

Application for a New Premises Licence

2nd and 3rd Floor, 18 Greek Street, London W1D 4DS (the “Premises”)

Applicant’s Written Submissions

1. This statement provides further information in respect of the application and seeks to address the concerns of those maintaining representations. Amplification of the points made below, together with further submissions, will be made orally at the Licensing Sub-Committee hearing if the outstanding representations are not withdrawn.

Background

2. Whilst the Premises will be called The Establishment (a nod to when it was used as the offices of Private Eye) the Applicant has partnered with a restaurant operator, Turo Turo (<https://www.turoturo.co.uk/>), a Filipino restaurant group which developed its offer from street food and currently has residences in Walworth and Holborn. In the middle of a crowdfunding campaign, they have been looking for a suitable site in Soho for some time. Sample menus and artist impressions of the restaurant are at **appendix 1**. The intention is to have a joint venture where Turo Turo operates the kitchen and the Applicant provides floor service and support.

Layout

3. Access to the Premises is from a main staircase shared with Zebrano. Both the Premises and Zebrano have separate internal entrances which will always be staffed. Save for sharing ownership and a new main kitchen, the Premises will operate completely independently of Zebrano with no opportunity for patrons to move between the two without leaving one venture and accessing the other via the main internal entrance.
4. The lower second floor comprises two unisex toilets. The door marked onto the terrace is purely a fire door and will be alarmed. The main second floor has the kitchen, washroom and storage

with a 30-cover restaurant. The top floor has a further 40 covers (including a private dining room). The intention is for this floor to be used for occasional events, more of which below. The exit is again a fire escape and will be alarmed.

Representations

5. The Applicant is pleased that no representations have been made by any local residents. Nevertheless, representations were received from the Metropolitan Police, the Licensing Authority, Environmental Health and The Soho Society. The Applicant's comments on these are as follows:

The Metropolitan Police

6. The Metropolitan Police were happy to withdraw their representation on agreeing the following additional conditions:
 - **The Licence holder will ensure a full risk assessment is completed for all pre-booked events in the event space. This risk assessment will be available to the licensing authority and Police upon request.**
 - **Save for those involving networking or corporate training, the premises shall not use any external promoters for its events**

Licensing Authority

7. It is understood that the Licensing Authority will maintain their representation unless all other representations are withdrawn. To avoid duplication, queries in respect of the use of the occasional function space and concerns in respect of Licensing Policy of the City of Westminster (the "Policy") are addressed below.

Environment Health

8. The writer, Niall McCann, has spoken with Mr Anil Drayan on several occasions regarding this application and met him on site during a formal pre-app process. The writer is unaware of any outstanding concerns but understands that, as with the Licensing Authority, his representation will not be withdrawn unless all representations fall away. Four additional conditions have been suggested, all of which are acceptable:

- **Supply of alcohol during an event shall be by waiter/waitress service and to persons seated (save for at networking events where guests need to mingle).**
- **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.**
- **Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.**
- **The overall number of persons accommodated at the premises (excluding staff) shall not exceed 70 (unless a lower figure is determined by Environmental Health on clearance of 'works' condition).**

The Soho Society

9. The Soho Society list several concerns. The Applicant's comments on each of those raised are as follows:

- Concentration of Licensed Premises in Greek Street

For decades Soho has been at the heart of London's night-time economy. However, since the pandemic, it has lost many well-known bars and restaurants including the likes of Café De Paris, 68 & Boston, Crobar, Balan's, Salvador & Amanda and Adventure Bar. Certainly, Zebrano below the Premises is still not as busy as it was pre-March 2020. Nevertheless, the Policy

(more of which below), which was based on pre-pandemic data, protects residents from cumulative impact by way of the West End Cumulative Impact Zone.

- Proposed Function Room/Private Event Space

The proposed events include the likes of comedy/quiz nights, food and wine tasting events, drag acts and corporate networking events/training days. It will not be used for dedicated live or recorded music events. Alcohol will always be provided by waiter/waitress service and to persons seated (save for at networking events where guests need to mingle). Food will be provided at the vast majority of events but, at some events, e.g. corporate networking, this will likely be finger food rather than a sit down meal. As stated above, conditions have been agreed with the Metropolitan Police and Environmental Health further restricting the hosting of functions and their promotion.

Most of these events could be held pursuant to a pure 'restaurant style' premises licence. Many will not include any licensable activity (for example, corporate away days/training) whereas others involve a full seated table meal (for example, comedy nights). The Applicant does not want to limit the number of events. Given the size of the proposed space, the nature of the functions and the conditions proffered/agreed, it does not believe that it is necessary to restrict the number.

- Use of Terraces

There will be no access by patrons to any terraces from the Premises. Those who wish to smoke will do so in the small smoking area on Greek Street which is already used by Zebrano.

- Policy Concerns

The Applicant submits that this application should be considered against the policies of Restaurant (RNT1), the Cumulative Impact Policy (CIP1) and the Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces Policy (CCOSOS1) rather than the Pubs and Bars (PB1) policy. Hence there is no presumption to refuse the application.

The Applicant submits that CCSCOS 1 applies rather than PB1 for the occasional event space because it will be used as a performance and cultural venue (when licensable activities are taking place) as opposed to primarily being used for the consumption of alcohol. This proposed style of operation is reinforced by the conditions proposed and agreed. The Combined Use Premises Policy (COMB1) does not apply as the use of the occasional function room is ancillary to the main use of the Premises as a restaurant.

The Applicant is heartened that, at D9 of the Policy, it states that:

“The Licensing Authority’s view is that cumulative impact in the West End Cumulative Impact Zone arises mainly from the numbers of pubs and bars, music and dance premises and fast-food premises. The Licensing Authority wishes to encourage the provision of a range of cultural entertainment premises, where this is suitable and to reduce the extent of dominance of pubs, bars, night clubs and fast-food premises within the West End Cumulative Impact Zone.”

It is also noted that a prescribed capacity can promote both the prevention of crime and disorder and public nuisance objectives. A condition was proffered with the application restricting the overall capacity of the occasional events space to 40 and, as per the above, the maximum overall capacity excluding staff has been limited to 70.

With respect to the licensing objectives more broadly, formal pre-app advice was sought and tailored conditions were proffered to reflect the proposed style of operation. Whilst D23 of the Policy does reference the proximity of residential accommodation when considering the prevention of public nuisance, there are no representations from local residents and Core Hours are applied for. The Applicant is unaware of any specific concerns from Environmental Health and the Metropolitan Police are also satisfied that the application upholds the Crime and Disorder licensing objective. D25 of the Policy recognises that, “restaurants normally represent a low risk to the licensing objectives if sufficient conditions and controls are in place”. Public Safety and the Protection of Children from harm licensing objectives are not relevant to this application.

Conclusion

9. The Applicant is hoping to bring an interesting and critically acclaimed restaurant operator to Soho whilst having the flexibility to host various small events which, given their size and nature, will not add to cumulative impact. The Soho Society is invited to discuss the application in more detail to ascertain if their concerns can be alleviated and, ultimately, the application granted by way of delegated authority without the additional time and cost of a licensing sub-committee hearing. If this is of interest, they are asked to contact niall.mccann@keystonelaw.co.uk.
10. Alternatively, if a compromise cannot be reached, the Licensing Sub-Committee is respectfully asked to grant the application as amended.

Niall McCann
Partner, Keystone Law