



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	5 October 2023
Licensing Ref No:	23/03810/LIPN - New Premises Licence
Title of Report:	The Soho Social Basement And Ground Floor 9 Berwick Street London W1F 0PJ
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	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 June 2023		
Applicant:	The Soho Social & Co Ltd		
Premises:	The Soho Social		
Premises address:	Basement And Ground Floor 9 Berwick Street London W1F 0PJ	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 café and tapas bar.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	<p>The applicant proposed a number of conditions in their operating schedule and has agreed a number of conditions with the Metropolitan Police.</p> <p>These can be found in Appendix 4.</p>		
Applicant amendments:	<p>On original submission of the application, the applicant applied for the following.</p> <p>Late Night Refreshment Monday to Sunday 23:00 to 23:30</p> <p>Retail Sale of Alcohol Monday to Sunday 10:00 to 23:30</p> <p>Opening Hours Monday to Sunday 08:00 to 00:00</p> <p>The applicant has since reduced the hours for Sundays for all licensable activities which are reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	23:30	23:30	N/A
Seasonal variations/ Non-standard timings:				None			

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:							

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	12 th June 2023 (Withdrawn 20th June 2023)
<p>23/03810/LIPN - Basement and Ground Floor, 9 Berwick Street, London, W1F 0PJ</p> <p>I refer to the above-mentioned application for a new premises licence.</p> <p>Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:</p> <p>A new premises licence for licensable activities are likely to undermine the following licensing objective:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder. <p>The premises is also situated within Westminster's Cumulative Impact Area, and the hours you have applied for on Sunday are just outside of Westminster's Core Hours Policy. If this premises licence is granted, it could have an impact on an area already saturated by licensed premises and this could increase crime and disorder.</p> <p>I am happy to discuss my representation in further detail with you.</p> <p>The Metropolitan Police withdrew their representation on the 20th June 2023 due to hours being reduced on a Sunday and conditions that have been agreed with the applicant. These conditions can be found at Appendix 4.</p>	

Responsible Authority:	Licensing Authority
Representative:	Jessica Donovan
Received:	3 July 2023

Dear Sirs

I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 9 Berwick Street, London, W1F 0PJ.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

Retail sale of Alcohol (On and Off sales)

Monday to Saturday 10:00 to 2:30

Sunday 10:00 to 22:30

Late Night Refreshment:

Monday to Saturday 23:00 to 23:30

Hours premises are open to the public

Monday to Sunday 08:00 to 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 RNT1.

Policy RNT1 (B) states

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

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The 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 applicant has agreed with the Metropolitan Police Service to reduce the terminal hour on Sundays for the retail sale of alcohol from 23:30 to 22:30 bringing this application within Westminster core hours for Restaurants

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

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

The Licensing Authority note that the applicant has proposed the following condition in their operating schedule:

1. The supply of alcohol on the premises shall only be to persons seated and eating substantial food.

However, The Licensing Authority encourages the applicant to consider Westminster's model conditions MC38 and MC39 in order to bring it in line with RNT1:

MC38 The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a '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.

MC39 The supply of alcohol shall be by waiter or waitress service only.

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.

Responsible Authority:	Environmental Health Service
-------------------------------	------------------------------

Representative:	Anil Drayan
------------------------	-------------

Received:	10 July 2023
------------------	--------------

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

The applicant has submitted plans of the premises, dated 7 June 2023, showing the basement and licensed area on the ground floor.

The following licensable activities are being sought:

1. Supply of Alcohol 'On' and 'Off' the premises between 10:00 to 23:30 hours Monday to Sunday.
2. Provision of Late-Night Refreshment between 23:00 to 23:30 hours Monday to Sunday

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

1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the West End CIZ.
2. The Provision of Late-Night Refreshment Indoors' and 'Outdoors' may lead to an increase in Public Nuisance in the West End CIZ

Environmental Health also makes the following further comments:

- Westminster's Statement of Licensing Policy – see on the Council's website – requires licensed premises to demonstrate compliance with policy CH1, Protection of Children from Harm,. Free advice on complying with this can be found at: (see page 36 of policy)
- An extensive list of conditions and undertakings have been offered but these appear to be insufficient to be consistent with the Statement of Licensing Policy eg the 'restaurant' condition for the CIZ has not been offered. In addition the hours for licensable activities requested on Sundays go beyond 'core' hours.
- The provision of sanitary accommodation must be at least in line with BS6465 for the proposed capacity particularly as the premises are located in the CIZ. Also separate provision for food handling staff is advised.
- An assessment will need to be made as to how the plant and machinery employed for the cooking of food will not result in odour or noise nuisance
- It is unclear if the premises have already been refurbished for the proposed use. Clarification is therefore sought as to the previous use of the premises to determine if this proposed use will result in nuisance from the internal transfer of noise to other users within the building block. Standards to be achieved are outlined in Appendix 11 of the Statement of Licensing Policy

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

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	27 June 2023
I am writing to object to the above application in the strongest terms and In support of residents very nearby including feet away and the amenity group with hundreds of local members The ██████████.	
As a council we need to pay due attention to the licensing objectives which are designed to	

actually protect people. Adding more and more licenses to sell more and more alcohol is a recipe for more crime and disorder, more public nuisance.

This application really needs a simple refusal.

There are 500 other licenses around Soho cheek by jowl to large residential housing literally feet away: Kemp House on Berwick Street along with privately rents flats above shops all along Berwick Street and adjacent Peter Street. The cumulative impact needs acknowledging: one more alcoholic bar plus their right to apply for a large number of temporary entertainment licenses.

Cars pull up at night on Berwick Street attracted by licensed venues and impromptu parties happen as revellers pre-load before going to a bar or club. Revellers also congregate already after the bars close meaning their impact is well above and beyond core hours.

Nearby is Frith and Greek Street and adjoining Bateman Street we cannot turn a blind eye to the total excess of licenses causing the streets to be chockablock with pavements blocked, crowds and cars and potentially emergency vehicles in gridlock.

I have seen police vehicles stationary for many minutes due to the crowd accumulated in road and pavements nearby.

The din and disorder faced is escalating with crime up by over 30% and insufficient police. We try to ensure people dont urinate on Berwick and nearby streets but it's nigh on impossible. This is a public nuisance directly caused by licensed premise like this application. On those grounds alone as local councillor and as lead member for Soho, please decline this license as councillors we have a duty to protect people from the life changing consequences of crime and nuisan

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	30 June 2023

I would like to object to the licensing application for 9, Berwick Street. This is described as a Cafe/Tapas bar. What reason would a Cafe owner want a license for? This description is deliberately misleading. Quite obviously, the owner is only interested in increasing his profits by selling alcohol..

While the reasons for my objection to the awarding of an alcohol license to this location are obvious: Noise; overcrowded pavements; street noise till late at night; piss and vomit; crime etc. all these to the detriment of the residents of Soho.

But I also believe that the distortion of rents once a premise has a license, means there are fewer available premises to rent to other forms of business. Rents are being artificially skewed to the detriment of the small business. Surely there are already far too many bars in Soho? The area has lost much of its charm of yesteryear. The, once many small specialist shops are no longer in Soho. They can no longer afford the rents.

I cannot believe the top echelon of tourists, that we are told will occupy beds in the new Broadwick Hotel, for example, wish to come out onto today's streets of Soho: to the chaos and alcoholic rowdiness of an evening that is now the norm.

I would like to object to the awarding of a licence to Application ref. number 23/03810/LIPN to the premises at 9 Berwick Street in the strongest terms.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████

Received:	3 July 2023
------------------	-------------

I strongly object to the above application for a licence for the serving of late-night refreshments and alcohol both indoors and outdoors. The premises are opposite my residence and the provision of these services there will be a direct and additional source of noise and disturbance to the immediate environment of my residence and this section of Berwick Street.

The environmental health of Berwick Street has deteriorated enormously over the past year or more with the opening of new restaurants, bars and shops which has resulted in constant noise and disturbance from music and the congregation of often drunk and/or disruptive customers and passers-by. The disturbances are frequent, all day and every day of the week, and create a very stressful environment in which to reside.

I notice that this application does not include a licence for live or recorded music ("e" & "f" under the section "Provision of regulated entertainment"), but I am not certain that this means that music cannot be played on the premises at all.

This particular application is asking for the premises to operate with the licences every day of the week until 11.30 pm, with closure at midnight. The fact of these late hours, combined with the inevitable noise and disturbance resulting from outdoor eating and drinking, and the possibility of yet more music playing, means that I strongly object to the granting of this licence application.

Name:	██████████
Address and/or Residents Association:	██████████

Received:	4 July 2023
------------------	-------------

Reference: 23/03810/LIPN: B/GF, 9 Berwick Street, W1F 0PJ

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

The Soho Social, new Café and Tapas Bar

Alcohol, on / off sales: Mon - Sun: 10:00 - 23.30

LNR, on / off sales : Mon - Sun: 23:00 - 23:30

Opening Hours: Monday - Sunday : 08:00 - 00:00.

Capacity: 16 internal seats

On and Off Sales

Representation

We object to this application for a new restaurant on the grounds it will fail to promote the licensing objectives and will increase cumulative impact in the West End Cumulative Impact Zone.

This is an application for a new restaurant to core hours which also includes a designated external area.

These premises are within Soho, an area which, as the Committee will be aware, is at the heart of the West End's entertainment district, with its **487** licensed premises, a large proportion of which are late night 121 (25%) licences with a terminal hour between 1am - 6am and a **capacity of 22,827**.

As a new café in the cumulative impact zone the applicant has to demonstrate they will not 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, especially when considering the year on year increase in these types of premises. Thirty-eight new licensed premises have opened in Soho between 2020 to 2022, with 21 of these being new restaurants and cafés.

It is highly likely that a number of customers from this premises (many of whom may well be intoxicated) will want to continue their night out in Soho, meaning that more people will be retained for longer in the area, a concern raised within Cumulative Impact Policy,

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

If this licence were to be granted, this would mean a loss to residents and the community as a whole of another general retail shop, in this case a clothes shop.

We note the proposed conditions, about which we have various concerns. We see that these include that there will be no vertical drinking, and, "the supply of alcohol on the premises shall only be to persons seated and eating substantial food". However in the section under "crime and disorder", it says that "Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises", which would appear to us to be inconsistent one with the other.

There is also no mention of off-sales, when the takeaway service will cease, proposed numbers of people standing outside to smoke, music, etc, all points we would expect to see covered in any proposed conditions.

We are also concerned that there is no mention of the type of food on offer, beyond "substantial food", with no description of same, beyond "tapas". There is concern that this is going to be a bar, particularly when it says "substantial food shall be available".

We would also point out that, as the Committee is no doubt aware, Berwick Street has a large number of residential properties in the immediate vicinity, between Peter Street and Broadwick Street, including four flats above the proposed restaurant, including one family with a new baby (whose father was born and raised in Soho, who fears they will have to move due the noise and disturbance generated by a restaurant beneath their flat). Soho without its community and families is reduced to nothing but one big food, alcohol and entertainment area (see below). The Soho we know and love will be lost forever.

In addition in the immediate area (opposite 9 Berwick Street) is Kemp House, a high rise block of 17 floors, with four flats on each floor. In addition many of the shops have flats above them.

There are also blocks of flats on Peter Street, large blocks of flats on Hopkins Street (parallel to Berwick Street). For these reasons we feel that this is an unsuitable location for a new licensed restaurant / café.

This section of Berwick Street also has a number of licensed premises, namely the Blue Posts, My Place, Red Dog, Violet's, Mediterranean Café, Flat White, the Breakfast Café, Duck and Rice, Yauatcha, many of which have tables and chairs outside. In addition of course there is Berwick Street Market, with a large number of food stalls that operate during the day.

There are very real concerns amongst residents about the ever increasing numbers of licensed premises. Residents have been subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people vomiting and urinating in the street and in their doorways. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home.

With all of the above it is unsurprising that many residents experience sleep disturbance. The Soho Society conducted a survey which confirms that residents are disturbed by noise at night, and say that 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% of whom have lived in Soho for more than ten years.

When asked about disturbed sleep, 24% of respondents say they have their sleep disturbed seven nights a week, 16% five or six nights a week, and 19% three or four 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 rising. The recent police crime reports for April/May show that current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime are between 10pm - 2am.

The Committee will also no doubt be aware of a number of recent serious incidents that have taken place in Soho. These incidents confirm what residents already know - that Soho is unsafe at night. It has reached such a level that public safety is threatened. The large number of licensed premises, plus the large numbers of intoxicated people out on the streets at night attract criminal gangs, and this in turn results in high levels of crime and disorder creating a very

unsafe environment. Public safety is a huge concern and has been for a long time.

In Soho the majority of robberies take place at night, with people being 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 they pass by. There are more dealers in the area at night than during the day, which 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.

The Committee will well know that, unfortunately, intoxicated people very often become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho specifically to target them. This is one reason why, sadly, we believe customers leaving this restaurant at night would be at high risk of becoming victims of crime.

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. However, it may do in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, and our observation is that 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). Then 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.

The applicant needs to demonstrate that they will not increase cumulative impact. We believe that they have failed to do so.

In summary

This is an application for a new Café and Tapas Bar in the West End Cumulative Impact Zone, and we believe that any increase in the number of licensed premises and numbers of people in the area will fail to promote the licensing objectives and will increase cumulative impact.

We respectfully request the Licensing Sub Committee to refuse this application.

Yours faithfully,

Licensing Committee
The Soho Society

Appendix 1 : Soho Society Sleep Survey Results

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

The survey conducted by the Soho Society 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.

a. This would only add problems to already existing antisocial behaviour taking place in conjunction with too much alcohol consumption.

b. This part of Berwick Street is residential and must not be turned into an all day and late-night hang-out for people consuming more alcohol in Soho, where people are already urinating and being sick everywhere and causing a noise nuisance as well as an increase in crime with unassuming people falling victim to all sorts of crime while being under the influence.

In order to keep our residential area liveable and peaceful I look for the cooperation of your Authority for support - before it is too late - and to prevent that our area is lost to even more noisy and alcoholised premises. Help is needed to protect this neighbourhood from nuisance and crime and venues wanting to operate very late into unsocial hours that pose a threat to peace and safety.

Also from experience there have already been issues with other premises on Berwick Street, expanding their seating to the outside area for commercial purposes by placing tables and chairs on Berwick Street without any permission to do so and causing a nuisance in the neighbourhood. This is unfortunately another very foreseeable issue that will arise undoubtedly since most premises in Soho consider themselves to be above the law and take advantage of cost cutting in the cost of living crisis and resulting in insufficient staff from Westminster Council to properly monitor and hold them to task.

Needless to say, I would clearly object any authorisation for additional tables and chairs since it would cause

We already experience noise nuisance on Berwick Street from customers passing by and talking loudly and the narrow street echoes and amplifies the sound far and wide.

A noise nuisance from street musicians and buskers are drawn like moths to the light in great numbers to 'entertain' customers and passers-by to establish a business patch for themselves

The knock on effect is too detrimental to our area to allow any more licenses to be dished out.

Thieves and other petty criminals to be drawn to the area to home in on unassuming customers under the influence of alcoholic beverages and distractions.

I would like to kindly ask you for conditions to be added, which would address this outside issue.

Equally no outside drinking ought to be allowed with the premises being a restaurant!

There is always concern that the additional footfall of drunk late night punters into Berwick Street would put too much strain on the police force in the West End; they are already very stretched. Every additional bar / restaurant that opens longer creates potential mugging and assault victims - as well as perpetrators. Gangs are already very keen to pry on the vulnerable drunk late at night in my street and to prevent crime from thriving further on our doorstep such license applications must be extremely carefully considered by WCC and maintenance of law and order in Soho must be a priority when making their decision.

I am also concerned for the safety of women at night in Soho since many a drunk man will assume most women in Soho to be for purchase and a rise in sexual harassment crime as a consequence would sadly and most predictably be the result. This risk must be avoided at all cost! Women must be protected.

The West End Entertainment Catchment Stress Area currently already accounts for a total accommodation number of 99 venues within approximately a quarter mile square neighbourhood with late night licences totalling accommodation of over 26,000 people!

Soho is already most saturated; there are over 40 venues in our neighbourhood which close after 23.00;

I trust that you will sincerely consider my concerns when you decide upon the licensing application referenced 23/03810/LIPN.

With many thanks and kind regards,

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	4 July 2023

I live just two small blocks away from Berwick Street and have lived here for 13 years. I have been a Soho resident since 1994.

This application is for yet another cafe in a part of Berwick Street that is already saturated with cafes, and notably it is asking for an alcohol licence. On top of which it is also trying for opening hours that go over core hours as recommended by Westminster Council's own Licensing Policy.

I respectfully ask the Licensing Group not to grant this application as the short area from Berwick Street across two blocks to my own street (Ingestre Place) is possibly the most densely populated area of residential Soho. This section of Berwick Street, along with Hopkins Street, Ingestre Place, Peter Street and Broadwick Street may be in the heart of the West End cumulative impact area, but it is also unusually quiet and peaceful, despite the amount of cafes and bars already established on Berwick Street. Approximately two thousand people live in these few streets and we all prize the general peace and quiet of the immediate neighbourhood! Granting applications like this, which wants to open from 8.00am until midnight, seven days per week, and appears more like a bar than a cafe, will erode the residential amenity of this part of Soho and degrade the area.

Soho is already saturated with alcohol-led premises and any more will simply jeopardise the residential aspect of the neighbourhood as more and more people visit here to eat, get drunk and be loud.

If the application were to adhere to core hours (as outlined in Westminster Policy) and drop the application for an alcohol licence, I would mind a lot less. But then, as I have pointed out, we simply do not need yet another cafe in the immediate neighbourhood as it will contribute to cumulative effect (and noise pollution) in this most densely-populated residential part of Soho.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	8 June 2023

I strongly object to this licensing application as it will likely cause major disturbance to many the local residents in this densely residential part of Berwick Street. I do not think that selling of alcohol for inside and outside of the premises until 11.30pm Mon - Sunday & closing at midnight is appropriate in this high pressure area. I am concerned that this change of use of premises has been considered at all. If it is to go ahead then I expect that the council confer with residents as to how any negative impacts around noise, drunkenness and the attraction of

venders, pedi cabs, delivery etc can be lawfully mitigated to protect residents from disturbance and distress that this premises could cause with the timeframes of current application. The time frames need review, assurances regarding the mitigation of disturbance need to be lawfully secured. Absolutely no outside tables or drinking outside, as the noise & potentially cigarette from these activities will severely impact the quality of life of residents especially those directly above the premises (4 households) but all local residents will be impacted by noise and disturbance in this part of the street which commonly becomes quite from around 8/9pm.

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

Received:	10 June 2023
------------------	--------------

[REDACTED] the premises at the corner of Berwick and Broadwick Streets. I have lived there for more than 30 years. This is a highly residential area of Westminster with a large number of residents along the street and opposite at Kemp House. Noise nuisance is already bad with 2 pubs, and multiple cafes making illegal use of the pavement and carriageway. I am routinely unable to sleep until after midnight and this is impacting my health and I'm sure many other residents. Crime in Soho is also very significant and appears to be highly correlated with the number of alcohol licences according to the council's own data. I would respectfully ask that the application be refused on grounds of noise and crime.

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

Received:	4 July 2023
------------------	-------------

The new license applications is for the sale of alcohol and late night refreshments from Monday to Sunday, 10am to 11.30pm in Soho, which is a stress area because of the high number of such licenses already in place.

The premises is adjacent to Berwick Street Market, the north end of which already has noisy bars and has a history of noise nuisance for local residents, notably in relation to The Endurance Pub, which eventually lost its licence.

The southern end of Berwick Street Market, where the premises is located, is a highly residential locale. On the eastern side, above the premises, are many flats, including some social housing residences on the upper floors of the premises. On the eastern side, opposite the premises, is Kemp House, where we live, a WCC social housing block which contains 61 flats, including 4 new family flats at the 1st and 2nd floor. In Kemp House there are many vulnerable residents who we know from experience feel unable to make representations on matters such as this. Our home is on the 5th floor and the bedroom of our two young daughters faces the premises. We are aware of the noise disturbance caused by similar licensed premises further north on this street and dread the possibility of similar disturbance being introduced here.

There is already significant late-night noise on Berwick Street from passersby travelling between other licensed premises elsewhere in Soho, but this highly residential section of the street is not a destination so currently does not suffer the same level of late-night noise disturbance as other streets in Soho. This makes the late-night noise levels bearable, which is important because Berwick Street Market is already setting up noisily on the cobbled street at 7am. Adding an 11.30pm alcohol license 7-days per week for a premises that plans to open from 8am until midnight will have a material detrimental impact on the quality of life for residents in the direct vicinity, notably those above the premises a

Name:	██████████
Address and/or Residents Association:	████████████████████
Received:	4 July 2023

Approving this license will not meet the licensing objective of prevention of public nuisance. Firstly, the area in which this business is proposed to be is densely populated by residents. There are 3 other residential flats above and there are several further down the road with a larger block of flats, Kemp House opposite.

The application to have a late night venue will disrupt the residents quality of life due to noise and the possibility of disruptive behaviour that this venue will likely create (as seen up the road with my place/violets etc) . The area is already incredibly saturated with bars and late night venues which will just add to further public issues. I am also aware that historically similar applications for this property to be a late night venue with a alcohol license have not been granted for the very reason of it affecting residents negatively.

Although Soho is a lively and vibrant area, it is imperative that families and a community can remain here.

The introduction of more late night licensing, which will add to the already saturated area, will likely force families like mine to move out of Soho. It will also add to the cumulative impact in the area and likely add to further problems which unfortunately come along with late night drinking (public nuisances, noise pollution, strain on the social services and criminality)

I have grown up in Soho/Covent Garden and happen to be a social tenant with Soho Housing whose own mission statement is to keep soho residents in the area with affordable rent and I fear this change will force me and my family to move out and rent privately which is terrifying with a new child and the current cost of living crisis. Any granting of this licence will also go against an already established local organisations vision within the community.

With the consumption of alcohol both in and outside of the venue there will inevitably be excessive noise outside late at night and the possibility of second hand smoke coming up into our flat which will greatly affect our quality of life. As we happen to live in a small 1 bed flat we are planning on making our front room into a bedroom to afford our daughter the extra space and eventually her own bedroom. We are very worried this will make this impossible and again force a young family out of the area.

Lastly, looking at the plans of the building and the proposed business, I am concerned by the blank space that is noted in the basement area supposedly a kitchen but I can't imagine this without the needed fire exits . Although alcohol is not to be sold in this area it is vague as to what it will be used for and not outlined explicitly. This causes great concerns and highlights further that the conditions of the license are vague and adds to our fears that it may become a club when it was mentioned in person to us that this would only be a coffee, breakfast/tapas/light eats restaurant.

Please consider my representation and all of the points I have raised against the application of alcohol license and please consider that I wish to attend the hearing so I am able to address you, the Licensing Committee, about the importance of my family and I being able to remain living in Soho.

Name:	██████████
Address and/or Residents Association:	████████████████████
Received:	3 July 2023

I am writing to you because I am objecting to the licensing application for alcohol on and off the premises of the basement and ground floor of 9 Berwick st, W1F 0PJ- 23/03810/LIPN. ██████████ I am concerned that approval of this license will hugely impact the residents of this area negatively.

Approving this license will not meet the licensing objective of prevention of public nuisance. Firstly, the area in which this business is proposed to be is densely populated by residents. There are 4 residential flats above, one of which I live in, and there are several further down the road with a larger block of flats, Kemp House, opposite. The application to have a late night venue will disrupt the residents quality of life due to noise that it will likely create. Currently, we have had many issues with noise from the stores that have opened in 8 Berwick St and in the pop up shops on the other side of the road. Due to the nature of our building and the older foundations, the noise carries all the way up and through our flat and for a late night venue to open directly underneath us with the proposed hours of 8am to 12am that the application states, will be an incredible nuisance as the premises is not purpose built (All of the flats above the unit have single glazed windows and have been denied double glazing and secondary glazing by our housing association - Soho Housing) and it will disrupt our quality of life hugely along with impacting our mental well-being. I have attached a video of the noise we are able to hear simply from the business in 8 Berwick st to highlight how the sound travels through and from the outside of the building from next door. This clip is taken from in our flat, facing the wall so not to have faces included.

I am especially concerned about this likely noise and the disturbance it will cause due to just having had a child on 17th June 2023. Although Soho is a lively and vibrant area, it is imperative that families and a community can remain here and thrive here for Soho to not only maintain its charm but to remain a living, breathing and functional community. The introduction of more late night venues, which will add to the already saturated area, will inevitably force families like mine to move out of Soho as we will be unable to effectively bring our child up due to the noise. It will also add to the cumulative impact of the area. This is a prospect that saddens my family hugely as we have deep ties to Soho with my husband being brought up here and attending school here. This is very much so what we want for our child but the likely nuisance this license will cause will mean we will be unable to remain in Soho.

With the consumption of alcohol both in and outside of the venue there will inevitably be excessive noise outside of the building, smoke that will enter our flat as our windows are directly above where the proposed outside area is and it will disrupt our only fire exit to the building as we share a small way into the building. I have attached a picture to this email that shows the outside of the building. Please note how close our door is to the proposed outside area and how limited the space is for us to enter is currently, let alone with additional seating or people congregating outside. Also to note, our flat is the second set of windows up. This greatly concerns me as again, with a child in the building we need to be able to ensure she is able to sleep properly for her mental development and we need to maintain a safe environment for her to be able to grow, develop and have the best start in life. 95% of a child's brain development occurs in the first 5 years of their life and it is imperative this is protected.

Lastly, looking at the plans of the building and the proposed business, I am concerned by the blank space that is noted in the basement area. Although alcohol is not to be sold in this area it is vague as to what it will be used for and not outlined explicitly. This causes great concerns and highlights further that the conditions of the license are vague and adds to our fears that it may become a club when it was mentioned in person to us, that this would only be a coffee,

breakfast and tapas light eat restaurant.

Please consider my representation and all of the points I have raised against the application of alcohol license and please consider that I wish to attend the hearing in due course to address you, the Licensing Sub-Committee, in person to impress the importance to myself and my family of our being able to remain living in Soho.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	10 June 2023

[REDACTED] and have done so for more than 30 years. Its a residential area with a large housing block at Kemp House opposite these premises and also people living above. Berwick Street already has severe noise nuisance problems from the 2 pubs and restaurants that have taken over the pavement for tables and chairs leaving no room for pedestrians forcing them into the road. Noise nuisance is a serious problem as is crime in the area which is driven by the number of licensed premises. This licence would make a bad situation worse in the cumulative impact area and should not be granted.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	4 July 2023

I feel that this application, if granted, would fail to meet the licensing objectives set out in the Licensing Act 2003, specifically:

Prevention of Public Nuisance: The premises is located in a primarily residential area, surrounded by homes that include families and young children.

The area is vibrant and lively, and our residential community contributes significantly to the unique charm of Soho. I would argue that preserving this balance between residential and commercial establishments is vital to the very existence of Soho as a living, breathing, functional community.

Historically, licensed premises have been situated either at the Broadwick Street end or in the Brewer Street/Walker's Court area, maintaining a reasonable distance from these residential properties. To allow a change in this arrangement and permit an alcohol licence for premises directly below a residential property would significantly disrupt the current status quo. It's also worth noting that this premises has traditionally been a retail shop. The sudden proposal to operate a restaurant selling alcohol until late in the night, both on and off the premises, has come as an unwelcome surprise.

The hours proposed for the operation of this venue are incredibly late. The inevitable noise and public nuisance will have a profound negative impact on the quality of life of the residents. Moreover, the conditions proposed are alarmingly vague, which does not inspire confidence in the establishment's commitment to operating within the guidelines and standards expected of licensed venues. Granting this application will contribute to a negative impact on the entire neighbourhood, which already boasts a vibrant nightlife scene. It is critical that this impact be considered in the decision-making process.

In 1968, a similar application was rejected by the Westminster council, on the grounds that a late night venue would be "inappropriate in this quieter area of Soho" and "likely to be seriously

detrimental to residential amenities by reason of noise and general activities (especially late at night)". Highlighting the importance of preserving the community's quality of life and living standards. I humbly request that the council consider this historical decision, the facts presented in this letter, and the impact on the community, before making a final decision on this licence application.

Thank you for your time and attention to this matter. I trust in your commitment to maintain the quality of life of residents in our beloved neighbourhood of Soho. I would like to be notified of and attend the hearing when it occurs.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	3 July 2023

On behalf of [REDACTED] I would like to lodge our objection to the proposed premises licence at 9 Berwick Street. As well as having a number of our residents in the close vicinity, we actually have residents who live in the residential upper parts of the property in question at 9 Berwick Street.

Whilst we accept that commercial activity and residential residents form part of the mixed community that reflects life in Soho and in central London generally, the proposed use and extended hours of operation for the ground and basement levels of 9 Berwick Street are unacceptable in maintaining the balance of residents living on the upper parts and whose lives will be materially affected, detrimentally, if the application were to be granted. Not only through the extended hours of operation but the associated 'servicing' of the commercial premises with deliveries, refuse and cleaning, all of which would only extend the impact on residents. We strongly object to the application.

[REDACTED]	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	1 July 2023

I am concerned about this application because [REDACTED] and endure significant levels of noise disturbance and ASB with existing licensing times.

[REDACTED] often is used as a side street for parties to 'carry-on', bar/restaurant staff to not only empty glass bottles in bins at all hours of the night, but to socialise after their shift.

Drunk and high visitors can be seen urinating and defecating at our doorstep and having sex outside our front doors. Fights, rowdy behaviour, and loud music is often heard throughout the night.

I feel with extending the licensed hours passed 11pm people are encouraged to linger and use our doorstep for all sorts of reasons. We have children living in the building and even your own Viola/Westminster glass and recycling collection takes place at all hours. The sound is piercing. I am happy to send you a recording of this. I have spoken to ward councillors, and tried making noise complaints but the processes are intrusive to our privacy and it doesn't seem much has changed.

It would be helpful if a consultation/meeting for residents can be held to allow us to voice the difficulties we experience with noise and ASB. I have myself as a female been harassed as I am trying to get home, and it is unacceptable.

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

Received:	7 July 2023
------------------	-------------

As you can see from my address above, [REDACTED], and have lived in this street for 25 years, and in Soho for 32 years.

The premises want to establish a Tapas bar, The Social. I entirely object to the application of another alcohol license in Soho, and in this very residential part of our Street, Berwick Street.

1. The application seeks hours for late night refreshment and opening hours to 10:00-23:30 Monday to Sunday. I object vehemently!

Restaurants should only ever serve alcohol to be taken with an ancillary meal at a table. There is no mention of that in the application. So, it is clear the owners are wanting a pub like outfit with the only difference being that the snacks available would be Spanish tapas.

- a. This would only add problems to already existing antisocial behaviour taking place in conjunction with too much alcohol consumption.
- b. This part of Berwick Street is residential and must not be turned into an all day and late-night hang-out for people consuming more alcohol in Soho, where people are already urinating and being sick everywhere and causing a noise nuisance as well as an increase in crime with unassuming people falling victim to all sorts of crime while being under the influence.

There is always concern that the additional footfall of drunk late night punters into Berwick Street would put too much strain on the police force in the West End; they are already very stretched. Every additional bar / restaurant that opens longer creates potential mugging and assault victims - as well as perpetrators. Gangs are already very keen to pry on the vulnerable drunk late at night in my street and to prevent crime from thriving further on our doorstep such license applications must be extremely carefully considered by WCC and maintenance of law and order in Soho must be a priority when making their decision.

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

Received:	16 June 2023
------------------	--------------

16/06/2023 7:53 PM We would like to understand the area that the outdoor licence would apply to please. Our office building and courtyard backs onto the premises in question, and we would want to understand whether 9 Berwick St's back terrace is included in the outdoor licence or whether the 'outdoor' is just the Berwick Street footpath frontage. We do not want their back terrace (or the side alleyway) licenced as we feel that would be disruptive to our office staff.

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.

	<p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants 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

	<p>of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
--	--

4. Equality Implications

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

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

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

5. Appendices

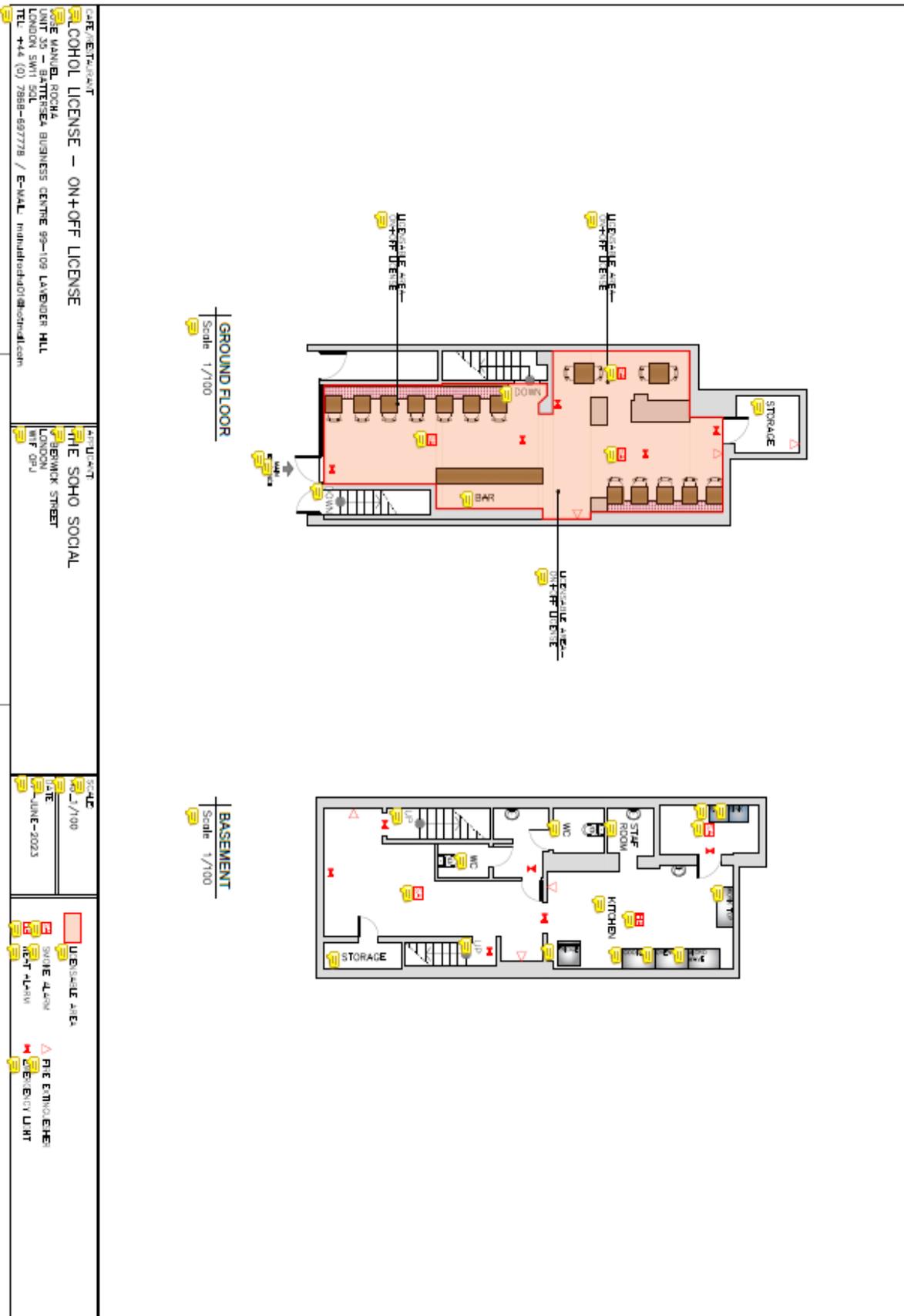
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2022
3	Amended Guidance issued under section 182 of the Licensing Act 2003	August 2023
4	Metropolitan Police Service (Withdrawn 20th June 2023)	12 th June 2023
5	Licensing Authority	3 rd July 2023
6	Environmental Health Service	10 th July 2023
7	Representation 1	27 th June 2023
8	Representation 2	30 th June 2023
9	Representation 3	3 rd July 2023
10	Representation 4	4 th July 2023
11	Representation 5	7 th July 2023
12	Representation 6	4 th July 2023
13	Representation 7	8 th June 2023
14	Representation 8	10 th June 2023
15	Representation 9	4 th July 2023
16	Representation 10	4 th July 2023
17	Representation 11	3 rd July 2023
18	Representation 12	10 th June 2023
19	Representation 13	4 th July 2023
20	Representation 14	3 rd July 2023
21	Representation 15	1 st July 2023
22	Representation 16	7 th July 2023
23	Representation 17	16 th June 2023



Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act.

10. The DPS and Premises Holder shall participate in Local Pub Watch or other similar associations.
11. Last orders for food shall be made 20 minutes prior to the end of licensable activities.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.
13. Takeaway orders. All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.
14. There shall be no vertical drinking at the premises.
15. During the hours of operation, 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.
16. Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours.
17. No beers, ales, lagers, or ciders of 6% ABV or above to be sold.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time.
19. A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.
20. All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.
21. Alcohol shall not be in the immediate vicinity of the entrances and exit too the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.
22. For all orders taken over the phone or via the internet, customers should be informed of Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.
23. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be, kept at the premises and made available upon request to either Police Officers or an authorised officer of Local Authority

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

24. 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 all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. All tables and chairs shall be removed from the outside area by 23.00 hours each day.

The below conditions were proposed by the Licensing Authority but due to Condition 24 being proposed by the Police and agreed by Applicant these are superseded.

30. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a '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.

31. The supply of alcohol shall be by waiter or waitress service only.

Conditions proposed by the Environmental Health

None

Residential Map and List of Premises in the Vicinity

Appendix 5

9 Berwick Street, London



Resident Count = 264

Licensed premises within 75 metres of 9 Berwick Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/02670/LIPDPS	The Breakfast Club	11 Berwick Street London W1F 0PL	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
21/10111/LIPV	Amathus	Hammer House 113-117 Wardour Street London W1F 0UN	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
22/09410/LIPDPS	Banana Tree Restaurants Ltd	103 - 109 Wardour Street London W1F 0UN	Restaurant	Sunday; 12:00 - 00:00 Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 01:30
21/08576/LIPN	Shadow - Whole	90 Berwick Street	Not	Sunday; 12:00 -

	Premises	London W1F 0QB	Recorded	22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
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
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
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
21/14598/LIPDPS	Co-op	104 - 105 Berwick Street London W1F 0QS	Not Recorded	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/13851/LIPDPS	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday; 08:00 - 23:30 Tuesday; 08:00 - 23:30 Wednesday; 08:00 - 23:30 Thursday; 08:00 - 23:30 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
22/08991/LIPT	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
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
19/11795/LIPDPS	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Sunday; 12:00 - 23:00 Monday to Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30
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
11/00024/LIPDPS	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DL	Restaurant	Sunday; 12:00 - 23:00 Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 08:00 - 01:00
21/09669/LIPDPS	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DA	Restaurant	Monday to Sunday; 08:00 - 01:00
21/02214/LIPT	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Club or institution	Monday; 09:00 - 01:30 Thursday; 09:00 - 03:30 Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Tuesday to Wednesday; 09:00 - 02:30 Friday to Saturday; 09:00 - 04:00
21/14512/LIPN	Victor's	84 - 86 Wardour Street London W1F 0TQ	Restaurant	Sunday; 10:00 - 01:30 Monday to Thursday; 10:00 - 01:30 Friday to Saturday; 10:00 - 02:30
22/06200/LIPDPS	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/04632/LIPT	Princi	Basement And Ground Floor 135 - 139 Wardour Street	Restaurant	Monday to Sunday; 00:00 - 00:00

		London W1F 0UT		
22/08728/LIPDPS	Rudys Pizza	Ground Floor To First Floor 80-82 Wardour Street London W1F 0UN	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 00:00
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
22/08296/LIPDPS	Not Recorded	6 Walker's Court London W1F 0BT	Theatre	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 01:30
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
23/02776/LIPCHT	Supernova	25 Peter Street London W1F 0AH	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
19/11661/LIPDPS	Temper	Former Trenchard House 19 - 25 Broadwick Street London	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
17/05557/LIPT	(Former 'Bunnychow')	74 Wardour Street London W1F 0TE	Restaurant	Sunday; 07:30 - 23:00 Monday to Saturday; 07:30 - 23:30
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