

Licensing Sub-Committee Report

Item No:	
Date:	07 April 2022
Licensing Ref No:	22/01042/LIPN - New Premises Licence
Title of Report:	50 - 52 Baker Street London W1U 7BT
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	2 February 2022		
Applicant:	Pinq Limited		
Premises:	Pinq		
Premises address:	50 - 52 Baker Street London W1U 7BT	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application the premises plan to run the venue as a high end cheesecake cafe. They will also be selling an exclusive coffee brand brewed only for Pinq Ltd.		
Premises licence history:	This application is for a new premises, and therefore no premises licence history exists.		
Applicant submissions:	As part of the application form, the applicant provided the following information: <i>"The premises has been set out to have a high-class restaurant feel where diners will be treated to occasional live music to compliment the ambient relaxed setting. The application has been completed as if the venue were a traditional restaurant serving food and drink, which obviously it will not be as there will be no service of alcohol at the premises, just quality desserts and coffee."</i>		
Applicant amendments:	None.		

1-B	Proposed licensable activities and hours						
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	03:00
Seasonal variations/ Non-standard timings:			Any day preceding a bank holiday 23:00 - 05:00				

Live Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	03:00
Seasonal variations/ Non-standard timings:			Any day preceding a bank holiday 23:00 - 05:00				

Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	03:00
Seasonal variations/ Non-standard timings:		Any day preceding a bank holiday 23:00 - 05:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	03:00
Seasonal variations/ Non-standard timings:		Any day preceding a bank holiday 23:00 - 05:00					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	PC Dave Morgan
Received:	25 February 2022 (withdrawn 28 March 2022)
<p>I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are objecting to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder.</p> <p>The hours sought are well beyond those of Westminster Council's Core Hours policy and I require more information on why these hours are necessary and how the venue will not add to the cumulative impact in and already demanding area.</p> <p>To move forward, can you please supply me with further information on how the venue will be managed and what the concept of the venue will be. I appreciate that there will be no alcohol served at the venue, but I note on the plans, the addition of a DJ booth and stage and I just need to know how these will be utilised and whether any further conditions are required.</p> <p>If you feel that a site visit would be beneficial, please let me know and we could arrange a day that suits you.</p> <p>Following the agreement of conditions with the applicant the Metropolitan Police Service withdrew their objection on 28 March 2022.</p>	

Responsible Authority:	Environmental Health Consultation Team
Representative:	Maxwell Koduah
Received:	25 February 2022

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

The applicant is seeking the following activities:

1. Performance of live music indoors at the following times:

- Monday – Saturday 23:00 – 05:00 hours
- Sunday 23:00 – 03:00 hours
- Sunday preceding Bank Holiday 23:00 – 05:00 hours

2. Playing of recorded music indoors at the following times:

- Monday – Saturday 23:00 – 05:00 hours
- Sunday 23:00 – 03:00 hours
- Sunday preceding Bank Holiday 23:00 – 05:00 hours

3. Provision of late-night refreshment indoors & outdoors at the following times:

- Monday – Saturday 23:00 – 05:00 hours
- Sunday 23:00 – 03:00 hours
- Sunday preceding Bank Holiday 23:00 – 05:00 hours

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

1. The hours requested to perform live music may have the likely effect of causing an increase in Public Nuisance within the area
2. The hours requested to play recorded music may have the likely effect of causing an
3. increase in Public Nuisance within the area
4. The provision of supply of late-night refreshment and the hours requested ay have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within area

It is not clear why a cheesecake café would want to play recorded music and perform live music for the proposed hours bearing in mind these are high risk public nuisance activities. This will be discussed further with applicant.

The accompanying floor plan has identified an outside area included as part of the proposed licenced area in red line. Unless the outside area is privately owned and part of

applicant's demise, it has to be excluded from the area demarcated by a red line.
A revised plan with this correction will have to be submitted to the licensing team.

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

Conditions, in addition to those contained within the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety. Applicant is advised to study these conditions and discuss them if they are minded.

Proposed Environmental Health conditions in addition to those contained within the operating schedule

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as cheesecake café
2. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 05:00 hours on the following day
3. 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
4. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined
5. The licence holder shall ensure that there is no queuing outside the premises between 23:00 and 05:00 hours
6. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

Condition 14 within operating schedule to be replaced with:

7. All windows and external doors shall be kept closed after **23:00** hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons

Please contact me if you are minded discussing any of the matters above.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	28 February 2022		
<p>On behalf of the Marylebone High Street Ward Councillors I am writing to object to the above application as it will not promote the Licensing Objectives namely, Prevention of Public Nuisance, Crime and Disorder and Children from Harm.</p> <p>The hours sought of 23:00 - 0:500 for Live Music Mon- Sat and 23:00 - 0:300 Sundays and LNR 12:00 -05:00 Mon- Sat and 12:00- 03:00 Sundays are beyond Core Hours and will lead to disturbances for residents as this is a very residential neighbourhood.</p> <p>The applicant has not given an explanation of how the premises would be managed and why these hours are being sought.</p> <p>Thank you for your consideration,</p>			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:		In support or opposed:	
Received:	28 February 2022		
<p>This representation is made by the Marylebone Association, the amenity society for this location recognised by Westminster. We are objecting because, as it stands, we believe that the application would lead to contravention of Licencing Objective PN1.</p> <p>We are intrigued by the unusual style of business and are very interested to see how such a new venture will thrive. However, although we welcome the novelty we are extremely concerned about the hours, the live music and the large capacity. In addition we note that the application seeks to licence an area with a large number of covers outside on the forecourt where we think late hours are entirely inappropriate.</p> <p>We are worried that because a licence is for the premises and not the applicant there is a possibility the applicant could sell on the business with a 5am licence which could then morph into something entirely different. We therefore believe that if any licence were to be granted we would suggest core hours should be imposed and in addition the use of tables and chairs outside should end at 8:00pm.</p> <p>Additional submission from the interested party dated 21 March 2022:</p> <p>Dear Mr Conisbee</p> <p>Thank you for the letter dated 14th March regarding the licence application for 50-52 Baker Street.</p> <p>You state that Marylebone serves, in particular, the Arab and wider Middle East community. We find this a very surprising statement. We would agree that the Edgware Road has a reputation for gatherings of Middle Eastern clients but would maintain that the rest of the Marylebone area has no more than usual concentration of Lebanese and Persian restaurants as found elsewhere in London. The idea that Baker Street is to become the new Edgware Road, a focus of Middle Eastern clients, is not entirely welcome. There appears to be a trend for new cafes to move east</p>			

from Edgware Road and in almost every case they go on to serve shisha which a huge majority of Marylebone residents find objectionable. Westminster Council itself has expressed concern about this (“Reducing the Harm of Shisha: Towards a Strategy for Westminster.” February 2017).

We are also of the opinion that the City’s policy on Core Hours is in place for a very good reason. It is totally accepted that without the service of alcohol the risk of rowdy behaviour from customers is likely reduced but the lack of alcohol does not mean that nuisance is negated. You explain that clientele would normally start their evenings later than others and go on until the small hours. Experience in London, and for that matter the Middle East, would suggest that the nuisance comes more from the noise created by groups arriving and departing and the use of expensive cars and is as bad as, or worse than, a bunch of drunken Europeans. Ferraris and Lamborghinis coming and going in Baker Street at 4:00 in the morning really is not a welcome prospect.

You also refer to membership after midnight. “Entry to the premises after midnight will be strictly for members only”. This is the first reference to membership which implies some form of club. How does this operate? What are the membership terms? How does this protect the public from nuisance?

We thank you for writing to us but unfortunately, we do not feel that this allows us to withdraw our objection at this time.

[REDACTED]

[REDACTED]

Licensing
Marylebone Association
21/3/2021

3.

Policy & Guidance

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

Hours Policy HRS1 applies

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

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation 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 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.

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>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Restaurant Policy RNT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated 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. 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, except if provided via an ancillary delivery service to customers at their residential or workplace address. 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:	Ms Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@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	1 st October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	25 th February 2022
5	Environmental Health Consultation Team	25 th February 2022
6	Interested Party 1	28 th February 2022
7	Interested Party 2	28 th February 2022



LICENSING CONSULTANCY

Peter Conisbee
Unit 16829
PO Box 6945
London
W1A 6US

To;
Mr Maxwell Koduah – EH Consultation Team
Pc David Morgan – Metropolitan Police



With regard to Premises Licence Application by
Pinq Ltd for 50-52 Baker Street, W1U 7BT

14th March 2022

Dear All,

Thank you for the time taken to respond to this application, the applicant has already responded during the consultation process to both the police and the EH consultation team. During the consultation a number of matters were discussed, the application varied, and additional conditions put forward. I shall detail these later.

Much has been spoken about the type of business that the applicant wishes to run at these premises. In short, it is a form of restaurant focussing on desserts, and cheesecake in particular. Whilst there are numerous restaurants to visit in the area, none have such a vast selection of desserts as they intend to have at 50-52 Baker Street.

The Marylebone area has been chosen specifically by Pinq due to the diverse community the area serves, and in particular the Arab and the wider Middle Eastern community. It is already home to the top Arabic restaurants in the UK, and Pinq anticipate being part of that elite. Cheesecake has for many years been incredibly popular amongst the Arab community and in the Middle East with numerous companies investing millions to satisfy the dessert needs of their customers. The most popular brand demanded by customers is from the USA from a company aptly named, The Cheesecake Factory, and until Pinq arrived, there was no planned importation from the USA. This is about to change with Pinq being the sole importer from the USA of their cheesecake.

Pinq will have up to 50 different types of cheesecake on their dessert menu. Whilst some diners will come to the premises for a lavish three course meal, it is highly anticipated that many will come purely for the desserts. The applicants have invested in research and that is why this premises is prime location. They expect to reap rewards from businesses and residents in the area as there are no other such venues in the Westminster area, let alone the Marylebone area.

The reasoning for the venue requesting hours till 5am is simple. The clientele as stated above often do not leave their homes to dine till far later in the evening and look to remain in the one premises to the early hours. Concessions have now been made for this as you will note later on. We responded to Mr Koduah's representation during consultation and explained a number of queries which for clarity and transparency I repeat here.

He raised concerns over why a cheesecake café would want to play recorded music and perform live music for the proposed hours. *The licensee has no intention of any loud music emanating from the premises, this is out of the question as it is completely against the*

ambience that the licensee is trying to build. A soloist, acoustic guitar – this is more along the lines of the licensee's idea. The licensee wants to build a relaxing environment where people can visit the premises at the end of a stressful day, or evening out. They can relax and unwind. This has now been further conditioned as you will note further on.

The accompanying floor plan has identified an outside area included as part of the proposed licenced area in red line. Unless the outside area is privately owned and part of applicant's demise, it has to be excluded from the area demarcated by a red line. A revised plan with this correction will have to be submitted to the licencing team. *The outside area is part of the buildings demise, hence it's inclusion – but given that you have requested the removal of the tables and chairs from 2300, then it would be pointless to include it – the floor plan has been amended and does not include the outside area. The new floor plan is attached to this letter.*

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

We would argue that not to be the case for a number of reasons.

We have already submitted a safeguarding condition at point 16 within our operating schedule.

We are not offering any alcoholic drinks.

We are promoting an atmosphere of relaxation for the customers to sit and unwind

We anticipate this venue to attract a certain type of clientele, overwhelmingly couples and small groups of friends.

We genuinely believe people that have enjoyed time at our premises will leave in a calm and relaxed manner, there will be nothing to 'hype' a person up at the premises.

Suggested conditions at 11, 12, 13, 14, 17, 18, 23, 25, 26 and 28 all provide assurances to prevent public nuisance and promote public safety.

Proposed Environmental Health conditions in addition to those contained within the operating schedule

All of which are agreed by the applicant.

8. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as cheesecake café.
9. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 05:00 hours on the following day.
Our suggested condition at point 20 is actually stronger than this condition as we suggest no deliveries between 2100 and 0800
10. 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.
11. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 140 persons.
12. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - a. the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
 - b. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,

- c. The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
 - d. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
 - e. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
13. The licence holder shall ensure that there is no queuing outside the premises between 23:00 and 05:00 hours Whilst we expect the premises to be very popular as a one of its kind in the area, we do not anticipate any issues with queues
14. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

Condition 14 within operating schedule to be replaced with

15. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons Agreed as per our suggested condition at point 14

With regard to the term DJ Booth, it's perhaps somewhat misleading – there is no intention whatsoever of having any regular form of DJ attending the premises and blasting out tunes as one may imagine. Yes, there will be decs installed but, for a very different purpose.

My client already has enquiries for book readings (for launches) and for music artists to hold listening parties to their new releases. The DJ booth would be used for such purposes – perhaps it is better considered like a presentation area. They also hope to hold other forms of events such as presentations, poetry readings, recitals etc. My client does have an acoustic consultant on hand who has assisted with the installation of speakers and cabling etc. The levels have been set so as not to cause any disturbance to any neighbours. In any case, this will be a venue where people are seated, so my client does not want any music to disturb those that have entered the premises the premises to eat/drink and perhaps un-associated with any particular event/reading/recital taking place.

The applicant, Mr Koduah and I met on the 1st of March at the premises, which is still under redevelopment. The business was further explained to Mr Koduah by the applicants and variations to the application operating schedule were agreed as below.

1. From midnight to closing, the premises will operate on-sale only of late Night Refreshment.
2. Between midnight to closing all music, live and recorded will be set at background level.
3. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - a. the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
 - b. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
 - c. The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
 - d. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and

- e. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
4. There will be no provision of 'fast-food' from the premises.
5. After 2300 hours there will be a minimum of two SIA registered door supervisors at the premises until 15 minutes after the venue closes.
6. Entry to the premises after midnight will be strictly for members only.
A list of the names and addresses of members shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the council
7. From 2300 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, will be limited to 8 persons at any one time.

With regard to the objections by Cllr Scarborough and Mr Austin, my client has never set out to cause any concern regarding his impending operation. The improvements to the operating schedule were in large part already considered as part of the overall operating plan of the premises. In discussion with Mr Koduah, we believe that these have been cemented. Along with additional safeguards that the applicant wanted to include to ensure the residents, and the responsible authorities that this is not going to be a premises of concern.

Beyond all else the premises is a restaurant, additional activities will not detract from the dining experience, merely enhance it. The new conditions give assurance that music will not be blaring out and that it is not a live music venue per se. A limit on occupancy, security after 11pm and a member only scheme after midnight all add to a very tight schedule. The two most prominent provisions associated with disorder and public nuisance, alcohol and fast food, will not be served here. To that end, it is not comparable to any other late night premises, because the point being, there are none like it!

Considerate tailoring of new and amended conditions so that it cannot morph into something untoward without the submission of a full variation application have been implemented. Such huge investment has been put into this project that there is no intention whatsoever of moving on. The applicant has done a wealth of research into the business and the location and is confident that it will be a long lasting venture. One which we believe will be of benefit to our 24 hour city, night and day.

Should you wish to discuss the application or any of the finer points in more detail, please do not hesitate to contact me. Should you wish to visit the premises (albeit it is still under reconstruction), the applicant would be more than happy to meet you on site and discuss and concerns you have.

Kind Regards

Peter

Peter Conisbee Q.Inst.Pa
Licensing Consultant and Independent Commercial Energy Broker
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LICENSING CONSULTANCY

To;
Mr Maxwell Koduah – EH Consultation Team
Pc David Morgan – Metropolitan Police

With regard to Premises Licence Application by
Pinq Ltd for 50-52 Baker Street, W1U 7BT

Thursday 24th March 2022

Dear All,

For transparency I write to you all to keep you updated.

My clients have agreed the following two conditions with the police, but I must point out, their objection still remains due to the hours sought.

- **A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours on Sunday to Thursday and 2100 hours on Friday, Saturday and days preceding a bank holiday until close. Whilst on duty they must correctly display their SIA licence(s) when on duty so as to be visible.**
- **Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.**

We have received a letter from the Marylebone association in response to our letter to you all. I'd like to cover off and answer the points raised in the letter.

- My clients have conducted their own research as to why this would be a suitable venue and location for their new business. It is your opinion against their research and statistics as to the demographic of the area.
- There has been no discussion or mention of shisha in this application.

- The use of expensive cars in the Westminster area is part and parcel of that area as its prestige attracts wealth of all nationalities.
- As has been stated, there will be door staff at the premises, not only will it be their duty to assist the safe passage of customers in and out of the venue, but also their task to ensure minimum disturbance at the premises. This would extend to their arrival and departure methods. That said, there are no residents living in close proximity to the premises. We are aware of the two flats in the block above the premises. These are owned by the landlord who is in support of the application and has not submitted an objection.
- The benefit to having a members only scheme is enormous. The applicants always intended having a members only scheme but were going to incorporate it into their business at later date. This would permit customers to sample the venue at all hours of opening before committing to the scheme. Hence this was not initially included in the operating schedule. Such membership means that the customers have more 'ownership' of the venue. As with any premises, licensed or otherwise, their actions will directly affect the venue. If they do not behave in an appropriate manner akin to that which the venue demands, their details are known and they will no longer be afforded their membership. It is of benefit to them to ensure that they behave appropriately coming to, inside and leaving the premises. At any time the authorities can attend the venue and ask to see details of members. It is not a club, such membership schemes operate across the country at similar venues to ensure a form of ownership and respect.

Lastly, Westminster City Council planning department have raised no objection to the opening hours. Prior to obtaining the property, my clients planning consultant researched the available public records relating to applications at 50-52 Baker Street. There are no available records regarding a change of use or any conditions present in any of the approved planning consents restricting the opening hours of the restaurant. Conversely, the exclusion of opening hours would be interpreted that it would be permissible for the business to operate without limitations to the opening hours.

Given that, the applicants would be permitted to operate the premises during the hours they have requested whether they be licensed or not.

The overriding benefit of the applicants being granted a licence, is that the premises will be afforded all of the safeguards included within this application. The alternative is that they continue their business with the same hours as applied for without hot food/drink, regulated entertainment and without any form of conditioning.

Kind regards

Peter Conisbee Q.Inst.Pa
Licensing Consultant and Independent Commercial Energy Broker
www.pclicensing.co.uk
07877 851 048

Premises History

Appendix 3

There is no licence or appeal history for the premises.

Appendix 4

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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises
12. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.
14. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times
15. A health and safety risk assessment will be completed and reviewed regularly, and will be made available to authorised officers of the council and the Metropolitan Police upon request
16. A fire safety risk assessment will be completed as per government guidelines on an annual basis (Regulatory Reform (Fire Safety) Order 2005) And produced to authorised officers of the council, the Metropolitan Police and the London Fire Service upon request.
17. The licensee shall ensure that a gas safety certificate is in existence at the premises and reviewed at the appropriate time
18. Staff will attend to any spillages within the venue as soon as practicable to minimise risk of injury to customers.
19. Customers will be actively discouraged from gathering outside of the premises
20. Staff shall carryout regular checks to monitor customer behaviour and to ensure there is no outbreak of noise from the premises.
21. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly

22. During licensable hours there will always be a minimum of two members of staff present
23. Staff will be trained to identify signs of intoxication, suspicious or aggressive behaviour and how to appropriately deal with such customers so as to provide adequate care and minimise risk
24. There will be no takeaway service of food for immediate consumption – all food taken away is to be closed/wrapped up.
25. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor by vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. No deliveries to the premises shall take place between 2100 hours and 0800 hours the following day
28. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
30. No fumes, steam or odours shall be omitted 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
31. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
32. The licensee will provide adequate bins for use by customers and encourage their use
33. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between the hours of 22:00 and 08:00
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time
35. 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

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

36. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as cheesecake café
37. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 05:00 hours on the following day
38. 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
39. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined
40. The licence holder shall ensure that there is no queuing outside the premises between 23:00 and 05:00 hours
41. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
42. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

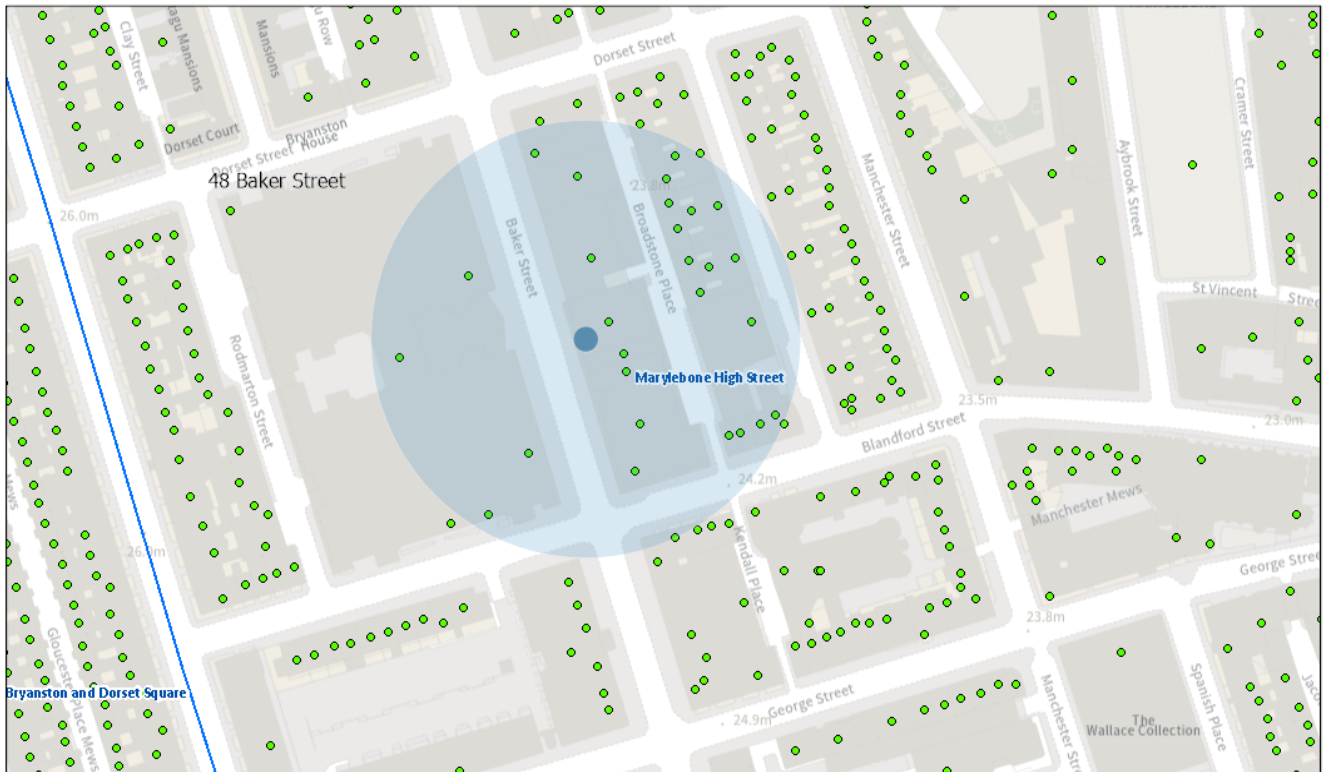
Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.

44. A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours on Sunday to Thursday and 2100 hours on Friday, Saturday and days preceding a bank holiday until close. Whilst on duty they must correctly display their SIA licence(s) when on duty so as to be visible.
45. Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.

Residential Map and List of Premises in the Vicinity

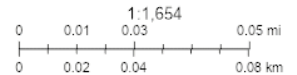
Appendix 5

50 - 52 Baker Street London W1U 7BT



25/03/2022, 12:30:58

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count: 99

Licenced premises within 75 meters of 50 - 52 Baker Street London W1U 7BT				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/05008/LIPN	Simple Health Kitchen	48 Baker Street London W1U 7BS	Cafe	Monday to Sunday; 07:30 - 22:30
09/02972/LIPV	A D Supermarket	48 Baker Street London W1U 7BS	Shop	Sunday; 08:00 - 22:30 Monday to Thursday; 07:00 - 02:00 Friday to Saturday; 07:00 - 03:00

19/05495/LIPN	Royal China Club	40 - 42 Baker Street London W1U 7AJ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
18/14158/LIPN	Knight Frank	55 Baker Street London W1U 8EW	Not Recorded	Monday to Friday; 17:00 - 22:00
21/06914/LIPN	Tesco (Unit 67)	55 Baker Street London W1U 8EW	Shop	Monday to Sunday; 06:00 - 00:00
20/09630/LIPT	The Natural Kitchen	55 Baker Street London W1U 8EW	Restaurant	Friday; 07:00 - 00:30 Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:00 Monday to Thursday; 07:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
17/06562/LIPDPS	Bright Courtyard	43 Baker Street London W1U 8EW	Restaurant	Monday to Sunday; 07:30 - 00:30
20/07056/LIPN	Za'ta	Unit 63 55 Baker Street London W1U 8EW	Restaurant	Monday to Sunday; 07:00 - 22:30
20/11588/LIPV	Chiltern Firehouse	1 Chiltern Street London W1U 7PA	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00

21/06617/LIPT	Ooty	66 Baker Street London W1U 7DJ	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
21/10718/LIPDPS	The Bok Bar	56 Blandford Street London W1U 7JA	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30