectively.** The nature of a cafe is fundamentally different to the characteristics of a bar as highlighted in the Cumulative Impact Assessment 2020, the use being associated with high levels of crime and disorder.
- **Soho and COVID:** [REDACTED] fully recognises the financial difficulties all businesses have suffered over the past year and we have generally been supportive of measures to help local businesses recover. However, the year on year increase in licensed premises has resulted in a deterioration and reduction in residential amenity. Protecting residential amenity is the key aim of the Licensing Objectives. This is supported by the new Statement of Licensing Policy 2021 which states in its Foreword to Policy Section, 'The licensing authorities proposed revisions to the statement of licensing policy will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protection for our residents and promoting the licensing objectives as a whole.'

- Soho has quickly recovered to pre-COVID times. The success of the AI Fresco scheme in 2020 has been replicated with even more people coming into Soho since the recent reopening on the 12 April. Photographs following the re-opening can testify to the huge numbers of people eating and drinking on the streets (Appendix 1&2). Chaos ensued, there being a complete lack of social distancing with large numbers queuing (not distanced) for tables which were tightly packed together, others were wandering around vertically drinking with alcohol sold from bars and shops. It cannot be said Soho is suffering from low footfall. This situation will deteriorate further when hospitality and entertainment venues open up in May and June with premises being able to open to their full licensing hours. The experience of that weekend resulted in the Police authorising a Section 35 Dispersal Order in Soho and the Strand, 'A section 35 dispersal has been authorised from 13:00 hours the 24 April 2021 until 07:00 hours the 26 April 2021 by Insp Jackson. The areas affected are essentially the area of Soho and the Strand. This is due to an increase in antisocial behaviour connected with licensed premises over recent weeks. This has come in the form of intoxicated groups urinating in the street, staging street party style gatherings. Other linked groups are targeting visitors with fraudulent activity, stealing from or otherwise harassment.'
- Overall the 2020 AI Fresco scheme had a negative impact on residents who reported a significant increase in noise and general disturbance. A recent survey by ██████████ asking residents about their experience of this scheme highlighted issues with street noise disturbing sleep, and some saying they were considering moving out of Soho, the full survey results can be found in Appendix 3. The high level of cumulative impact described within the Cumulative Impact Assessment 2020 will swiftly return with people flocking to Soho in an attempt to return to a normal life. The impact on residents will be huge, any applications which aim to increase alcohol consumption will increase cumulative impact and harm and the Licensing Objectives.
- **Evening and night time economy;** Soho is at the forefront of the evening and night time economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people out on the streets, resulting in high levels of noise / disturbance, crime and disorder and antisocial behaviour. In this small section of Berwick St there are 7 licensed premises a mix of restaurants, cafes and a pub, apart from the pub, all sell alcohol in conjunction with food. After midnight Soho is saturated with late night premises, **01:00 - 03:00 there are 107 licensed premises, capacity information being available for 91 premises gives a total of 18,305. Of the 107, 59 premises hold a 1am licence, with a capacity of 9,104 for 44 premises.**

Statement of Licensing Policy 2021

This application seeks to extend the licensable activity within the West End Cumulative Impact Zone. As presented it is contrary to the Pubs & Bars Policy PB1, and Cumulative Impact Policy CIP1

- **Public Houses and Bars Policy PB1;** it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than, '1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, 2. Applications to seek to vary the existing licence so as to reduce the overall capacity of the premises.' Although the policy states an exception may be permitted to applications no later than 9pm and if they meet other policies in the statement which include CD1 and PN1. It goes on, under the reasons for this policy, F80 states, '.... Premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.' The Council's own policy clearly highlights the negative impact of bars and pubs on residents. In our view there is no exception in this case, it will fail to promote the licensing objectives CD1 and PN1 and should be rejected on these grounds.

- **Cumulative Impact Policy CIP1**; this area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Cumulative Impact Assessment 2020 highlights the cumulative impact in West End Zone 1 (p9) stating, '**The rate of incidents per square kilometre observed here, as well as the rate of licensed premises per square kilometre, was approximately nine times than the borough's average rate. For crimes in particular, the rate was 10 -13 times higher between 6pm - 6am compared to the borough average.**' (our emphasis). It also highlights the impact of bars in an area, F82 stating, 'among specific premises types assessed within the CIA, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity.' Furthermore, in relation to off sales, OS1 states the application has to show it will not add to cumulative impact in the West End Cumulative Impact Zone.
- The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises, the policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area. As described above Soho is now open for business and thriving, we have no doubt that cumulative impact will quickly return to pre-COVID levels which is significantly higher than any other area in Westminster. The evidence presented in the Cumulative Impact Assessment 2020 supported further policy restrictions in the West End, however, the impact of COVID-19 has resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but this may change.
- We have provided information on the number of licenses in Soho and the impact on residents since the reopening of the hospitality sector in Apr, coupled with the evidence we provide under the licensing objectives all indicate refusal of this application unless the applicant can demonstrate genuinely exceptional circumstances, in our view the applicant has failed to present a case demonstrating exceptional circumstances and therefore the application should be refused.

The Licensing Objectives

The Statement of Licensing Policy 2021 or Section 182 Guidance does not provide for any circumstance, including exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

Prevention of Crime and Disorder - CD1

Under this Policy the criteria applied is, 'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, **it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.
- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). **Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%).** Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). **Total = 50,594.**
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

For residents living in Soho, the findings of the Cumulative Impact Assessment are unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above criminal activity associated with the large number of venues and the numbers of people on the streets results in high levels of serious crime. Drug dealing is a particular problem, with groups of dealers congregating to sell drugs, and they specifically target people as they leave premises. There are more dealers in the area at night than during the day. We believe this is directly linked to the large number of late night venues which create the drug market.

This application if successful will increase only crime and disorder and fail to promote this licensing objective.

Prevention of Public Nuisance Policy PN1

Under this Policy the criteria applied states, '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 a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'

Residents live in close proximity and along the length of Berwick Street, we know they already suffer from noise nuisance, disturbance and anti-social behaviour from premises along this street. We are particularly concerned that these residents will be further disturbed by people being able to drink for prolonged periods either inside or outside these premises.

In summary

The application proposes to create a new bar until 9pm, provide off sales and extend the existing

licensed hours to core hours in a small area with 7 other similar premises, in close proximity to residents and in the West End Cumulative Impact Zone. The West End has suffered year-on-year increases in cumulative impact, the rate of crime is 10-13 times higher between 6pm - 6am compared to the borough average.

As evidenced throughout this representation the application fails all policy tests and will fail to promote the Licensing Objectives. We respectfully request this application is refused.

Please do not hesitate to contact us if you require any further information.

Yours faithfully,

[REDACTED]
[REDACTED]

Appendices

Appendix 1: Photographs Berwick St 12th & 23rd April

Appendix 2: Photographs Old Compton St 17th April

Appendix 3: Soho Residents' Survey

Appendix 1: Photographs Berwick St 12th April 18:00hrs & 23rd at 20:00hrs







Appendix 2: Old Compton St 17th April 20:50hrs

Appendix 3 : Soho Residents' Survey March 2021



Residents' Survey

Key Points from AI Fresco Survey in 2021

The survey ran from 1 March 2021 until 29 March 2021 and asked Soho residents about their experience of the AI Fresco dining scheme in 2020. An invitation to complete the survey was sent to 1,929 people - members of the Society and all subscribers to the Society's newsletter - on 1 March 2021.

133 residents responded with 72 saying that they lived on a street that was closed under the scheme in 2020. Responses suggested that many respondents were long term Soho residents. On average the respondents had lived in Soho for around 15 years. 15 respondents have lived in Soho for more than 30 years.

57 were long leasehold or freehold owners and 70 were tenants of which 24 were Soho Housing Association tenants.

28 respondents said they had children under 18 living with them in the household some or all of the time.

19 respondents on closed streets had children under 18 living with them some or all of the time.

When asked to think back on their experience of AI Fresco 2020

- 10 reported that the street noise woke their children
- 38 reported they were commonly unable to sleep, get to sleep or had their sleep disturbed
- 26 that they had problems working at home because of the noise
- 109 reported access problems on foot or by car
- 36 reported that they didn't feel safe in the street where they lived because of the crowds and the police losing control of the situation
- 62 reported they didn't feel safe because there was no social distancing
- 48 reported they didn't go out because of the scheme
- 44 reported that as a resident they were considering moving out of Soho because of this scheme - late night noise makes it impossible to live here any more

The AL Fresco Scheme for Soho in 2021 will see the same streets closed from 12 April 2021 to 30 September 2021 and will likely have a greater adverse impact on residents as the end time will be 11pm not 10pm as happened when the curfew was in effect last year. Also there is a risk of more drunken behaviour as there will be no requirement to serve a meal with the alcohol service.

29 March 2021

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	28 April 2021		

I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).

I am a resident of Soho [REDACTED]. I appreciate Flat White for being a wonderful refuge.

The service is wonderful, they provide the best coffee with respect, kindness and a covid safe approach.

Extending their trading and licensing hours would be beneficial for Berwick Street and create a safer night time economy. The closure of business makes it unsafe to walk about Soho and the more we have a night economy, the better the streets become.

We're really happy to have Flat White so close by and feel that it will play a big part in the return of Soho's buzzing charm.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Support
Received:	06 April 2021		

[REDACTED]

We have been at this address for 6years.

I am very familiar with Flat White, being both local and indeed as a customer.

Flat White is one of those businesses which is integral to the local community. Adding to our safety

a valuable continuity of knowledge and good practise. Creating an unchallenged and unrivalled customer experience, of quality, in an ambient and a safe, attractive place to meet up and, on occasions work.

When I heard there's a chance, I could go for a glass of wine or something to eat, I relished the chance. This will be helpful to both me and others. I believe the local area is missing some smaller sized places, that can cater for locals, who want something a bit special, but without the commotion of most of the drinking establishments. I trust from their history it will be interesting, and cater to a quality experience.

I very much hope you will grant the application.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	28 April 2021		

Firstly just wanted to say a good morning to you & your office. I'm emailing you today with regards to Flat White's licensing application (Ref21/02796/LIPV)

I've been a regular of flat white for the past ten years or so & it's my first port of call when arriving in soho for my daily dose of caffeine & even better when I can have a few drinks in the evening with the new licensing this place for me is one of the many reasons why I visit soho on a daily basis, the fantastic coffee, cakes, sandwiches & amazing team of friendly staff that makes it one of my favourite destinations in W1. It's been sorely missed by many within the community & that is why I just wanted to say that I sincerely hope you can extend the trading & licensing hours by approving the application.

Berwick st has started to bring some much needed life & atmosphere back to soho since the COVID restrictions have been eased with Flat white being an integral part in the resurgence of people visiting Berwick & all the while creating a safe space, following COVID protocols etc allowing us visit one of our favourite spots again

I look forward to seeing soho return to its former glory whilst sitting outside flat white sipping on a beverage or two

Thank you

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	24 April 2021		

I would like to make a representation regarding the licence application with reference number: Ref21/02796/LIPV

[REDACTED] of the business, [REDACTED]
[REDACTED] Flat White is a business that is greatly loved by me and lots of other Soho locals and it would be great for Berwick Street if Flat White had an extended licence to serve drinks and snacks

in the evenings.

I come to the shop daily and it provides a great and safe environment, with lovely staff and management - they are just all around great people.

I'm all for the extension of the hours of operation for Flat White - even though I'm directly impacted by it, there are no concerns around noise from my side. Living in Soho is all about the atmosphere and everyone who moves here should be aware of this.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	08 April 2021		

I work in St. Anne's Court in Soho and am very familiar with Flat White, being both a local worker and indeed a regular daily customer.

Flat White is one of those businesses which is integral to the local community creating an unchallenged and unrivalled customer experience, quality, ambience and a safe and attractive place to meet up.

Feeling safe and somewhere I could go for a glass of wine or something to eat would be very attractive and helpful to both me and others.

I hope you will grant the application.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	26 April 2021		

I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).

My partner and I are residents of Soho [REDACTED]
Flat White is a staple for the area and apart from having a wonderful coffee and food service, they provide these services with respect, kindness and a covid safe approach.

Extending their trading and licensing hours would be beneficial for Berwick Street and to those who have the pleasure of experiencing their fantastic hospitality.

We're really happy to have Flat White so close by and feel that it will play a big part in the return of Soho's buzzing charm.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	27 April 2021		
<p>I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).</p> <p>My wife and I are residents and workers of Soho [REDACTED] [REDACTED]</p> <p>Flat White is a staple business for Soho and apart from having an amazing coffee and food service, they provide these services with the upmost top customer service and, and a covid safe approach. They are my go to first thing in the morning, and when I'm walking home, and without them I honestly would be lost!</p> <p>Extending their trading and licensing hours would be beneficial for Berwick Street and to people like us who live and work in the area, and who have the pleasure of experiencing their exceptional hospitality.</p> <p>We're both super happy and privileged to have Flat White so close to us, and and feel that it will play a huge role in the return of Soho's charming and exciting vibe going forward.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	27 April 2021		
<p>I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).</p> <p>I run my own business in Soho and Flatwhite respect has been my local cafe for the past 10 years. They operate always with kindness and respect for the customers and area</p> <p>Extending their trading and licensing hours would be beneficial for Berwick Street and Soho.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support

Received:	27 April 2021
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To whom it may concern...

I'm writing in support of Flat White wishing to extend their trading and licensing hours...

My Partner and I [REDACTED] and we think that as well as serving delicious coffee and food, Flat White is very much the beating heart of Berwick St and the whole of Soho!...

The staff are friendly and polite and having such a wonderful cafe right on our doorstep is a dream!!...

Best wishes...

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support

Received:	27 April 2021
------------------	---------------

I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).

[REDACTED] and I have been a regular customer to flat white for many years. I am also a director of [REDACTED], working with the community to help preserve Soho and work for what is the best of the neighbourhood and its businesses.

Flat White is a staple for the area and apart from having a wonderful coffee and food service, they provide these services with respect, kindness and a covid safe approach. Laura is a perfect example of what we need more of in Soho, running the independent businesses and building back stronger.

Extending their trading and licensing hours would be beneficial for Berwick Street and to those who have the pleasure of experiencing their fantastic hospitality and would ensure their survival in these difficult times. Please let me know how I can help to achieve Flat White's goals

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
Policy HRS1 applies	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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 applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

1. **Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

2. **Cinemas, Cultural Venues and Live Sporting Premises:**

Monday to Sunday: 9am to 12am

3. **Hotels:** 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. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

4. **Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

5. **Outdoor Spaces:** 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.

6. **Pubs and bars, Fast Food and Music and Dance venues:** Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.

7. **Qualifying Clubs:** Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

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.

9. **Sexual Entertainment Venues and Sex Cinemas:** Monday to

	<p>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 (B) applies</p>	<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

Report author:	Miss Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

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

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

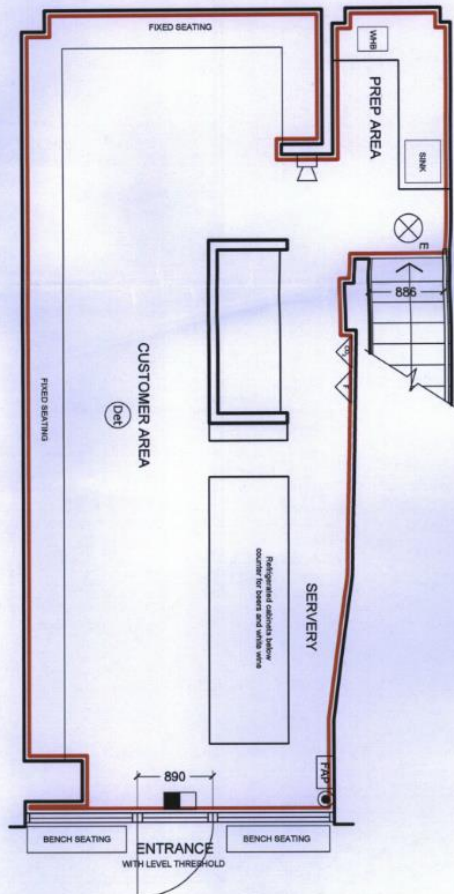
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service (<i>Withdrawn 22 June 2021</i>)	27 April 2021
5	The Licensing Authority	27 April 2021
6	Interested party 1	28 April 2021
7	Interested party 2	28 April 2021
8	Interested party 3	06 April 2021
9	Interested party 4	28 April 2021
10	Interested party 5	24 April 2021
11	Interested party 6	08 April 2021
12	Interested party 7	26 April 2021
13	Interested party 8	27 April 2021
14	Interested party 9	27 April 2021
15	Interested party 10	27 April 2021
16	Interested party 11	27 April 2021

PROPOSED PLANS

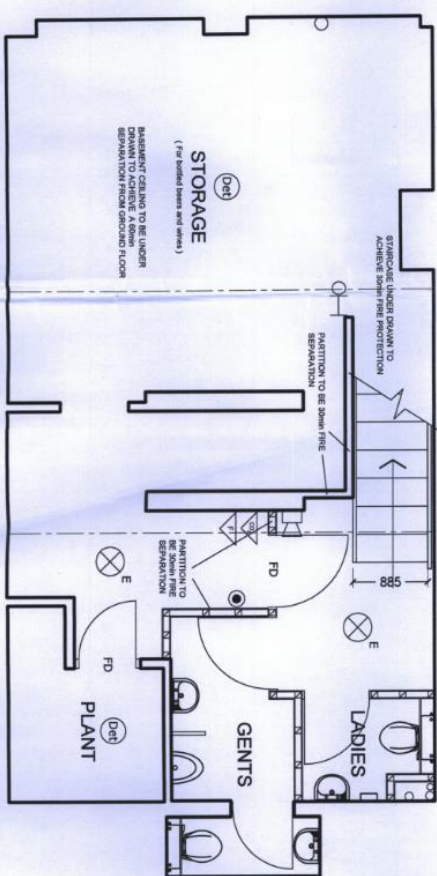
- FD Fire Rated Doorset
- FAP Fire Alarm Panel
- Det Automatic fire detector
- Manual Call Point
- Sounder
- Sounder Beacon
- Emergency light-fitting (Flourescent Downlight or luminaire)
- Emergency Exit Light c/w legend (directional)
- 9-litre water fire extinguisher
- DP Dry powder fire extinguisher
- CO₂ Carbon Dioxide fire extinguisher
- F Foam fire extinguisher

RED LINE DENOTES AREA TO BE USED FOR THE SALE OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENTS

THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY



GROUND FLOOR PLAN



BASEMENT PLAN

JUNE 2013

PembrookDesign

Sumit House, Harcourt's Road, The Pinckney, Harlow, Essex, CH13 5BN
Tel: 0279 422600 Fax: 0279 422699

Project :

WHITE FLAG
17 BERWICK STREET, LONDON

Scale:
1:50
@A1

Drawing Number:
2738-02

Rev:

NOTE: CONTRACTORS ARE TO CHECK ALL SIZES AND DIMENSIONS BEFORE SETTING OUT ANY SITE OR SIGNOFFING ANY BRICKS OR DISCREPANCIES TO BE REPORTED AND RESOLVED BY THE SITE SPECIFIC PROJECT DESIGNER/ BUILDER AND RESPECTIVE AGENTS

Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant.



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

Schedule 12
Part A

WARD: West End
UPRN: 100023471710

Premises licence

Regulation 33, 34

Premises licence
number:

13/07127/LIPN

Original Reference:

13/07127/LIPN

Part 1 – Premises details

Postal address of premises:

Flat White Limited
17 Berwick Street
London
W1F 0PT

Telephone Number: 0207 734 0370

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Sunday: 12:00 to 21:30
Sundays before Bank Holidays: 12:00 to 22:30

The opening hours of the premises:

Saturday to Sunday: 09:00 to 22:00
Monday to Friday: 08:00 to 22:00
Sundays before Bank Holidays: 09:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Flat White Limited
Level 4
53 Frith Street
Soho
London
W1D 4SN

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

05151870

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

Name: Mr Paul Brett Merrony

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: PERS-LIC687
Licensing Authority: London Borough Of Camden

Date: 20th January 2014



Signed: pp

Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on'
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that'
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures'
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

Annex 2 – Conditions consistent with the operating Schedule

None.

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

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. All staff shall be trained with regard to the requirements relating to the sale of alcohol.
13. No draft beer shall be sold at the premises.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them, save for persons seated at the outside tables.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
20. Loudspeakers shall not be located in the entrance lobby the premises building.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regarding of Crime and Disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
22. There shall be no off sales of alcohol.

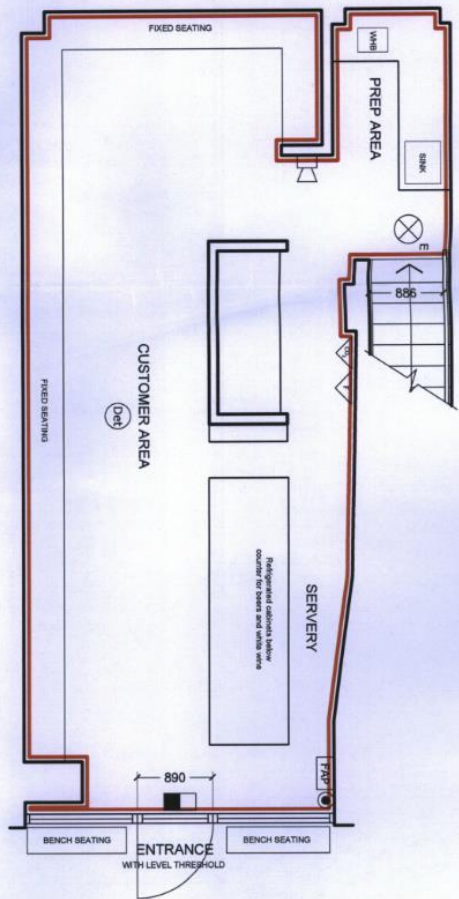
23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
24. Outside tables and chairs shall be rendered unusable by 22.00 each day.
25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.
26. The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.
27. 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.
28. The supply of alcohol shall be by waiter or waitress service only.
29. The number of persons accommodated at the premises shall not exceed the following (including staff): 30
30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A Challenge 21 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.
32. 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.
33. The hours for sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

PROPOSED PLANS

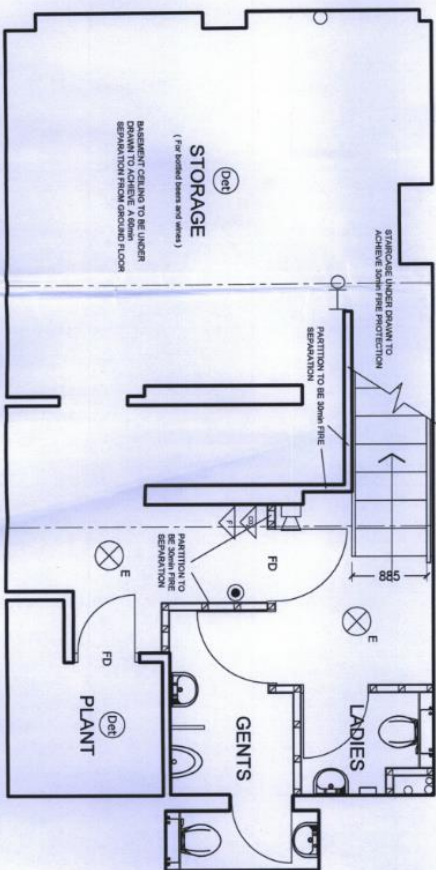
- FD Fire Rated Doorset
- FAP Fire Alarm Panel
- Det Automatic fire detector
- Manual Call Point
- Sounder
- Sounder Beacon
- Emergency light-fitting (Flourescent Downlight or luminaire)
- Emergency Exit Light C/W legend (directional)
- 9-litre water fire extinguisher
- Dry powder fire extinguisher
- Carbon Dioxide fire extinguisher
- Foam fire extinguisher

RED LINE DENOTES AREA TO BE USED FOR THE SALE OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENTS

THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY



GROUND FLOOR PLAN



BASEMENT PLAN

JUNE 2013

Pembrook Design

Sumit House, Harrogate's Road, The Pines, Harlow, Essex, CH25 5BN
Tel: 01279 422696 Fax: 01279 422695

Project :

WHITE FLAG
17 BERWICK STREET, LONDON

Scale:
1:50
@A1

Drawing Number:
2738-02

Rev:

NOTE: CONTRACTORS ARE TO CHECK ALL SIZES AND DIMENSIONS BEFORE SETTING OUT ANY SITE OR WORKING. ANY ERRORS OR INCONGRUENCIES TO BE REPORTED AND RESOLVED BY THE SITE SPECIFIC PROJECT DESIGNER (BUILDER AND RESPECTIVE AGENTS).



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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023471710

Regulation 33, 34

Premises licence
number:

13/07127/LIPN

Part 1 – Premises details

Postal address of premises:

Flat White Limited
17 Berwick Street
London
W1F 0PT

Telephone Number: 0207 734 0370

Where the licence is time limited, the dates:

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Licensable activities authorised by the licence:

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

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Monday to Sunday: 12:00 to 21:30

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The opening hours of the premises:

Saturday to Sunday: 09:00 to 22:00

Monday to Friday: 08:00 to 22:00

Sundays before Bank Holidays: 09:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

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

Flat White Limited
Level 4
53 Frith Street
Soho
London
W1D 4SN

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

05151870

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

Name: Mr Paul Brett Merrony

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

Restricted

Date: 20th January 2014

Signed: pp



Operational Director - Premises Management

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/07127/LIPN	New premises licence	14.11.2013	Granted by Licensing Sub-Committee
21/03912/LIPDPS	Application to vary the designated premises supervisor	06.07.2021	Granted under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

(other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on'
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that'
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures'
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. All staff shall be trained with regard to the requirements relating to the sale of alcohol.
13. No draft beer shall be sold at the premises.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them, save for persons seated at the outside tables.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
20. Loudspeakers shall not be located in the entrance lobby the premises building.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regarding of Crime and Disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

22. There shall be no off sales of alcohol.

Environmental Health proposes an alternative wording to condition 22 which is agreed with the applicant so as to form part of the operating schedule.

22. There shall be no 'Off' sales of alcohol after 23.00 hours Monday to Saturday.

23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.

24. Outside tables and chairs shall be rendered unusable by 22.00 each day.

25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.

Condition 25 is proposed to be removed from the operating schedule by the applicant.

26. The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.

Condition 26 is proposed to be removed from the operating schedule by the applicant.

27. 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.

Environmental Health proposes an alternative wording to condition 27 which is agreed with the applicant so as to form part of the operating schedule.

27. After 21:00 hours 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 an ancillary to their meal and served by waiter/waitress service.

28. The supply of alcohol shall be by waiter or waitress service only.

Environmental Health proposes an alternative wording to condition 28 which is agreed with the applicant so as to form part of the operating schedule.

28. Before 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.

29. The number of persons accommodated at the premises shall not exceed the following (including staff): 30

30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

31. A Challenge 21 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.

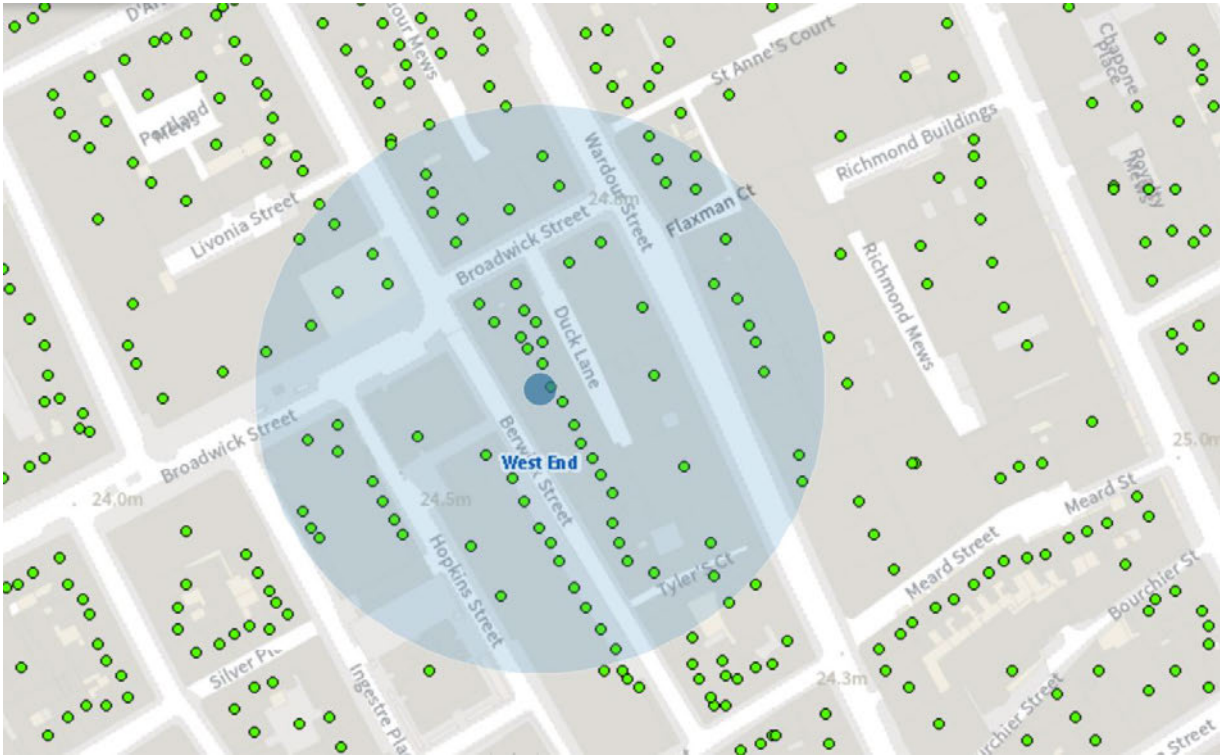
32. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
33. The hours for sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

34. All 'Off' sales of alcohol shall be in sealed containers only save for 'Off' sales to persons seated in the external area adjacent to the premises.
35. Alcohol consumed outside the premises building shall only be consumed by persons seated at tables.

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

36. On the Day of London Pride:-
 - i. The premises will not externally advertise local promotions of alcohol.
 - ii. Save for customers seated in the external area, no sales of alcohol in bottles or glass containers are made during this period.
 - iii. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.



Resident Count: 76

Licensed premises within 75 metres of 17 Berwick Street, London, W1F 0PT

Licence Number	Trading Name	Address	Premises Type	Time Period
13/07127/LIPN	Flat White Limited	17 Berwick Street London W1F 0PT	Cafe	Monday to Friday; 08:00 - 22:00 Saturday to Sunday; 09:00 - 22:00 Sundays before Bank Holidays; 09:00 - 23:00
21/04488/LIPDPS	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/04485/LIPDPS	Violets	Ground Floor 19 Berwick Street London W1F 0PX	Restaurant	Monday; 10:00 - 01:00 Tuesday; 10:00 - 01:00 Wednesday; 10:00 - 01:00 Thursday; 10:00 - 01:00 Friday; 10:00 - 01:00 Saturday; 11:00 - 01:00 Sunday; 12:00 - 00:00
15/04952/LIPN	Red Dog	Basement And Ground Floor 20 Berwick Street London W1F 0PY	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
20/00874/LIPCH	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Cafe	Sunday; 10:00 - 22:30 Monday to Wednesday; 07:00 - 23:30 Thursday to Saturday; 07:00 - 00:00 Sundays before Bank

				Holidays; 10:00 - 00:00
21/03872/LIPRW	Hub By Premier Inn	90 Berwick Street London	Hotel, 4+ star or major chain	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00
15/06480/LIPN	Duck & Rice First Floor	90 Berwick Street London	Restaurant	Sunday; 12:00 - 01:30 Monday to Saturday; 10:00 - 01:30
20/00815/LIPCH	Duck & Rice	90 Berwick Street London	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
21/04250/LIPT	Blue Posts Public House	22 Berwick Street London W1F 0QA	Pub or pub restaurant with lodge	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
21/02545/LIPDPS	Princi	Basement And Ground Floor 135 - 139 Wardour Street London W1F 0UT	Restaurant	Monday to Sunday; 00:00 - 00:00
19/10308/LIPT	The Breakfast Club	11 Berwick Street London W1F 0PL	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
19/00566/LIPCH	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DA	Restaurant	Monday to Sunday; 08:00 - 01:00
11/00024/LIPDPS	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DL	Restaurant	Sunday; 12:00 - 23:00 Sunday; 10:00 - 00:00 Monday to Saturday;

				10:00 - 23:30 Monday to Saturday; 08:00 - 01:00
19/06990/LIPN	Not Recorded	23 Berwick Street London W1F 8RB	Shop	Monday to Sunday; 07:00 - 22:00
21/04982/LIPCHD	Not Recorded	23 Berwick Street London W1F 8RB	Shop	Monday to Sunday; 07:00 - 22:00
19/06818/LIPCH	The Player	Basement 8 - 12 Broadwick Street London W1F 8HN	Night clubs and discos	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
20/08147/LIPT	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/03497/LIPN	Busaba (Shadow Licence)	108-110 Wardour Street London W1F 0JL	Restaurant	Friday to Saturday; 10:00 - 01:00 Sunday to Thursday; 10:00 - 00:30
19/11795/LIPDPS	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Sunday; 12:00 - 23:00 Monday to Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30
19/02509/LIREVP	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Not Recorded	
21/02792/LIPVM	Amathus	Hammer House 113- 117 Wardour Street London W1F 0UN	Shop	Monday; 08:00 - 23:00 Tuesday; 08:00 - 23:00 Wednesday; 08:00 - 23:00 Thursday; 08:00 - 23:00 Friday; 08:00 - 23:00 Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

19/10103/LIPN	Inkd	118-120 Wardour Street London W1F 0TU	Miscellaneous	Sunday; 10:00 - 21:00 Monday to Saturday; 09:00 - 22:00
18/07467/LIPDPS	Ivy Soho Brasserie	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Restaurant	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30
17/06881/LIPN	Nespresso	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Not Recorded	Sunday; 07:00 - 22:30 Monday to Saturday; 07:00 - 23:00
19/11661/LIPDPS	Temper	Former Trenchard House 19 - 25 Broadwick Street London	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
20/10322/LIPCH	The Ship Public House	116 Wardour Street London W1F 0TT	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
20/08844/LIPT	Cote	Basement And Ground Floor 122- 126 Wardour Street London W1F 0TY	Restaurant	Sunday; 09:00 - 00:00 Monday to Thursday; 09:00 - 03:00 Friday to Saturday; 09:00 - 03:30
18/16244/LIPV	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday; 08:00 - 23:00 Tuesday; 08:00 - 23:00 Wednesday; 08:00 - 23:00 Thursday; 08:00 - 23:00 Friday; 08:00 -

				23:00 Saturday; 08:00 - 23:00 Sunday; 08:00 - 23:00
19/14296/LIPDPS	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday; 08:00 - 23:30 Tuesday; 08:00 - 23:30 Wednesday; 08:00 - 23:30 Thursday; 08:00 - 23:30 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30