



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

11 May 2023

Licensing Ref No:

23/01192/LIPN - New Premises Licence

Title of Report:

Namaiki
Basement And Ground Floor
14 Broadwick Street
London
W1F 8HP

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

Contact details

Telephone: 020 7641 6500
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 February 2023		
Applicant:	Namaiki Ltd		
Premises:	Namaiki		
Premises address:	Basement And Ground Floor 14 Broadwick Street London W1F 8HP	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a restaurant.		
Premises licence history:	<p>This is a new premises licence application and therefore no premises licence history exists.</p> <p>The premises had the benefit of Temporary Event Notices, and the history can be found at Appendix 3.</p>		
Applicant submissions:	<p>The applicant has proposed twenty conditions to form part of their operating schedule.</p> <p>These can be found at Appendix 4 of the Report.</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				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	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to bank holidays 23:00 – 00:00					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to bank holidays 09:00 – 00:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to bank holidays 09:00 – 00:00						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Angela Seaward
Received:	22 March 2023
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a new premises licence for Namaiki, 14 Broadwick Street, London, W1F 8HP.</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 four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The Licensing Authority notes that the premises intends to operate a restaurant.</p> <p>For the avoidance of doubt the application seeks the following:</p> <ul style="list-style-type: none"> • Late Night Refreshment Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to bank holidays 09:00 – 00:00</p> <ul style="list-style-type: none"> • Supply of Alcohol On and Off the Premises Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 00:00 Sunday 09:00 to 22:30 <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>	

Sundays immediately prior to bank holidays 09:00 – 00:00

- **Opening Hours to Public**

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday 09:00 to 22:30

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

Sundays immediately prior to bank holidays 09:00 – 00:00

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and RTN1.

Policy RNT1 (B) states

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

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

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.

The Licensing Authority note that the application falls within Westminster's core hours for a restaurant.

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

The Licensing Authority also note that the applicant has offered the Westminster's model condition 66 which brings the application in line with RNT1.

MC66: 'The premises shall only operate as a restaurant,

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

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

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

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

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

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

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

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

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

Please accept this as a formal representation.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████████████ ██████████ ██████████ ██████████
Received:	26 March 2023
Reference: 23/01192/LIPN: Namaiki, 14, Broadwick Street, W1B 5PH	
We write to make a relevant representation to the above application on behalf of ██████████ ██████████	
About the ██████████ The ██████████ is 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 Restaurant : Basement and ground floor	
Alcohol: Monday-Thursday: 09:00-23:30. Friday-Saturday: 09:00-00:00. Sunday: 09:00-22:30 Late Night Refreshment: Monday-Thursday: 23:00-23:30. Friday-Saturday: 23:00-00:00. Opening Hours: Monday-Thursday:09:00- 23:30. Friday-Saturday:09:00-00:00. Sun:09:00 - 22:30 Capacity: 22 (from the plans)	

Representation

We object to this application for a new licensed premises, we are concerned that granting any new licences in this area will have a negative impact on the licensing objectives and increase cumulative impact.

Soho has the highest concentration of licensed premises in Westminster, **478** with a large proportion (25%) being late night licences. Since 2020 to 2022, **38 new licences have been granted in previously unlicensed premises accommodating over 2,531** people and adding to cumulative impact. Of the **38 new licences, 5 were granted outside core hours, capacity 781**. The area is densely populated at night with people creating loud levels of noise causing disturbance, alongside an increase in crime, disorder and anti-social behaviour.

It is within this context the [REDACTED] objects to this application for a brand new licensed premises.

However, we will withdraw this objection if the applicant agrees to the following personal condition, which we consider to be an appropriate request when considering the ever increasing number of new licensed premises in Soho.

'Licence intended for use by Namaiki only and to be surrendered when they leave the premises'

Residents

There are real concerns amongst residents about the ever increasing numbers of licensed premises, they have been subjected to noise disturbance and anti-social behaviour that is beyond acceptable levels. They are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking and are subjected to anti-social behaviour with people vomiting and urinating in the street and in their doorways.

We know residents who live on this street are already disturbed by patrons visiting other premises nearby, and by people as they leave other premises in the area who are usually intoxicated, shouting or screaming as they pass by to continue their night out or while they wait to be picked up by taxis, the addition of more people later at night will create more disturbance.

With all of the above it is unsurprising residents experience sleep disturbance, a recent survey conducted by the [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in **Appendix 1**.

Crime and Disorder

The 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.** The level of crime, disorder and anti social behaviour continues to be a huge problem in Soho, the crime figures are high and increasing. The recent police crime report for December 2022 highlights Soho as having the highest number of robberies, overall knife crime and violence against the person compared to other areas within the CIZ. The Committee will be aware of another recent serious incident on Greek Street where two police officers were stabbed which appears to be linked to the drugs trade, this follows on from another serious incident in the same street where a man was seriously injured. This highlight and confirms what residents already know about how unsafe Soho is at night.

In Soho the majority of robberies take place at night, people are targeted as they leave venues. Alongside the robberies and assaults drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as people pass by. 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 which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them. We believe patrons leaving this bar at night will be at high risk of becoming victims.

Cumulative Impact Policy CIP1

This

area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The 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. It concludes that,

'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent with the Licensing Authority's duty under the Licensing Act 2003.'
(p.19) (Our emphasis)

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, our observation is Soho attracts more people now than at pre-COVID times.

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).

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.'* (our emphasis)

It is important to note the policy relates to the global effects of alcohol licences in the whole

impact zone and not just a part of it.

As a new restaurant in the cumulative impact zone the applicant has to demonstrate they will not to add to cumulative impact, it appears to us that the proposal of MC66 is taken as almost a de facto demonstration that there will be no addition to cumulative impact. We do not believe that this is consistent with the cumulative impact policy, which acknowledges that RNT1 uses are a lower risk than some other types, but not that they are of **no** risk and especially considering the year on year increase in numbers, **21 new licensed restaurants/cafés having opened between 2020 to 2022.**

In summary

This

is an application for a new licensed premises in the West End Cumulative Impact Zone, any increase in the number of licences and people in the area will fail to promote the licensing objectives and increase cumulative impact.

We will withdraw this objection if the applicant agrees to the personal use condition as proposed above.

Yours faithfully,

Licensing Committee

The [REDACTED]

Appendix 1 : [REDACTED] Sleep Survey Results

Appendix 1 : Soho Society Sleep Survey Results - 31 October 2022

The survey conducted by the [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25.

Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in [REDACTED]. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

END

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply

	<p>of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy 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 latenight 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>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

	<p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 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.
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott
Contact:	Telephone: 020 7641 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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Licensing Authority	22 March 2023
5	Representation 1	26 March 2023

Applicant Supporting Documents

Appendix 2

None

Premises History**Appendix 3**

There is no licence or appeal history for the premises.

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
22/11545/LITENN	Temporary Event Notice	3 December 2022	Notice Granted
22/11915/LITENN	Temporary Event Notice	19 December 2022	Notice Granted
23/00989/LITENN	Temporary Event Notice	24 February 2023	Notice Granted
23/01132/LITENP	Temporary Event Notice	27 February 2023	Notice Granted
23/01309/LITENP	Temporary Event Notice	17 March 2023	Notice Granted
23/01497/LITENP	Temporary Event Notice	21 March 2023	Notice Granted
23/01675/LITENP	Temporary Event Notice	22 March 2023	Notice Granted
23/02034/LITENP	Temporary Event Notice	05 April 2023	Notice Granted
23/02250/LITENP	Temporary Event Notice	14 April 2023	Notice Granted
23/02251/LITENP	Temporary Event Notice	14 April 2023	Notice Granted

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

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

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

10. (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.
11. 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.
12. 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.

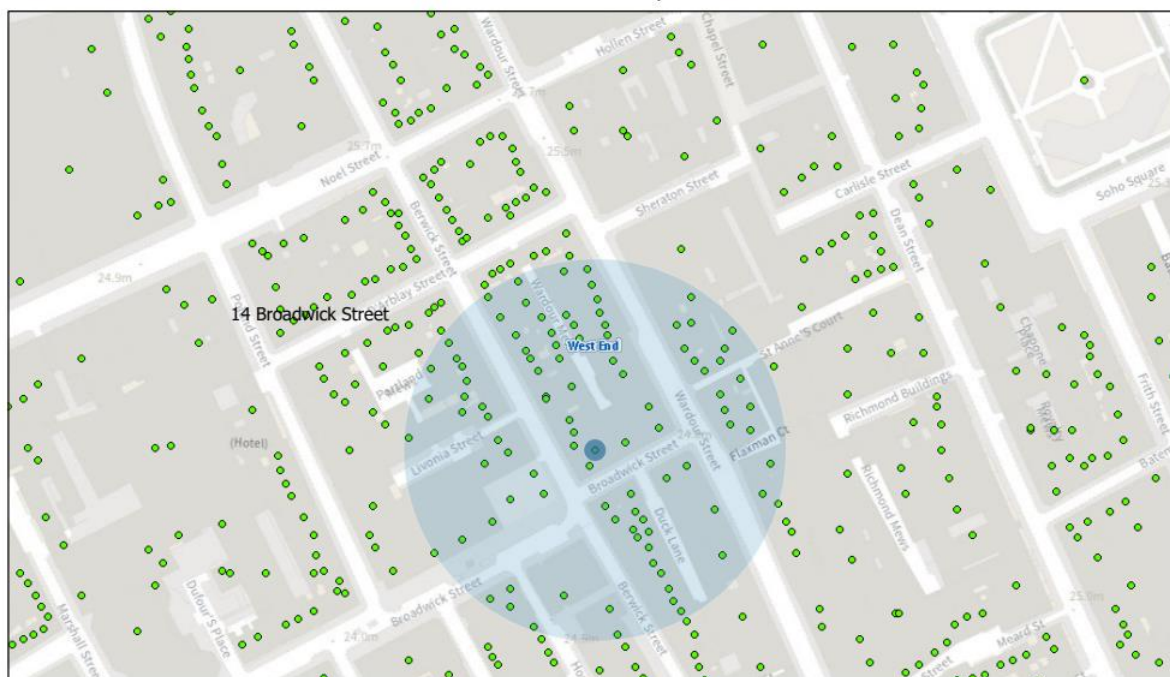
13. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. No noise generated on the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. 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.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. 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.
21. 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.
22. 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.
23. 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.
24. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
25. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
26. No deliveries from or to the premises either by licensee or third party or collections to the premises shall take place between 23:00 and 08:00 hours on the following day.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

28. No 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.

Conditions proposed by an Interested Party and not yet agreed by the applicant.

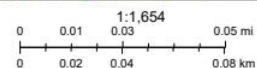
29. Licence intended for use by Namaiki only and to be surrendered when they leave the premises.

14 Broadwick Street, London



24/04/2023, 15:37:00

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



Residents = 78

Licensed premises within 75 metres of 14 Broadwick Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/04982/LIPCHD	Not Recorded	23 Berwick Street London W1F 8RB	Shop	Monday to Sunday; 07:00 - 22:00
19/06990/LIPN	Not Recorded	23 Berwick Street London W1F 8RB	Shop	Monday to Sunday; 07:00 - 22:00
19/06818/LIPCH	The Player	Basement 8 - 12 Broadwick Street London W1F 8HN	Night clubs and discos	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
22/06888/LIPRW	Miznon	8 Broadwick Street London W1F 8HW	Not Recorded	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
21/09379/LIPDPS	Blue Posts Public House	22 Berwick Street London W1F 0QA	Pub or pub restaurant with lodge	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 -

				23:30
22/09052/LIPRW	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Cafe	Sunday; 10:00 - 22:30 Monday to Wednesday; 07:00 - 23:30 Thursday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 10:00 - 00:00
15/04952/LIPN	Red Dog	Basement And Ground Floor 20 Berwick Street London W1F 0PY	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
22/08995/LIPT	Violets	Ground Floor 19 Berwick Street London W1F 0PX	Restaurant	Monday; 10:00 - 01:00 Tuesday; 10:00 - 01:00 Wednesday; 10:00 - 01:00 Thursday; 10:00 - 01:00 Friday; 10:00 - 01:00 Saturday; 11:00 - 01:00 Sunday; 12:00 - 00:00
22/08991/LIPT	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/07753/LIPT	Princi	Basement And Ground Floor 135 - 139 Wardour Street London W1F 0UT	Restaurant	Monday to Sunday; 00:00 - 00:00
23/01063/LIPCH	Flat White	17 Berwick Street London W1F 0PT	Cafe	Sunday; 08:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 09:00 - 23:00
17/06881/LIPN	Nespresso	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Not Recorded	Sunday; 07:00 - 22:30 Monday to Saturday; 07:00 - 23:00

22/03290/LIPDPS	Ivy Soho Brasserie	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Restaurant	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30
14/06333/LIPN	Enrique Tomas	132 Wardour Street London W1F 8ZW	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 22:30
23/00023/LIPDPS	Cote	122 - 126 Wardour Street London W1F 0TY	Restaurant	Sunday; 09:00 - 00:00 Monday to Thursday; 09:00 - 03:00 Friday to Saturday; 09:00 - 03:30
10/01916/LIPT	St Moritz	161 Wardour Street London W1F 8WJ	Restaurant	Monday to Sunday; 09:00 - 03:30
11/00024/LIPDPS	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DL	Restaurant	Sunday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Monday to Saturday; 08:00 - 01:00 Monday to Saturday; 10:00 - 23:30
21/09669/LIPDPS	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DA	Restaurant	Monday to Sunday; 08:00 - 01:00
08/03322/LIPV	Inamo	136 Wardour Street London W1F 8ZS	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
22/11595/LIPDPS	Pho	163 - 165 Wardour Street London W1F 8WN	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
17/12152/LIPDPS	Aulis	Ground Floor 16 St Anne's Court London W1F 0BF	Cafe	Sunday; 10:00 - 22:00 Monday to Saturday; 08:00 - 23:30
22/01602/LIPDPS	The Ship Public House	116 Wardour Street London W1F 0TT	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 -

				23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
22/11067/LIPT	Not Recorded	77 Berwick Street London W1F 8TH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/01200/LIPDPS	Maharani Restaurant	77 Berwick Street London W1F 8TH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
15/06480/LIPN	Duck & Rice First Floor	90 Berwick Street London W1F 0QB	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
22/12056/LIPDPS	Hub By Premier Inn	90 Berwick Street London W1F 0QB	Hotel, 4+ star or major chain	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00
21/08576/LIPN	Shadow - Whole Premises	90 Berwick Street London W1F 0QB	Not Recorded	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
20/00815/LIPCH	Duck & Rice	90 Berwick Street London W1F 0QB	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
22/01465/LIPT	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/13733/LIPDPS	Imli Ltd	167 - 169 Wardour Street London W1F 8WR	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 01:00
23/00385/LIPDPS	Soberberg	36 Berwick Street London W1F	Cafe	Sunday; 07:30 - 22:30 Monday to

		8RR		Saturday; 07:30 - 22:30
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