

Licensing Sub-Committee Report

Item No:

Date: 5 October 2023

Licensing Ref No: 23/04180/LIPN - New Premises Licence

Title of Report: Snowflake Gelato

Basement And Ground Floor

102 Wardour Street

London W1F 0TP

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: Ms Emanuela Meloyan

Senior Licensing Officer

Contact details Telephone: 020 7641 6500

Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Lice	nsing Act 2003	
Application received date:	20 June 2023		
Applicant:	Snowflake Gelato Group Lim	ited	
Premises:	Snowflake Gelato		
Premises address:	Basement And Ground	Ward:	West End
	Floor	Cumulative	West End
	102 Wardour Street	Impact Area:	
	London	Special	None
	W1F 0TP	Consideration	
		Zone:	
Premises description:	As per the application form the premises intends to operate as		
	a café with the benefit of late-night refreshments.		
Premises licence history:	This is an application for a new premises licence and no licence		
	history exists.		
Applicant submissions:	None		
Applicant amendments:	None		

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

Hours pre	Hours premises are open to the public						
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non- standard timings:		None					

2. Representations

2-A Responsible Authorities		
Responsible	Environmental Health	
Authority:		
Representative:	Kudzaishe Mondhlani	
Received:	18 July 2023	

The premises are located within the West End Cumulative Impact Zone as stated in the City of Westminster's Statement of Licensing Policy.

This representation is based on the operating schedule and plans submitted of ground and basement floor drawing number A000 dated July 22.

1. The applicant is seeking to provide Late Night Refreshment 'Indoors' Monday to Sunday between 23:00 and 00:30 hours.

I wish to make the following representations in relation to the above application:

1. The provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety in the West End CIZ.

The granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may also impact on Public Safety in the West End CIZ.

The applicant has provided additional information which is being considered. Additional Environmental Health conditions may be proposed to uphold the licensing objectives.

Responsible	Metropolitan Police
Authority:	
Representative:	Reaz Guerra
Received:	18 July 2023

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

There is insufficient detail contained within the operating schedule to promote the licensing objectives.

The hours sought exceed Westminster's Core Hours Policy.

It is for these reasons that we object to this application.

Responsible	Licensing Authority
Authority:	
Representative:	Karyn Abbott
Received:	18 July 2023

I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 102 Wardour Street, London, W1F 0TP.

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:

- 1. Public Nuisance
- 2. Prevention of Crime & Disorder
- 3. Public Safety
- 4. Protection of children from harm

The application seeks the following:

Late Night Refreshment

Monday to Sunday 23:00 to 00:30

Opening Hours to Public

Monday to Sunday 11:00 to 00:30

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1 and FFP1.

At present, the operating hours applied for Late Night refreshment currently fall outside of Westminster's core hours under Policy HRS1. The Licensing Authority encourage that the

applicant reduces the hours to be within Westminster's Core hours.

6. Pubs and bars, Fast Food and Music and Dance venues

- Monday to Thursday: 10am to 11.30pm.
- Friday and Saturday: 10am to Midnight.
- Sunday: Midday to 10.30pm.
- Sundays immediately prior to a bank holiday: Midday to Midnight.

The Licensing Authority note that the premises operation is an award winning luxury gelato selling cold food and proposes to sell hot drinks and deserts after 23:00. Due to the nature of the premises this application falls within Westminster's FFP1 (b, c, d) Policy that states.

- B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:
 - 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,
 - 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.
- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
 - 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 - 2. 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.
 - 3. The application and operation of the venue continuing to meet the definition of a Fast-Food Premises in Clause D.
- D. For the purposes of this policy a Fast Food Premises is defined as:
 - 1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.
 - 2. Food and drink are:
 - a. Available on the premises for self-selection.
 - b. Prepared on the premises.
 - c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.
 - 3. The food and drink are provided in pre-sealed or open disposable
 - d. packaging which is intended for immediate consumption.
 - 4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within subclauses D,1 to D,3 above.

The Licensing Authority would like further submissions to the questions below:

- 1. Will there be deliveries from the premises?
- 2. What type of vehicles would be used for deliveries?
- 3. What kind of hot food will be sold?

The Licensing Authority would propose model conditions 86 as follows:

1. The Licensable activities provided at the Premises shall be ancillary to the main function of the premises as a cold food/ice cream parlour'.

The Licensing Authority has concerns regarding this premises and encourages the applicant to provide further submissions on how this will be operated and controlled to have no adverse impact on the cumulative impact area.

Paragraph F56 states; Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not

so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

Paragraph F59 goes on to say. Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy.

The Licensing Authority would like the applicant to provide further submissions to the questions above to be able to assess any further relevant policy considerations.

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, 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.

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2-B Other Per	rsons	
Name:		
Address and/or Res	sidents Association:	
Received:	18 July 2023	
I am writing in support		 -
Please see the below text, which is the same as her comment: I would like to make an objection to the above application. Over the past 5 years we have struggled with the noise coming from the shop. Either with the music they play that echoes through our home or with their customers that are quite loud while they wait outside the shop or they exit the shop. If they stay open later this would only increase.		

Recently we have had personal conversations with the manager who has tried their best and the music level has improved, however we have been in this place before and every time there is a change in their managerial staff or other members of staff we are right back at the beginning. We do not have a direct number for the manager, and sometimes when we try to call the number that is on the webiste nobody picks up. There was a period last year when the number didnt work at all, so we would have to go downstairs almost daily to ask them to turn the music down.

There are several issues with the shop. They don't have good sound proofing anywhere, their speakers are built into their ceilings and often members of staff don't know that there are people living above which means that we can hear their music from their opening time until well beyond midnight.

Moreover, due to their opening hours, their clients will loiter outside the shop playing music from their cars or being quite loud until 1am / 2am.

The final issue is that their refrigeration and ventilation system that leads right into my bedroom window is very loud and vibrates in my house throughout the day. This issue is much worse in the summer

Name:
Address and/or Residents Association:

Received: 18 July 2023

To whom it may concern,

I would like to make an objection to the above application. My partner and I live directly above the Snowflake ice-cream shop. Over the past 5 years we have been living above the shop we have struggled with the noise coming from the shop. Either the music they play that echoes all over my home or with their customers that are quite loud while they wait outside the shop or they exit the shop. If they stay open later this would only increase.

Recently we have had personal conversations with the manager who has tried their best and the music level has improved, however we have been in this place before and every time there is a change in their managerial staff or other members of staff we are right back at the beginning.

There are several issues with the shop. They don't have good sound proofing anywhere, their speakers are built into their ceilings and often members of staff don't know that there are people living above which means that their music resonates all over our home from their opening time until well beyond midnight.

Another issue is that due to their opening hours their clients will loiter outside the shop playing music from their cars or being quite loud until 1am / 2am.

The final issue is that their refrigeration and ventilation system that leads right into my bedroom window is very loud and vibrates in my house throughout the day. This issue is much worse in the summer.

Name:		
Address and/or Residents Association:		
Received:	12 July 2023	

We request Councillors on the panel to consider carefully our concerns about this application for a late night refreshment licence for an ice cream parlour open seven days a week until 12.30am, in a street with a large number of residential properties which includes social housing, and where crime rates are rising.

As the Committee are aware the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives.

We will present evidence on the impact of the huge number of licensed premises is having on the lives of residents and how the high level of crime has made the area very unsafe for people on a night out. Providing on and off sales until 12.30am people will be retained for longer in the area, increasing the number of people on the streets late at night will have a negative impact, it will add to cumulative impact and will fail to promote the licensing objectives.

The premises is within Soho, an area at the heart of the West End's entertainment district, with its **487** licensed premises which includes a large proportion being late night **121** (25%) licensed with a terminal hour between 1am - 6am and a **capacity of over 22,827**.

Wardour Street is densely populated at night with a number of restaurants and also drink led

venues licensed until 3am with a **capacity of 2,055**, and within the streets which surround it namely Old Compton Street, Frith Street, Dean Street and Greek Street the area has the highest concentration of late night premises in Soho, a total of **118 with terminal hours** between **12am - 3.30am and capacity of over 11,200**.

It is unsurprising the crime statistics repeatedly show an increase in crime, the latest figures show levels of certain crimes are now higher than at pre COVID times and the peak times for crime being between **10pm - 2am**. The majority of robberies in Soho take place late a night, the junction between Old Compton Street and Wardour Street is a particular hotspot where people are targeted as they leave the numerous venues.

There are a number of residential properties on Wardour Street and 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.

Residents are also disturbed even if an establishment is not located directly on their street, as patrons usually intoxicated leave premises and either carry on their night out in Soho or as they make their way home making a noise and disturbing residents along the way.

Please see the results of the Sleep Survey October 2022 in **Appendix 1.**

We will withdraw this objection if the applicant agrees to no off sales after 11pm and late night refreshment until core hours.

Yours faithfully,

Licensing Committee

Appendix 1: Sleep Survey Results

Appendix 2: Cumulative Impact Appendix 3: Crime and Disorder Appendix 4: The Application Appendix 5: The

Appendix 1: Sleep Survey Results - 31 October 2022

The survey conducted by the 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 Marshall St and overlook it. 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 530amThis 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

Appendix 2: Cumulative Impact

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)

It states for every additional licence premises (including restaurants) the analysis will continue to show that reported incidents are likely to increase by something between 6% and 17% and crimes to increase by over 10%.

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.

Appendix 3: 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 shows 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 being between 10pm - 2am.

In Soho the majority of robberies take place at night, Greek Street and the junction between Old Compton Street and Wardour Street are particular hotspots where people are targeted as they leave the numerous late night 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, 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.

Appendix 4: The Application New Premises Licence

To provide hot and cold food and drinks.

LNR: Monday - Sunday : 23:00 - 00:30

Opening Hours: Monday - Sunday : 23:00 - 00:30

On and off sales

Appendix 5: The

The Society 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.

2-B Other Pe	rsons	
Name:		
Address and/or R	esidents Association:	
In support or opp	osed:	Support
Received:	27 June 2023	
I support this applic	cation.	

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
 - 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.
 - Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 - 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 - 5. The proposed hours when any music, including incidental music, will be played.
 - 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 - 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 - 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 - 9. The capacity of the premises.
 - 10. The type of use, recognising that some venues are more

- likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
- 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly.
- 15. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally of granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C. For the purpose Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
- 10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)
 - Monday to Thursday: 9am to 11.30pm.
 - Friday and Saturday: 9am to Midnight.
 - Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.
- 10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.
- 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

Policy CIP1 applies

- A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:
 - 1. Vary the hours within Core Hours under Policy HRS1, and/or
 - 2. Vary the licence to reduce the overall capacity of the

premises.

- C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.
- D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy FFP1 applies

- A. Applications outside the West End Cumulative Zones 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.
 - 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 meet the definition of a fast food premises in Clause D.
- B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:
 - 6. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,
 - 7. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.
- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
 - 8. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 - 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.
 - 10. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.
- D. For the purposes of this policy a Fast Food Premises is defined as:
 - 11. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.
 - 12. Food and drink are: a. Available on the premises for self-selection. b. Prepared on the premises. c. Cooked or produced off the premises but brought to that premises in

advance of its sale to customers.
13. The food and drink are provided in pre-sealed or open
disposable packaging which is intended for immediate
consumption.
14. A fast-food premises can provide a delivery service as part
of its operation, however that service must be ancillary to
the main funct ion of the premises as defined within sub-

clauses D,1 to D,3 above.

4. Equality Implications

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

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

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

5. Appendices

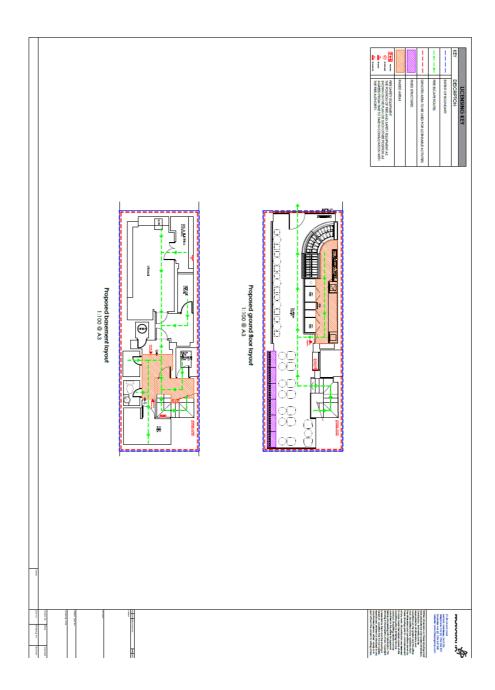
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Ms Emanuela Meloyan
	Senior Licensing Officer
Contact:	Telephone: 020 7641 6500
	Email: emeloyan@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	December 2022			
	the Licensing Act 2003				
4	Environmental Health	18 July 2023			
5	Metropolitan Police	18 July 2023			
6	Licensing Authority	18 July 2023			
7	Interested Party representation (1)	18 July 2023			
8	Interested Party representation (2)	27 June 2023			
9	Interested Party representation (3)	12 July 2023			
10	Interested Party representation (4)	18 July 2023			

Premises Plans Appendix 1



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+(DxV)

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 proposed by the applicant to form part of the operating schedule

9. (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.
- 10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 13. 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.
- 14. 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.
- 15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any visit by a relevant authority or emergency service
- 16. 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.
- 17. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.

19/09/2023, 16:31:17

Property Mailing List

Ward Boundaries

Ward Labels

102 Wardour Street, London, W1F 0TP

Resident Count: 179

Licensed premises v	vithin 75m of Base	ment and Ground Flo	oor, 102 Wardd Premises	our Street, W1F 0TP
Licence Number	Trading Name	Address	Type	Time Period
19/11795/LIPDPS	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Monday to Wednesday – 09:00 – 02:30; Thursday to Saturday – 09:00 – 03:30; Sunday – 12:00 – 23:00
22/01465/LIPT	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Monday to Saturday - 10:00 - 00:30; Sunday - 12:00 - 00:00
23/03795/LIPCH	Soho Hotel	4 Richmond Mews London W1D 3BD	Hotel	Monday to Sunday – 00:00 – 00:00

21/13851/LIPDPS	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday to Thursday - 08:00 - 23:30; Friday to Saturday - 08:00 - 00:00; Sunday - 08:00 - 22:30
		Basement And Ground Floor 135 - 139 Wardour Street London		Monday to Sunday
23/04632/LIPT	Princi	W1F 0UT	Restaurant	- 00:00 - 00:00
22/01602/LIPDPS	The Ship Public House	116 Wardour Street London W1F 0TT	Pub	Monday to Thursday - 10:00 - 23:30; Friday to Saturday - 10:00 - 00:00; Sunday - 12:00 - 22:30
21/02214/LIPT	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Club	Monday to Saturday - 10:00 - 23:30; Sunday - 12:00 - 23:00
21/0221 4 /LII 1	LO-1 TOTILE	WIII OIG	Olub	Monday to Thursday
21/14512/LIPN	Victor's	84 - 86 Wardour Street London W1F 0TQ	Restaurant	- 10:00 - 01:30; Friday to Saturday - 10:00 - 02:30; Sunday - 10:00 - 01:30
	1.000.0	Hammer House		
21/10111/LIPV	Amathus	113-117 Wardour Street London W1F 0UN	Shop	Monday to Saturday - 08:00 - 23:00; Sunday - 10:00 - 22:30
22/02670/LIPDPS	The Breakfast Club	11 Berwick Street London W1F 0PL	Restaurant	Monday to Thursday - 09:00 - 23:30; Friday to Saturday - 09:00 - 00:00; Sunday - 09:00 - 22:30
22/08991/LIPT	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Restaurant	Monday to Saturday - 10:00 - 00:30; Sunday - 12:00 - 00:00
22/08995/LIPT	Violets	Ground Floor 19 Berwick Street London W1F 0PX	Restaurant	Monday to Saturday - 10:00 - 01:00; Sunday - 12:00 - 00:00
13/03483/LIPN	Piccolo Fomo Pizzeria	9-12 St Anne's Court London W1F 0BB	Restaurant	Monday to Saturday - 10:00 - 23:30; Sunday - 10:00 - 22:30

17/06448/LICV	De Lane Lea Sports & Social Club		Cinema	Monday to Saturday - 12:00 - 00:00
22/09052/LIPRW	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Cafe	Monday to Wednesday – 07:00 – 23:30; Thursday to Saturday – 07:00 – 00:00; Sunday – 10:00 – 00:00
22/09410/LIPDPS	Banana Tree Restaurants	103 - 109 Wardour Street London W1F 0UN	Restaurant	Monday to Thursday - 10:00 - 00:30; Friday to Saturday - 10:00 - 01:30; Sunday - 12:00 - 00:00
23/02617/LIPDPS	Aulis	Ground Floor 16 St Anne's Court London W1F 0BF	Cafe	Monday to Saturday - 08:00 - 23:30; Sunday - 10:00 - 22:00
21/09379/LIPDPS	Blue Posts Public House	22 Berwick Street London W1F 0QA	Pub	Monday to Saturday - 10:00 - 23:30; Sunday - 12:00 - 23:00
23/02677/LIPDPS	Miznon	8 Broadwick Street London W1F 8HW	Restaurant	Monday to Thursday - 09:00 - 23:30; Friday to Saturday - 09:00 - 00:00; Sunday - 09:00 - 22:30
19/06818/LIPCH	The Player	Basement 8 - 12 Broadwick Street London W1F 8HW	Night Club	Monday to Saturday - 10:00 - 01:30; Sunday - 12:00 - 00:00