



City of Westminster

Item No:	
Date:	17 February 2022
Licensing Ref No:	21/10493/LIPN - New Premises Licence
Title of Report:	Baaria 76 - 78 Charing Cross Road London WC2H 0BD
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	29 September 2021		
Applicant:	Baaria Leicester Square Ltd		
Premises:	Baaria		
Premises address:	76 - 78 Charing Cross Road London WC2H 0BD	Ward:	St James's
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form the premises intend to trade as a café.		
Premises licence history:	This is an application for a new premises licence and therefore has no licence history.		
Applicant submissions:	None		
Applicant amendments:	During consultation the applicant has reduced the hours applied for from 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday and 09:00 to 22:30 Sunday and removed late night refreshment from the application. The hours now applied for are set out at 1-B below.		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol (On the premises)				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:			None				

Sale by retail of alcohol (Off the premises)				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
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:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-			None				

standard timings:	
Adult Entertainment:	None

2.	Representations
2-A	Responsible Authorities

Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	Reaz Guerra
Received:	25 October 2021

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives. The premises is located within the West End Cumulative impact Area.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

Following a reduction in hours and agreement of conditions, the Metropolitan Police withdrew their representation on 4th February 2022

Responsible Authority:	Environmental Health
Representative:	Anil Dryan
Received:	26 October 2021

I refer to the application for a new Premises Licence for the above premises which is located in the West Cumulative Impact Zone

The applicant has submitted plans of the premises showing Basement and Ground Floors, drawing no 08-01, dated 22/09/21.

The following licensable activities are being sought:

1. Supply of Alcohol 'On' and 'Off' the premises on Monday to Thursday 09:00 to 23:30 hours, Friday and Saturday 09:00 to 00:00 hours and Sunday 09.00 – 10.30 hours. Also Non-Standard times of Sundays before Bank Holidays to 00:00 hours and from end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day
2. Provision of Late-Night Refreshment 'Indoors' on Monday to Thursday 23:00 to 23:30 hours and Friday and Saturday 23:00 to 00:00 hours. Also Non-Standard times of Sundays before Bank Holidays to 00:00 hours and from end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area and may impact on Public Safety
2. Provision of Late-Night Refreshment and for the hours requested may have the effect of increasing Public Nuisance in the area

Environmental Health also makes the following further comments:

- An extensive list of conditions have been offered with the application. These are under consideration as to whether they are sufficient to allay Environmental Health concerns.
- It is unclear from the application if the premises have already been constructed for the proposed use. Nevertheless, prior to commencement of licensable activities it will need to be inspected for Public Safety by Environmental Health.
- As well as on safety considerations any public capacity will also be assessed with regards to the provision of sanitary accommodation being in line with BS6465.
- Particularly for any new hot food operation Environmental Health shall require details of how odour nuisance shall be prevented and how internal noise transference shall not occur through party wall connections. The following guidance is therefore provided:
 - i. To prevent odour nuisance from kitchen ventilation/discharge systems advice on this can be found on the Council's website:
 - ii. In addition the whole of Westminster is an Air Quality Management Area (AQMA) under the Clean Air Acts and if there is any intention to employ solid fuel cooking (eg wood, charcoal etc) then premises must also comply with smoke control area requirements – for the authorised fuels and/or the exempt appliances that can be used in such areas see website at:
 - <https://www.gov.uk/smoke-control-area-rules>
 - iii. With regards to preventing internal noise transfer within the building block the sound insulation measures to the party walls/ceilings must be to at least the standards set out in Appendix 11 of the Council's Statement Of Licensing policy which can be found at:
 - <https://www.westminster.gov.uk/node/20023>
- The Council revised its Statement of Licensing Policy earlier this year. One of the new requirements under the Policy is that greater emphasis has been placed on licensed premises demonstrating compliance with policy CH1, Protection of Children from Harm, (see page 36 of policy).

The applicant is therefore requested to contact the undersigned to discuss the above and arrange a site after which Environmental Health may propose additional conditions for the proposed use.

Responsible Authority:	Licensing Authority
Representative:	Jessica Donovan
Received:	26 October 2021

Dear Sirs

I write in relation to the application submitted for a new premises licence for 76 - 78 Charing Cross Road, London, WC2H 0BD.

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:

Late Night refreshment

Monday to Thursday 23:00 to 23:30

Friday to Saturday 23:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays to 00:00.

Retail Sale of Alcohol (On and Off sales)

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays to 00:00.

Hours premises are open to the public

Monday to Thursday 09:00 to 00:00

Friday to Saturday 09:00 to 00:30

Sunday 09:00 to 23:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays to 00:30

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and RNT1.

Policy RNT1 (B) states

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

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.

C. For the purposes of this policy a restaurant is defined as:

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.

The Licensing Authority note that the application falls within Westminster core hours for Restaurants.

The Core hours for restaurants are:

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.

The Licensing Authority note that the applicant has proposed an amended MC66 to bring the application in line with RNT1.

MC66 (amended) The premises shall only operate as a restaurant,

(i) in which customers are shown to their table or the customer will select a table themselves,

(ii) where the supply of alcohol is by waiter or waitress service only,

(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,

(iv) which do not provide any takeaway service of food or drink for Immediate consumption off the premises,

(v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

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]
Received:	25 October 2021
<p>As a resident in the building [REDACTED] premise in this application I object to the licensing hours extension request on the grounds of extra noise that it would create.</p> <p>Whilst living in the Soho area you obviously expect to have and do live with some noise but the Sandringham Flats building is a residential building and the commercial units under it are more suited to daytime shop premises such as the antique book shops that the street is known for. There are many locations in Soho and Covent Garden where offices are above the commercial units and these locations are more suitable for cafes and restaurants looking to operate with extended hours.</p> <p>Even with the best will in the world late night venues do create extra noise whether this is from music being audible when people enter or leave and the doors are open, from taxis or tuk-tuk vehicles dropping people off and collecting them, from staff coming and going etc. There is already enough noise pollution from this street without adding more - the wider area also already has many late night cafes and restaurants so it is unclear that there is a real need for one more.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	3 October 2021
<p>I strongly oppose the application to serve alcohol on these premises. This will cause serious noise and disruption to the residents living above, not to mention an increase in rubbish and vermin in our courtyard.</p> <p>Already we have serious such problems with BUNSIK down the road. Allowing alcohol to be sold in this mew place will only make matters worse!</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	14 October 2021
<p>We are resident living in [REDACTED] and having small kids.</p> <p>We already facing lot of nuisance, crime, disorder, urinating and vomiting outside our main entrance. Noises are getting that loud that we and our children can't sleep at night anymore which is disturbing us so much to carry on our day to day normal activities.</p> <p>Many times strange drunk people walked inside our building (Despite having secure gated entrance following residents coming in)on weekends and having alcohol and urinating. Which</p>	

also create safety concerns for us and our children.

If one more pub/ Alcohol/ Restaurant will open outside our building then our life will be very much disturbed by having more crime, safety concerns to public, residents and children and it will restrict us more to go outside with kids. All residents already been complaining about all the above mentioned issues.

Please don't allow Alcohol/Pub/Restaurant business outside our building.

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

This is an application for a new LNR and Alcohol Licence for a premises on the ground floor of Sandringham Mansions, a large Social Housing block on the East side of Charing Cross Road. The site was previously a book shop which kept normal retail hours and had few customers. The use facilitated by this application is both more intensive and is proposed to operate until as late as 00:30.

The CGCA's view is that the application, if granted as applied for, will harm the Licensing Objective of the Prevention of Public Nuisance.

The premises are described as a Café and we understand that the intended use is similar to Ole & Steen situated on the West side of Charing Cross Road. This is consistent with the internal layout. However unlike Ole & Steen the premises are not purpose built for this type of operation and have residents immediately above at first floor level with limited sound proofing built in.

The CGCA's view is that in order to support the Licensing Objectives the application should be modified as follows:

The premises opening hours and licensable activities should end at 21:00A condition to manage queuing should be added. We suggest that MC24 with the location for queuing restricted to an area immediately outside the premises frontage and with a depth of no more than 1m. No queuing should be permitted after 20:00.

The MC35 and MC64 conditions proposed should restrict deliveries and collections to between 08:00 and 20:00. This time window accommodates 2 of the 3 waste collection windows on the street. Use of the 3rd window (01:00-02:00) would cause a noise nuisance for residents.

The internal capacity should be restricted to 15 customers.

A condition should be added to address the risk of nuisance from the use of delivery services such as Deliveroo/Just Eats. Our proposed condition is:

Where goods are supplied for delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause a nuisance at or near to the premises.

We note that the applicant has proposed to include MC 12 (Noise) and MC 87 (Odours) in the operating schedule. We appreciate this but would like to understand the steps which will be taken to ensure that they are able to comply with these as conditions. The age and structure of the building and the fact that it located under residential accommodation means that we believe that these may be difficult to achieve.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	06 October 2021

As a resident in [REDACTED], I STRONGLY OBJECT to the a licence to both sell alcohol to take away and to be consumed on the premises unit as late as midnight, 7 days a week. As you can imagine, this will cause a massive increase in problems with more noise, vermin, rubbish in our courtyard, smells and queues blocking the north side of the block. Already a number of residents are having to alter their route home to avoid the queues caused by Bunsik with their customers and rubbish. One of our residents was knocked to the ground outside Bunsik recently which shows how bad the situation has become.

Name: [REDACTED]

Address and/or Residents Association: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received: 06 October 2021

I am a resident [REDACTED] this parade of shops we already have a serious issue with the bunsik Koreann takeaway on this parade and this will cause another massive increase in problems with more noise, vermin, rubbish in our courtyard, smells and queues blocking the north side of the block. Already a number of residents are having to alter their route home to avoid the queues caused by Bunsik with their customers and rubbish. One of our residents was knocked to the ground by the queues. This is a residential area with both Sandringham Flats and Vale Royal affected by late noise - we are also situated in an already licence saturated area and apart from causing disturbance to residents this is not a suitable place for this type of letting. The pavements are slim and Deliveries and removal of rubbish would need to be made via Charing Cross Road a busy road at the best of times. The history of book shops on this parade should be preserved if possible - or at least with retail not licensed properties.

Name: [REDACTED]

Address and/or Residents Association: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received: 20 October 2021

[REDACTED] I strong object to this proposal, none of the existing units as part of the Sandringham building have a license as this protects the risk of disturbance for the residents.
There are already a significant number of licensed premises within close proximity there is no need for another.
As a resident I do not want further noise, nuisance or disturbance by having a licensed premises in the building.

Name: [REDACTED]

Address and/or Residents Association: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received: 12 October 2021

I am objecting to the licence application above. None of the premises beneath this residential block are suitable for catering premises of any description. We already have problems with Bunsik - a Korean corn dog restaurant that has vast queues and completely blocks the pavement. There are smells associated with the cooking of food and vermin issues linked to the

disposal of food waste. Westminster has the highest number of licensed premises in the country and we certainly do not need to add it to it.

The licence application show no details of the true nature of the business so we can only suppose that this will be linked to food. There is no security or risk assessment plan in place. The only fire escape is into the residential block and not to the outside. Security is a major issue for residents in the block and we have already had homeless people setting up camp and defecating in communal areas. Residents have also been attacked on entering the estate. As the block was built in the Victorian era insulation for sound, vibration etc is limited and as we have already experienced music, deliveries and waste disposal will all cause undue distress for residents.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	12 October 2021

As a registered blind resident I wish to object to another eatery in area. I have real issues with mobility getting out of my flat trying to get to tube station with the licence you granted to other business, I now have to turn right passing this proposed business to get to bus stop which at present is fine as it's shops. I object to any business that will cause possible queuing outside and people consuming alcohol on premises then loitering outside. As a resident I have the right to freely be able to walk without issues which is proving more difficult in this area.

Name:	[REDACTED] (Withdrawn)
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	02 October 2021

I object on the grounds that the premises are unsuitable for such activities as can be seen with the Korean food outlet a few doors down. This will cause considerable distress to residents and pedestrians with noise, smells and deliveries all causing problems. I note there is no detail on security, CCTV and the premises do not have a separate fire exit (it opens into residential premises) so this would be unsuitable as an exit for large numbers of people. We have 2 premises nearby which already sell alcohol so there is no business demand for this activity and previous experience with premises nearby showed that this type of activity had many problems and led to a substantial increase in antisocial behaviour. As a local resident, we have a number of issues with late night noise and disturbance and this application will make matters worse.

Following a reduction in hours and agreement of conditions, the interested party withdrew their representation on 26th January 2022

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	06 October 2021

I am a resident [REDACTED] this parade of shops we already have a serious issue with the

bunsik Koreann takeaway on this parade and this will cause another massive increase in problems with more noise, vermin, rubbish in our courtyard, smells and queues blocking the north side of the block. Already a number of residents are having to alter their route home to avoid the queues caused by Bunsik with their customers and rubbish. One of our residents was knocked to the ground by the queues. This is a residential area with both Sandringham Flats and Vale Royal affected by late noise - we are also situated in an already licence saturated area and apart from causing disturbance to residents this is not a suitable place for this type of letting. The pavements are slim and Deliveries and removal of rubbish would need to be made via Charing Cross Road a busy road at the best of times. The history of book shops on this parade should be preserved if possible - or at least with retail not licensed properties.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	27 October 2021

I object to the application because of the potential for noise, anti-social behaviour and the deleterious effect it will have on the quality of life in the area.

On adjoining Litchfield Street, there are already three restaurants, of which two have outdoor seating and also a members club above the Ivy restaurant.

In the 22 years, I have lived here, there has never, to my recollection been any type of licensed premises on the block containing Sandringham Flats.

There have been bakeries and coffee shops which have closed by the evening, but never anything that has opened until 11 PM or midnight, which is not surprising because Sandringham Flats and the properties across the road means that this part of Charing Cross Road is overwhelmingly a residential area.

There are many elderly people, households with children and disabled people here and the awarding of the license would diminish their quality of life and the peaceful enjoyment of their homes.

There is also a problem with vermin such as mice and rats. A licensed restaurant would worsen that and create an increasing health hazard.

I hope you consider my objection and refused the licensing application.

Name:	[REDACTED] (withdrawn)
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	06 October 2021

There are 121 flats in this block, above the premises applying for the license, with another even larger block on the other side of the street, bringing the number of residents directly affected to several hundred.

Living on a busy main road, we already suffer greatly with excessive noise from traffic revving engines at the lights, pedicabs blaring their music out at maximum volume in an attempt to draw custom, revellers yahooping at the bus stop and hordes of people queuing for fast food clogging up and blocking the footpath so that we are forced onto the road in order to pass.

Please, please, please DO NOT add alcohol and the anti social behaviour it brings with it, to our already considerable problems. No-one can sleep at night, as it is. This being the heart of the West End, there are already more than enough establishments where alcohol can be bought and/or consumed.

Following a reduction in hours and agreement of conditions, the interested party withdrew their representation on 8th February 2022

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	12 October 2021
<p>I am an elderly man with my wife and I have Parkinson's. I have issues with my walking and wish to object to any cafe business that may have queuing or seating outside which will hinder me walking outside my property. I need rest and with drink license I object to noise that this business will bring to my home. We are happy with shops but object to eatery and anything with drinks licence as we have enough noise from the present business no need for more. We have issues with pest control and more food will increase this issue.</p>	

3. Policy & Guidance

<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p>	
<p>Policy HRS1 applies</p>	<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

	<p>transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>8. Restaurants</p> <p>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(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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. 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.

	<p>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.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</p> <p>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.</p> <p>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.</p>
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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:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email:kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	25 October 2021 (withdrawn 04 February 2022)
5	Environmental Health representation	26 October 2021
6	Licensing Authority representation	26 October 2021
7	Interested Party representation (1)	25 October 2021
8	Interested Party representation (2)	05 October 2021
9	Interested Party representation (3)	14 October 2021
10	Interested Party representation (4)	23 October 2021
11	Interested Party representation (5)	06 October 2021
12	Interested Party representation (6)	06 October 2021
13	Interested Party representation (7)	20 October 2021
14	Interested Party representation (8)	12 October 2021
15	Interested Party representation (9)	12 October 2021
16	Interested Party representation (10)	02 October 2021 (withdrawn 26 January 2022)
17	Interested Party representation (11)	06 October 2021
18	Interested Party representation (12)	27 October 2021
19	Interested Party representation (13)	06 October 2021 (withdrawn 08 February 2022)
20	Interested Party representation (14)	12 October 2021

Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

9. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
- (b) All entry and exit points will be covered enabling frontal identification of every person

entering in any light condition.

(c) 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.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by any of its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Sales of alcohol for consumption off the premises shall only be (a) in sealed containers, and shall not be consumed on the premises or (b) consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
15. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
16. 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.
17. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.
18. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public

display, and at the point of sale.

20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
22. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 40 persons on the ground floor and 60 in total.
23. 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.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 hours on the following day.
25. 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.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
28. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
29. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
30. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day.
31. Any tables and chairs placed immediately outside the premises shall be removed or rendered unusable by 21.00 hours.

Conditions proposed by the Environmental Health

None

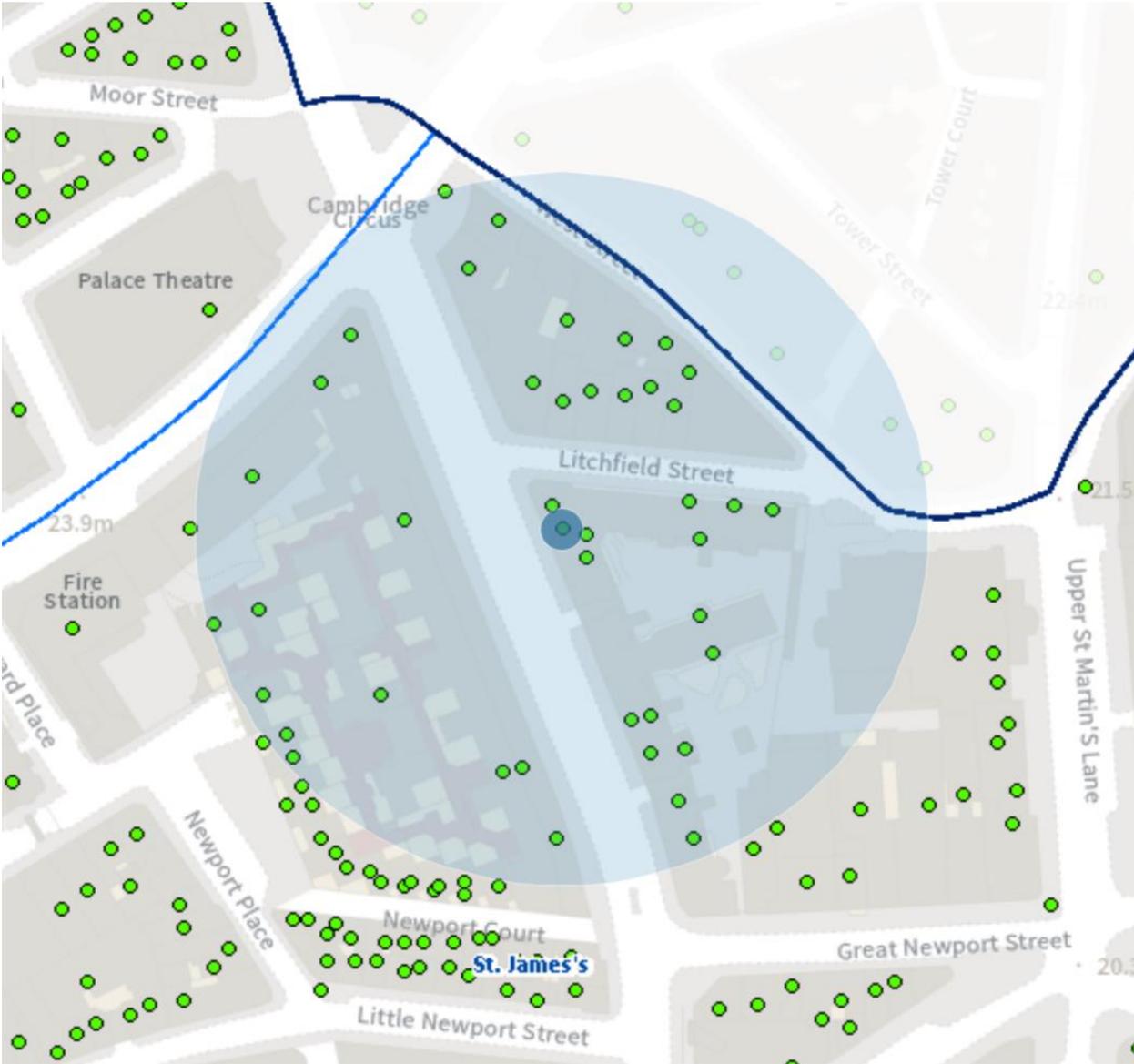
Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule

32. The premises shall only operate as a restaurant,
- (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal

33. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
34. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway



Resident count: 315

Licensed premises within 75m of 76-78 Charing Cross Road

Licence Number	Trading Name	Address	Premises Type	Time Period
08/06532/LIPN	Karine Jackson Hair Beauty	24 Litchfield Street London WC2H 9NJ	Hairdresser or beauty salon	Monday; 10:00 - 19:00 Tuesday; 10:00 - 21:00 Wednesday; 10:00 - 20:00 Thursday; 10:00 - 21:00 Friday; 10:00 - 19:00 Saturday; 09:00 - 18:00
16/04558/LIPT	Le Beaujolais Wine Bar	25 Litchfield Street London WC2H 9NJ	Wine bar	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
16/04565/LIPT	Le Beaujolais Restaurant Club	25 Litchfield Street London WC2H 9NJ	Wine bar	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
10/10268/LIPT	Subway	82 Charing Cross Road London WC2H 0BA	Shop	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 06:00
09/01988/LIPD	Souk Restaurant	Ground 27 Litchfield Street London WC2H 9NJ	Cafe	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/08071/LIPDPS	The Ivy	1 - 5 West Street London WC2H 9NQ	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 08:00 - 01:30
17/09476/LIPRW	London Grace	11 West Street London WC2H 9NE	Hairdresser or beauty salon	Saturday; 09:00 - 20:00 Sunday; 10:00 - 16:00 Monday to Wednesday; 09:00 - 21:00 Thursday to Friday; 09:00 - 22:00

20/07509/LIPRW	Louis	13-15 West Street London WC2H 9NE	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 09:00 - 02:00
21/06150/LIPDPS	The Ivy Club	9 West Street London WC2H 9NE	Shop	Sunday; 10:00 - 23:00 Monday to Saturday; 08:00 - 02:30
13/02532/LIPN	Real Beijing	67 Charing Cross Road London WC2H 0NE	Restaurant	Sunday; 11:00 - 23:00 Monday to Saturday; 11:00 - 23:30 Sundays before Bank Holidays; 11:00 - 23:30
13/06515/LIPN	Make Noodle Heaven	51 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Sunday; 11:00 - 00:00
21/02975/LIPDPS	Sainsburys	57 Charing Cross Road London WC2H 0NE	Food store	Monday; 07:00 - 00:00 Tuesday; 07:00 - 00:00 Wednesday; 07:00 - 00:00 Thursday; 07:00 - 00:00 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00
21/08880/LIPDPS	Oseyo	Unit EC2 67-75 Charing Cross Road London WC2H 0NE	Not Recorded	Sunday; 09:00 - 22:00 Monday to Saturday; 08:00 - 23:00
19/13663/PREAPM	Not Recorded	57 Charing Cross Road London WC2H 0NE	Not Recorded	
21/14253/LIPCH	Ole & Steen, Unit 8	67 - 69 Charing Cross Road London WC2H 0NE	Not Recorded	Sunday; 06:30 - 22:30 Monday to Thursday; 06:30 - 23:30 Friday to Saturday; 06:30 - 00:00
13/05563/LIPDPS	Walkabout	136 Shaftesbury Avenue London	Pub or pub restaurant with lodge	Sunday; 10:00 - 04:00 Monday to

		W1D 5EZ		Saturday; 09:00 - 04:00
18/09254/LIPN	Not Recorded	136 Shaftesbury Avenue London W1D 5EZ	Not Recorded	Sunday; 10:00 - 04:00 Monday to Saturday; 09:00 - 04:00
21/08126/LIPDPS	Stone Nest	136 Shaftesbury Avenue London W1D 5EZ	Miscellaneous	Sunday; 10:00 - 04:00 Monday to Saturday; 09:00 - 04:00
21/07916/LIPT	Shake Shack	1 Cambridge Circus London WC2H 8PA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/09087/LIPDPS	Wingstop Restaurants	Basement To Second Floor 138 Shaftesbury Avenue London WC2H 8HB	Restaurant	Monday to Sunday; 10:00 - 00:00
19/00693/LIPV	Unit 15	Development Site Bounded By 10 To 18 Newport Place 28 To 35 Newport Court And 51-79 Charing Cross Road London WC2H 0NE	Restaurant	Sunday; 08:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 08:00 - 00:00
18/15580/LIPV	Unit 14	Development Site Bounded By 10 To 18 Newport Place 28 To 35 Newport Court And 51-79 Charing Cross Road London WC2H 0NE	Not Recorded	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00

18/03099/LIPCH	Unit 13	Development Site Bounded By 10 To 18 Newport Place 28 To 35 Newport Court And 51-79 Charing Cross Road London WC2H 0NE	Restaurant	Sunday; 08:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 08:00 - 00:00
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