



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

14 July 2022

Licensing Ref No:

22/03850/LIPV - Premises Licence Variation

Title of Report:

Cafe Espana  
Basement To First Floor  
63 Old Compton Street  
London  
W1D 6HT

Report of:

Director of Public Protection and Licensing

Wards involved:

West End

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott  
Senior Licensing Officer

Contact details

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	7 April 2022		
<b>Applicant:</b>	Ms Sara Meloni		
<b>Premises:</b>	Cafe Espana		
<b>Premises address:</b>	Basement To First Floor 63 Old Compton Street London W1D 6HT	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises is currently operating as a café.		
<b>Variation description:</b>	This variation application seeks to permit the following  To extend the hours for <b>Late Night Refreshment</b> Monday to Sunday 23:00 to 02:00		
<b>Premises licence history:</b>	The premises has had a benefit of a premises licence since 2005. The current premises (13/02742/LIPDPS) licence can be viewed at <b>Appendix 2</b> of this report.  A history of the premises can be viewed at <b>Appendix 3</b> of this report.		
<b>Applicant submissions:</b>	No submissions have been received by the applicant.		
<b>Applicant amendments:</b>	Conditions have been agreed during the consultation period with the Metropolitan Police and the hours for Late Night Refreshment have been reduced to the below and reflected in <b>1-B of the Report</b> .  Sunday: 23:00 – 00:00 (as per current licence) Monday – Thursday: 23:00 – 00:30 (as per current licence) <b>Friday and Saturday: 23:00 – 02:00.</b>  Conditions have also been agreed with Environmental Health.  The agreed conditions can be found at <b>Appendix 5</b> .		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	00:30	No Change		Ground and First Floor	No Change
<b>Tuesday</b>	23:00	00:30				
<b>Wednesday</b>	23:00	00:30				
<b>Thursday</b>	23:00	00:30				
<b>Friday</b>	23:00	00:30	23:00	02:00		

<b>Saturday</b>	23:00	00:30	23:00	02:00		
<b>Sunday</b>	23:00	00:00	No Change			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				No Change	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		No Change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:00	No Change		Ground and First Floor	No Change
<b>Tuesday</b>	10:00	00:00				
<b>Wednesday</b>	10:00	00:00				
<b>Thursday</b>	10:00	00:00				
<b>Friday</b>	10:00	00:00				
<b>Saturday</b>	10:00	00:00				
<b>Sunday</b>	12:00	23:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				No Change	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:30	10:00	02:00	Ground and First Floor	No Change
<b>Tuesday</b>	10:00	00:30	10:00	02:00		
<b>Wednesday</b>	10:00	00:30	10:00	02:00		
<b>Thursday</b>	10:00	00:30	10:00	02:00		
<b>Friday</b>	10:00	00:30	10:00	02:00		
<b>Saturday</b>	10:00	00:30	10:00	02:00		
<b>Sunday</b>	12:00	00:00	10:00	02:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				No Change	

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	26 April 2022 ( <b>Withdrawn 16 May 2022</b> )
<p><b>Premises Licence Application for 63 Old Compton Street, W1D 6HT</b></p> <p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation against this application. The venue is situated within the Cumulative Impact Area. It is our belief that if granted, the application could undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p><b>Conditions and reducing the hours have been proposed by the Metropolitan Police and agreed with the applicant and can be found at Appendix 4.</b></p>	
<b>Responsible Authority:</b>	Licensing Service
<b>Representative:</b>	Roxsana Haq
<b>Received:</b>	3 May 2022
<p>I write in relation to the application submitted to vary a Premises Licence for the following premises:</p> <p><b>22/03850/LIPV: Cafe Espana, Basement To First Floor, 63 Old Compton Street, London W1D 6HT</b></p> <p>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 Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from harm</li> </ul> <p><b>This application seeks the following variations:</b></p> <p>Extend Late night refreshment:  Monday - Saturday 00:30 to 02:00  Sundays 00:00 to 02:00</p> <p>Extend the opening hours:  Monday - Sunday 00:30 to 02:00</p> <p><b>Current Licence:</b>  Late night refreshment:  Monday - Saturday 23:30 to 00:30  Sundays 23:00 to 00:00</p>	

**Sale of alcohol:**

Monday - Saturday 10:00 to 00:00  
Sundays 12:00 to 23:30

**Opening hours:**

Monday - Saturday 10:00 to 00:30  
Sundays 12:00 to 00:00

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

**Policy CIP1 states:**

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

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

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

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

**Restaurants Policy RNT1 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 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 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.

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, 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.

**Policy HRS1 states:**

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

The Licensing Authority raises concerns with the increase of hours and how this increase in the terminal hour will add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1 and HRS1.

1. Does the applicant have a Dispersal Policy? If so, please provide a copy and
2. What provisions will be in place to mitigate any possible issues regarding noise and nuisance if the later terminal hour was granted?

The Licensing Authority encourages the applicant to provide further submission as how this increase will not add to cumulative impact.

Paragraph 2.4.5 states, The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

The applicant will need to satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted. It will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact area and the proposed hours of operation.

Further discussions will be held with the applicant prior to any scheduled hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and I look forward to hearing from you soon.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	5 May 2022

Representation is made by Environmental Health against this application to extend LNR hours to 2am, Monday to Sunday, as this may undermine the licensing objective of Prevention of Public Nuisance.

The applicant has offered some undertakings which will need to be converted to enforceable conditions. Environmental Health may want to add its own conditions, including an assessment of the capacity for Public Safety purposes and provision of sanitary accommodation. In addition satisfactory information will need to be provided to ensure the later operation of plant and machinery (eg kitchen extract, air-con etc) will not result in nuisance from their operation. The applicant is requested to contact the undersigned to arrange a site visit and discuss the above matters.

**Conditions have been proposed by Environmental Health but not yet agreed by the applicant and can be found at Appendix 4.**

<b>2-B Other Persons</b>	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████
<b>Received:</b>	2 May 2022

**Reference: 22/03850/LIPV. La Pastaia (formerly Café Espana) 63, Old Compton St, W1D 6HT**

We write to make a relevant representation to the above application on behalf of ██████████.

The ██████████ objects to this application as currently presented on the grounds of the prevention of crime and disorder, prevention of public nuisance, and cumulative impact in the West End Cumulative Impact Area.

About ██████████

The ██████████ a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

**Application summary  
New Premises Licence**

Extension of the licence at night until 2am.

Present licence allows late night refreshment till 00:30, but due to very little business due to the pandemic, would like to extend the licence for late night refreshment till 02:00.

**Late night refreshment:** Monday - Saturday 00:30 - 02:00. Sunday 00:00 - 02:00

**Opening hours:** Monday - Sunday 00:30 - 02:00

**Current Licence**

**Late night refreshment:** Monday - Saturday 23:30 - 00:30. Sunday 23:00 - 00:00

**Sale of alcohol:** Monday - Saturday 10:00 - 00:00. Sunday 12:00 - 23:30

**Opening hours:** Monday - Saturday 10:00 - 00:30. Sunday 12:00 - 00:00

**The ██████████ Position**

The ██████████ objects to this application to extend the terminal hour for late night refreshment to 2am seven days a week. The applicant cites COVID as the reason for this extension, variations to licences to allow trading are a way to increase income for premises and the argument most commonly used to justify these requests is that it is needed so that the business can survive. We do not agree that the need for businesses to survive financially outweighs the health, well-being and sleep of residents in the West End, particularly in the context of the findings of the Cumulative Impact Assessment.

If the grant of an extension to hours is likely to give rise to harm to the Licensing Objectives then the Council should refuse it on this basis in line with relevant policies as set out in the Statement of Licensing Policy. The only circumstance under which this application should be granted is if the Council is convinced that the licensing objectives will be positively promoted, as required by the legislation. Our view is if this application is successful it will increase the number of people retained in the area late at night and in so doing will fail to promote the licensing objectives and increase cumulative impact in the West end Cumulative Impact Zone.

As the Committee are aware Soho has the highest concentration of licensed premises in Westminster, **466** with a large proportion (25%) being late night licences. There are over 200 restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing disturbance and anti-social behaviour, the area has the highest level of cumulative impact and crime and disorder in Westminster.

Old Compton Street and the streets that surround it, Frith Street, Greek Street and Dean Street are at the heart of evening and night time economy, it has the highest concentration of licences in Soho a total of **110 from 12am - 3.30am with a capacity of over 10,072.**

Over the years Old Compton Street has changed from a street offering a range of mixed uses to one which is now predominantly food and beverage. There are **31** such premises, **22 restaurants, 4 bars, 4 pubs and 1 members club** with licences between the hours of **00:00 - 03:30 and a capacity of over 2,033 for 18** premises (capacity recorded on the licence).

Residents live along the whole length of Old Compton Street we've counted 164 flats and there are three flats above these premises and a further sixteen flats in adjoining buildings these residents will be disturbed by the proposed extension of hours. During the evening and night time this area completely changes in nature, it attracts large numbers of people on a night out, either eating or drinking in the numerous restaurants, bars and clubs, entertainment establishments, or those arriving from elsewhere to continue their evening, people just walking through and others hanging around and loitering. Coupled with its narrow streets it creates the perfect environment where large numbers of intoxicated people create noise and disturbance, criminals wait to prey on the vulnerable alongside drugs dealers and where pedicabs seize the opportunity to park up blaring out amplified music waiting for an unsuspecting victim. It is therefore unsurprising that residents constantly experience noise nuisance and disturbed sleep.

### **Statement of Licensing Policy 2021**

We review this applications against the following policies, Restaurant RNT1 and the Cumulative Impact Policy CIP1.

#### **Restaurant RNT1**

The policy states applications within 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.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

In relation to the supply of late night refreshment, the policy states,

*F124. 'Should a restaurant apply for permission to supply late night refreshment, that is the supply of hot food or hot drink at any time between the hours of 11pm and 5am, then, in the event of relevant representations being received, the Licensing Authority will have regard, amongst other matters, to the desirability of encouraging the rapid dispersal of people from the West End Cumulative Impact Zone, and the times of other premises in the vicinity.'*

The retention of people in the Cumulative Impact Zone is an important factor alongside the number of existing late night premises in the vicinity, we have already provided evidence of the large number of licensed premises 110, and capacity where known being over 10,072.

#### **Cumulative Impact Policy CIP1**

The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and it has jeopardised the sustainability of the

The



community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019, the subsequent Statement of Licensing Policy 2021 Cumulative Impact Policy CIP1 states,

*'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or **night cafés (our emphasis)** has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night; a considerable number of them being intoxicated. Public services, including police, health and emergency, transport, environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in licensed premises that provide a significant risk of a variety of harmful outcomes. Over a period of three years (2017 - 2019) 45% of violent crimes, as well as over half of all robberies, thefts and drug offences in the city were recorded within West End Cumulative Impact Zone. Additionally, 43% of ambulance callouts between that same period to the locations of licensed premises fell within this zone.'* (D4)

D5 states, *'The retention of people late at night contributes to the cumulative impact.'*

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, there are more people on the streets in the evening now that at pre-COVID times, in our view we have already reached pre-March 2020 levels and this is further supported by recent crimes statistics which show an increase in serious crime (see the Prevention of Crime and Disorder below).

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). Residential accommodation is also an important factor,

D23. *'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'*

The applicant has to demonstrate these premises will not add to cumulative impact, they have failed to do so in this case.

### **The Licensing Objectives**

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

### **Prevention of Crime and Disorder - CD1**

Under this Policy the criteria applied is, *'whether the premises make or will make a significant*

*contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'*

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

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

**Total incident type 2017-2019:**

- Drug Offences Night: **1529** (proportion of Borough's incidents **40%**)
- Robberies Night: **2237 (33%)**
- Theft and Handling Night: **24,407 (33%)**
- Serious violent crimes Night: **795 (31%)**
- Ambulance call outs to locations of licensed premises: **5353 (22%)**
- Noise Complaints Night: **1389 (16%)**
- Anti-Social behaviour MPS: **9662 (16%)**
- Anti-Social behaviour on transport Night: **592 (13%)**
- Reactive Waste Management: **6630 (10%)**

**Total = 52,594**

- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

These premises are situated in the heart of the food and beverage / entertainment area, the area is a known hotspot for crime and disorder, the current statistics for the \*top crime streets in Soho shows a total of 1,827 crimes; Old Compton Street being 2nd on the list with 231, Greek Streets 1st with 239.

## Top Streets all crime –1<sup>st</sup> Nov 21 – 28<sup>th</sup> Feb 22

GREEK STREET	239	GOLDEN SQUARE	14
OLD COMPTON STREET	231	ARCHER STREET	14
WARDOUR STREET	138	GREAT FULTENEY STREET	14
SHAPTESBURY AVENUE	117	GLASSHOUSE STREET	13
DEAN STREET	105	SOHO STREET	13
CARNABY STREET	99	LEXINGTON STREET	13
GREAT MARLBOROUGH STREET	75	GOSLETT YARD	12
FRITH STREET	70	SOHO PLACE	12
SOHO SQUARE	60	NEWBURGH STREET	11
BREWSTER STREET	58	PETER STREET	11
BATENMAN STREET	44	CARLISLE STREET	10
GREAT WINDMILL STREET	45	ROMILLY STREET	9
KINGLY STREET	41	KINGLY COURT	9
BROADWICK STREET	37	CAMBRIDGE CIRCUS	9
CHARING CROSS ROAD	36	D'ARBLAY STREET	8
BERWICK STREET	35	MARSHALL STREET	8
GANTON STREET	32	HAM YARD	7
BEAK STREET	29	RAMILLIES STREET	7
POLAND STREET	24	DUFOURS PLACE	6
MANETTE STREET	24	WALKER'S COURT	6
MOOR STREET	23	NEARD STREET	6
RUPERT STREET	18	WARWICK STREET	5
LITTLE MARLBOROUGH STREET	17	FOUBERT'S PLACE	5
INGESTRE PLACE	15	NOEL STREET	5

Comparing the top reported crimes from \*November 2021 - February 2022 to pre- COVID times highlights the number of serious and violent crimes are on the increase;

**Violence against the person serious wounding: 32 up 78% (18 pre - COVID)**

**Violence against the person assault with injury: 59 up 31% (45 pre-COVID)**

**Violence against the person common assault: 70 up 18% (59 pre-COVID)**

**Drugs possession: 115 up 79% (64 pre-COVID)**

**Sexual offences: 34 up 70% (20 pre-COVID)**

\* Data provided by the Metropolitan Police

For residents living on Old Compton Street the findings of the Cumulative Impact Assessment and the recent crime figures are unsurprising. Soho transforms in the evening and night time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above, criminal activity associated with the large number of venues and the numbers of people on the streets at night results in high levels of serious crime. In Soho the majority of robberies take place at night, Greek Street being a particular hotspot where people are targeted as they leave venues. Alongside this is drug dealing, which is a real problem with groups of dealers congregating to sell drugs and specifically targeting people as they leave premises. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people out on the streets which creates the drugs market.

Old Compton St has the second highest reported level of crime, people leaving these premises will have a high probability of becoming victims of crime.

### **Prevention of Public Nuisance Policy PN1**

Under this Policy the criteria applied states, '*the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential*

*steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

Residents live above these premises and also in flats in the adjoining buildings, living on this street they already suffer from high levels of noise and disturbance during the evening and late into the night, this presents in the form of noise nuisance from the huge numbers of intoxicated people out on the streets who are extremely loud and noisy, noise from pedicabs who park in these streets and play loud amplified music whilst waiting for fares late into the night. The anti-social behaviour of street fouling, including doors ways and entrances to flats. If this application is successful it will increase the levels of noise nuisance and disturbance to residents.

**In summary**

The application proposes an extension of the late night refreshment licence unit 2am, seven days a week within West End Cumulative Impact Zone. In our view if granted this application will fail to promote the licensing objectives and increase cumulative impact.

**3. Policy & Guidance**

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

<p><b>Policy CIP1 applies</b></p>	<p>A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy HRS1 applies</b></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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take</li> </ol>

	<p>food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public 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><b>8. Restaurants</b></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><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has taken account of the Special Consideration Zones</li> </ol>

	<p>Policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>
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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

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Current Premises Licence 13/02742/LIPDPS
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kabbott@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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service <b>(Withdrawn 16<sup>th</sup> May 2022)</b>	26 <sup>th</sup> April 2022
<b>5</b>	Licensing Service	3 <sup>rd</sup> May 2022
<b>6</b>	Environmental Health Service	5 <sup>th</sup> May 2022
<b>7</b>	Representation 1	2 <sup>nd</sup> May 2022

**Applicant Supporting Documents**

**Appendix 1**

There has been no supporting documents from the applicant.





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

Schedule 12  
Part A

WARD: West End  
UPRN: 010033555779

Premises licence

Regulation 33, 34

Premises licence number:

13/02742/LIPDPS

Original Reference:

05/08362/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Cafe Espana  
Basement To First Floor  
63 Old Compton Street  
London  
W1D 6HT

**Telephone Number:** 0207 494 1271

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**  
Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**  
Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

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

Ms Sara Meloni  
63 Old Compton Street  
London  
W1D 6HT  
*Electronic Mail : cafespanasoho@hotmail.co.uk*

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

N/A

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

Name: Sara Meloni

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

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

Licence Number: 12/00818/LIPERS  
Licensing Authority: City Of Westminster Council

Date: 6<sup>th</sup> June 2013

Signed: pp



Operational Director - Premises Management

#### Annex 1 – Mandatory conditions

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

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

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

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions related to the Sale of Alcohol**

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

**Conditions related to the Sale of Alcohol**

11. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;
  - (c) On Christmas Day: 12:00 to 23:30;
  - (d) On New Year's Eve, except on a Sunday, 10:00. to 00:00;
  - (e) On New Year's Eve on a Sunday, 12:00 to 23:30;

- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

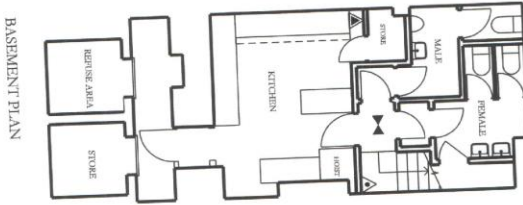
- 12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

**Annex 2 – Conditions consistent with the operating Schedule**

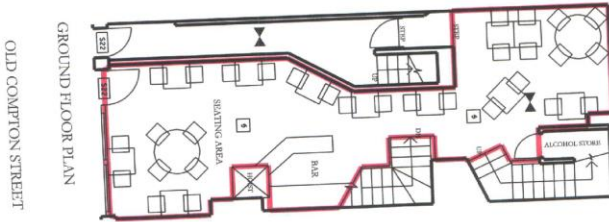
None

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

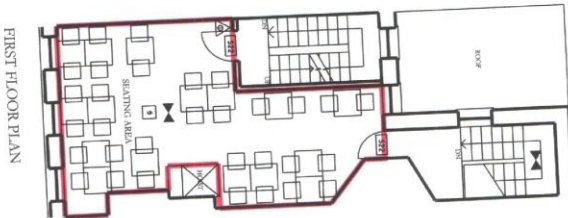
None



BASEMENT PLAN



GROUND FLOOR PLAN  
OLD COMPTON STREET



FIRST FLOOR PLAN

- KEY TO PLAN SYMBOLS
- FINE EXIT/EXIT OR EMERGENCY EXIT
  - NOTED CHAIRLIFT SYMBOL
  - FINE EXIT OTHER SYMBOL
  - FINE EXIT OTHER SYMBOL
  - FINE EXIT OTHER SYMBOL
  - WATER FINE EXTINGUISHER
  - CARBON DIOXIDE FINE EXTINGUISHER
  - FINE RABNET IN CONTAINER
  - FINE EXTINGUISHER
  - AREA COVERED BY EMERGENCY LIGHTING
  - AREA COVERED BY AUTOMATIC HEAT DETECTORS
  - AREA COVERED BY AUTOMATIC SMOKE DETECTORS
  - DRINKING AREAS (INCLUDING BAR)

DO NOT SCALE ALL DIMENSIONS TO BE CHECKED ON SITE

**TEGWYNE GOLDTHORPE ARCHITECT**  
 10 THAMES MEADOW, SHEPPERTON, TW17 8LT, TELEPHONE / FAX 01932 240 878, MOBILE 07711 950 884  
 CLIENT CAFE ESPANA  
 PROJECT CAFE ESPANA - 63 OLD COMPTON STREET, LONDON W1  
 DRAWING FLOOR PLANS  
 SCALE 1:100  
 DATE MAY 2005  
 NUMBER 53DCS/1/01  
 REV





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

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 010033555779

Regulation 33, 34

Premises licence number:

13/02742/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Cafe Espana  
Basement To First Floor  
63 Old Compton Street  
London  
W1D 6HT

**Telephone Number:** 0207 494 1271

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Ms Sara Meloni  
63 Old Compton Street  
London  
W1D 6HT

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

N/A

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

**Name:** Sara Meloni

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

Restricted

**Date:** 6<sup>th</sup> June 2013

**Signed:** pp

  
Operational Director - Premises Management

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/08362/LIPC	Premises Licence Conversion	19 September 2005	Granted under Delegated Authority
06/06225/WCCMAP	Master Licence	19 September 2005	Granted under Delegated Authority
12/00559/LIPT	Transfer of Premises Licence Holder from Cafe Espana UK Ltd to Ms Sara Meloni	13 February 2012	Granted under Delegated Authority
12/00561/LIPDPS	Premises Licence – Change of DPS	13 February 2012	Granted under Delegated Authority
13/02742/LIPDPS	Premises Licence – Change of DPS	6 June 2013	Granted under Delegated Authority

**There is no appeal history**

**There is no Temporary Event Notice history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person 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 reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions related to the Sale of Alcohol**

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

**Conditions related to the Sale of Alcohol**

11. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;
  - (c) On Christmas Day: 12:00 to 23:30;
  - (d) On New Year's Eve, except on a Sunday, 10:00. to 00:00;
  - (e) On New Year's Eve on a Sunday, 12:00 to 23:30;
  - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

### **Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

### **Conditions proposed by the Metropolitan Police and agreed by the applicant to form part of the operating schedule.**

13.
  - 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.
14. 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.
15. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
16. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises from 23:00 hours until close, and they must correctly display their SIA licence(s) when on duty so as to be visible.

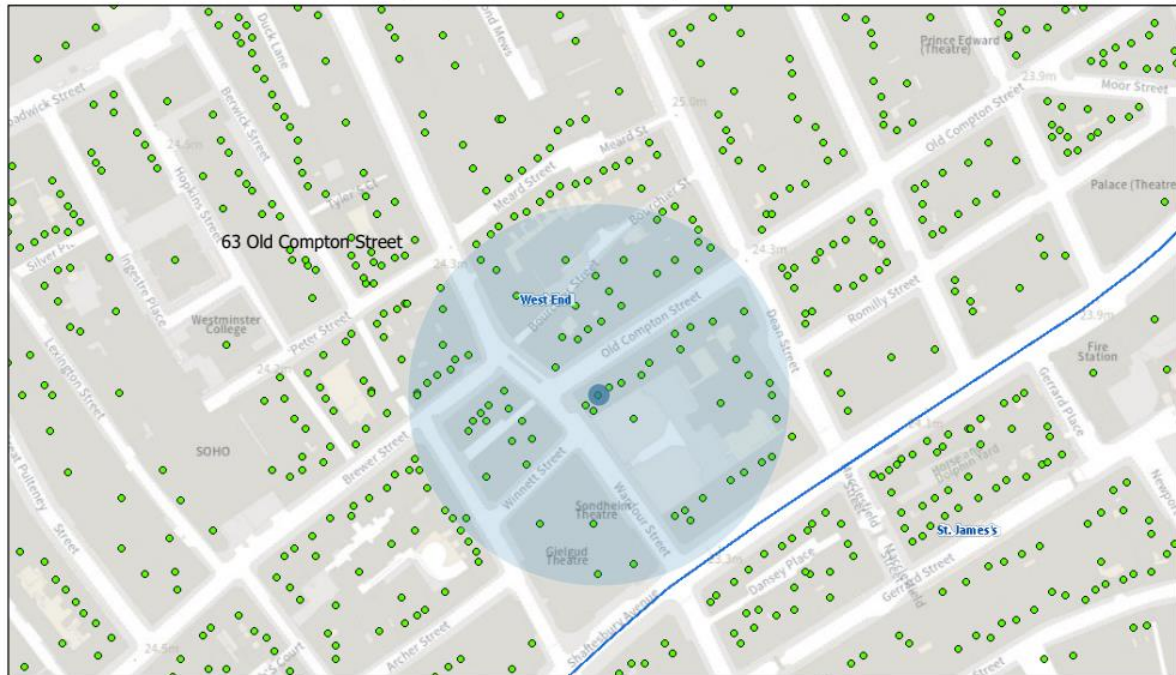


18. There shall be no sales of hot food or hot drink for consumption off the premises after Midnight.
19. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

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

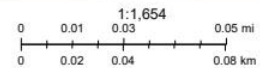
20. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. 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.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
26. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
27. 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.

63 Old Compton Street, London



01/07/2022, 11:46:20

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



Resident Count = 162

<b>Licensed premises within 75 metres of 63 Old Compton Street</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
13/02742/LIPDPS	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/00878/LIPT	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
06/05841/WCCMAP	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
22/02197/LIPT	Poppies Fish & Chips	55-59 Old Compton Street London W1D 6HP	Cafe	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 01:30
21/11409/LIPDPS	Mr Ji	72 Old Compton Street London W1D 4UN	Cafe	Monday to Sunday; 10:00 - 00:30

20/10736/LIPCH	Comptons Of Soho Public House	51 - 53 Old Compton Street London W1D 6HN	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 12:00 - 00:30
06/05560/WCCMAP	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
22/01217/LIPDPS	Duke Of Wellington	77 Wardour Street London W1D 6QA	Public house or pub restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/03024/LIPDPS	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Night clubs and discos	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
20/10524/LIPCH	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Night clubs and discos	Sunday; 09:00 - 00:00   Monday to Friday; 09:00 - 03:30
21/12344/LIPDPS	Lords Of Poke	64 Old Compton Street London W1D 4TL	Cafe	Friday; 07:30 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 23:00   Monday to Thursday; 07:30 - 23:30
20/07527/LIPDPS	Rubys	56 Wardour Street London W1D 4JG	Restaurant	Sunday; 08:00 - 00:00   Monday to Saturday; 08:00 - 00:30
20/09463/LIPT	Jackson & Rye	56 Wardour Street London W1D 4JG	Restaurant	Sunday; 08:00 - 00:00   Monday to Saturday; 08:00 - 00:30
18/14474/LIPVM	Soho Residence	83-85 Wardour Street London W1D 6QE	Public house or pub restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 00:00   Sunday; 12:00 - 00:00
18/01928/LIPDPS	Hipchips	49 Old Compton Street London	Restaurant	Sunday; 12:00 - 20:00   Monday to

		W1D 6HL		Saturday; 12:00 - 23:00
12/07184/LIPT	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Shop	Friday to Saturday; 09:00 - 01:00   Sunday to Thursday; 09:00 - 00:00
18/06896/LIPN	Kirazu	3 Winnett Street London W1D 6JY	Restaurant	Sunday; 17:00 - 22:30   Monday to Saturday; 17:00 - 23:30
19/04930/LIPN	Runway East	66 Old Compton Street London W1D 4UH	Office	Monday; 09:00 - 23:30   Tuesday; 09:00 - 23:30   Wednesday; 09:00 - 23:30   Thursday; 09:00 - 23:30   Friday; 09:00 - 23:30   Saturday; 09:00 - 23:30   Sunday; 09:00 - 23:30
21/07209/LIPDPS	Sondheim Theatre	The Sondheim Theatre Shaftesbury Avenue London W1D 6BA	Theatre	Monday to Sunday; 09:00 - 00:00
16/11472/LIPN	Starbucks	Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Thursday; 23:00 - 23:30   Friday to Saturday; 23:00 - 00:00
18/07653/LIPDPS	Freedom	Basement And Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 03:30
19/03892/LIPDPS	Sophisticats	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sexual Entertainment Venue	Sunday; 09:00 - 05:00   Monday to Saturday; 09:00 - 06:00   New Year's Eve; 00:00 - 00:00
14/08411/LIPN	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Night clubs and discos	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 03:30
09/06572/LIPN	Amorino	41 Old Compton Street London W1D 6HF	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 12:00 - 01:00
21/04327/LIPV	Maoz	43 Old Compton Street London W1D 6HG	Restaurant	Monday; 11:00 - 01:00   Tuesday; 11:00 - 01:00   Wednesday; 11:00 - 01:00   Thursday; 11:00 - 01:00   Friday; 11:00 - 02:00   Saturday; 11:00 -

				02:00   Sunday; 11:00 - 00:00
20/06360/LIPT	Balans Restaurant	Ground Floor 60 - 62 Old Compton Street London W1D 4UG	Restaurant	Monday; 09:00 - 03:30   Tuesday to Sunday; 09:00 - 05:00
18/02747/LIPN	Not Recorded	52 Rupert Street London W1D 6DS	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
20/10536/LIPCH	Rupert Street Bar	50 Rupert Street London W1D 6DR	Public house or pub restaurant	Sunday; 12:00 - 22:50   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
21/06898/LIPDPS	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Theatre	Monday to Sunday; 09:00 - 00:00
22/03865/LIPV	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Theatre	Monday to Sunday; 09:00 - 00:00
22/00165/LIPT	Pataka	53 Shaftesbury Avenue London W1D 6LB	Not Recorded	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
20/06643/LIPT	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Cafe	Sunday; 11:00 - 00:00   Monday to Saturday; 11:00 - 01:00
19/01788/LIPDPS	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street London W1D 4UE	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/00286/LIPDPS	Century Club	61 - 63 Shaftesbury Avenue London W1D 6LG	Club or institution	Sunday; 08:00 - 01:00   Monday to Saturday; 08:00 - 01:30

21/14004/LIPDPS	Bella Italia	63 Shaftesbury Avenue London W1D 6LQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/10660/LIPT	Bella Italia	63 Shaftesbury Avenue London W1D 6LQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/11368/LIPCH	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Not Recorded	
20/00639/LIPT	Las Banderas	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Cafe	Sunday; 12:00 - 22:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
19/12383/LIPN	Not Recorded	6 Brewer Street London W1F 0SB	Night clubs and discos	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 01:00
18/08305/LIPN	Not Recorded	Ground Floor 65 Shaftesbury Avenue London W1D 6LD	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
17/14216/LIPDPS	Maitre Choux	60 Dean Street London W1D 6AW	Cafe	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:00
18/04298/LIPDPS	Smack Soho	Kemble House 58 Dean Street London W1D 6AL	Cafe	Monday to Saturday; 12:00 - 22:00
14/09446/LIPN	Pickle And Toast	72 Wardour Street London W1F 0TD	Cafe	Thursday; 07:00 - 23:30   Friday; 07:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30   Monday to Wednesday; 07:00 - 23:00
21/05153/LIPVM	Macellaio RC	39 - 45 Shaftesbury Avenue London W1D 6LA	Restaurant	Monday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Friday; 08:00 - 00:30   Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
20/05564/LIPT	Cafe Monico	39 - 45	Not Recorded	Monday; 08:00 -

		Shaftesbury Avenue London W1D 6LA		00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Friday; 08:00 - 00:30   Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
17/03088/LIPVM	The Piccadilly London Soho	69 Shaftesbury Avenue London W1D 6EX	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant	Friday; 07:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30   Monday to Thursday; 07:00 - 23:00   Sundays before Bank Holidays; 08:00 - 00:00
21/13297/LIPDPS	Moo	99 Wardour Street London W1F 0UF	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00