



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

29 February 2024

23/08735/LIPN - New Premises Licence

House of Cans
Ground Floor Front
12 D'Arblay Street
London
W1F 8DU

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

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Senior Licensing Officer

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1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	29 November 2023		
Applicant:	House Of Cans Ltd		
Premises:	House of Cans		
Premises address:	Ground Floor Front 12 D'Arblay Street London W1F 8DU	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form the premises will operate primarily as a specialist, can-only off-licence focussed on premium, small-batch produced beers, wine, cider, cocktails and soft drinks.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	<p>The ground floor front retail unit at 12 D'Arblay St is a narrow, rectangular space accessed externally by a door to the front left. An internal door to the rear right corner of the unit leads to a corridor which runs adjacent and that leads to the WC facility that will service the shop.</p> <p>Fridges will line the walls with a front-facing counter installed opposite the entrance.</p> <p>Limited internal seating will be available for consumption of on sales. The plan also includes to leverage the precedent set by neighbouring hospitality businesses and include in our footprint an unobstructive, removable external table and seating directly outside.</p> <p>The intention is to make the unit fully accessible however the siting of the WC, which cannot be relocated without impinging on and/or compromising the already fairly restricted unit space, means that, along with steps to and within the premises, this is not practically achievable.</p> <p>A large part of House of Cans' business model revolves around sustainability, aluminium cans being infinitely recyclable, lighter to transport and with a lower melting point than glass, and so bear a smaller carbon footprint.</p>		
Applicant amendments:	<p>Following consultation, the applicant has reduced the terminal hour for the sale of alcohol and the closing time from 23:00 to 21:00.</p> <p>The hours as now applied for are set out at section 1-B below.</p>		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	21:00	21:00	21:00	21:00	21:00	21:00	21:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	21:00	21:00	21:00	21:00	21:00	21:00	21:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	13 December 2023
<p>With reference to the above application, 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. The premises is located within the West End Cumulative Impact Zone.</p> <p>There is insufficient detail within the operating schedule to promote the Licensing Objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p>	
Responsible Authority:	Environmental Health
Representative:	Kudzaishe Mondhlani
Received:	13 December 2023
<p>I refer to the application for a new Premises Licence.</p> <p>The premises are located within the West End CIZ as stated in the City of Westminster's Statement of Licensing Policy.</p>	

This representation is based on the operating schedule and proposed plans submitted.
The applicant is seeking the following.

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Sunday between 12:00 and 23:00 hours.

I wish to make the following representation.

1. The supply of alcohol may have the likely effect of causing an increase in Public Nuisance in West End CIZ and may also impact on Public Safety.

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

Additional EH conditions may be proposed to uphold the licensing objectives. Should you wish to discuss the matter further please do not hesitate to contact me.

Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	13 December 2023

I write in relation to the application submitted for a new premises licence for Ground Floor Front, 12 D'Arblay Street, London, W1F 8DU.

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:

Supply of Alcohol On and Off Premises

Monday to Sunday 12:00 to 23:00

Opening Hours to Public

Monday to Sunday 12:00 to 23:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1, PB1 and SHP1.

The Licensing Authority notes within the operating schedule that the premises intends to operate primarily as a specialist, can-only off licence focussed on small-batch produced beers, ciders, wines, cocktails and soft drinks. It is also noted that operating hours applied for licensable activities currently fall within Westminster's core hours under the HRS1 Policy.

The applicant has not provided much detail within the operating schedule in regard to the premises and there is no ancillary nature to the way alcohol is sold. As the application stands it must be considered under Westminster's PB1 Policy (B).

The Licensing Authority require the applicant to provide further submissions on how the supply of alcohol will be controlled and monitored and in particular addressing the following:

1. Is alcohol sold by way of waiter/waitress service or will they purchase at a bar area?
2. In regard to the 'On Sale's, Will customers be drinking seated or by way of vertical drinking?
3. How many people can fit on the premises?
4. What will the ABV of the beers?
5. Will any food be sold?

The applicant has stated within the operating schedule that the premises is a specialist off-licence with on sales. The Licensing Authority would propose model condition 86 below.

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist, can-only off licence.

Agreeing the above condition could potentially allow the premises to fall within our SHP1 policy clause C 2 which states

2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop.

The applicant has applied for the sale by retail of alcohol both on and off the premises. The Licensing Authority would require the applicant to provide further submissions as to the proposed operation of the 'off sales' from the premises, and how this is intended to be operated and controlled to ensure that there is no adverse impact within the West End Cumulative Impact Area.

It is noted the applicant has proposed a number of conditions within their operating schedule. Model Condition 91 has been proposed but there is no hatched area on the plan, please can the applicant explain why this one is needed?

The applicant has proposed MC 17 within their operating schedule but this contradicts MC18. Would the applicant consider the varied condition below to cover the tables and chairs outside plus the off sales.

1. All sales of alcohol for consumption off the premises shall either be a) in sealed containers and shall not be consumed on the premises, or b) consumed outside the premises building by patrons seated at tables appropriately authorised.

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 also 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.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		Soho Society	
Status:	Valid	In support or objection:	OBJECTION
Received:	23 Dec 2023		

We object to this application for a new off licence which includes on sales in the West End Cumulative Impact Zone. We know it is common practice for individuals or groups to purchase alcohol in stores, wander round Soho, or gather in a public place, drink on the street, become inebriated, and cause noise and bad behaviour including street urination. The application also proposes a new bar in Soho which will allow people to drink without the consumption of food on and off the premises at tables and chairs, adding even more people in an area already saturated with a huge number of alcohol licences.

We are also concerned at the lost of another retail shop this time Goulds, a general hardware store which has served the local community for years is now turning into another alcohol led outlet in Soho.

Soho is at the heart of the West End's food, beverage and entertainment district with its 491 licensed premises, the demand for licensed premises in the West End and Soho shows no tendency to reduce, from 2020 to November 2023, 51 new alcohol licences have been granted with a capacity of over 4,245. It comes as no surprise that the infrastructure cannot cope with the vast number of people in the area at night, the consequences being the highest crime rates in Westminster, high levels of public nuisance including anti-social behaviour and noise disturbance which prevents residents from sleeping at night.

The Committee will be aware the premises is situated within the West End Cumulative Impact Zone and the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives.

Increasing the number of licensed premises or the extension of current licences in the West End CIZ is highlighted in the recently approved Cumulative Impact Assessment 2023, it confirms crime levels in Westminster has reached pre-COVID levels and since the last Cumulative Impact Assessment 2020 crimes have concentrated even further in the West End. It states,

'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.' The modelling shows a 50% increase in undesirable behaviours from any new OR extended licence. The figures also suggest a 26% in reported theft for each additional licence issued for whatever type of venue: club , restaurant or café.

The evidence is clear any addition in the number of hours, the number of people consuming alcohol, the number of licensed premises will fail to promote the licensing objectives and increase cumulative impact. It concludes with a proposed new Licensing Authority Statement which states;

'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact

assessment prior to its final approval and publication.’ (our emphasis) (Appendix 1 Cumulative Impact, Appendix 2 Crime and Disorder).

We are very concerned with the ever increasing negative impact on residents of the addition of even more 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.

We know 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.

It is against this backdrop the Licensing Committee is asked to approve a new off licence with on sales with all the evidence showing this will increase cumulative impact, crime and disorder and public nuisance. The applicant has to demonstrate they will not add to cumulative impact and will promote the licensing objectives, they have failed to do so and we respectfully request this application be refused.

The Application New premises licence

To operate primarily as a specialist, can only off licence focussed on premium, small batch produced beers, wine, cider, cocktails and soft drinks. Limited internal seating for consumption of on sales. Outdoor tables and chairs.

Sale of Alcohol : Monday - Sunday: 12:00 - 23:00.

On sales until 21:00 / Off sales until 23:00

Opening Hours : Monday - Sunday: 12:00 - 23:00 **Capacity** : unknown

The Interested Party has submitted further supporting evidence which appears at appendix 3.

3. Policy & Guidance

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

	<p>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 this application as defined within this policy are:</p> <p>8. Restaurants</p> <p>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.</p>
<p>Policy SHP1(B) applies</p>	<p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and 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 meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having 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 shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence

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

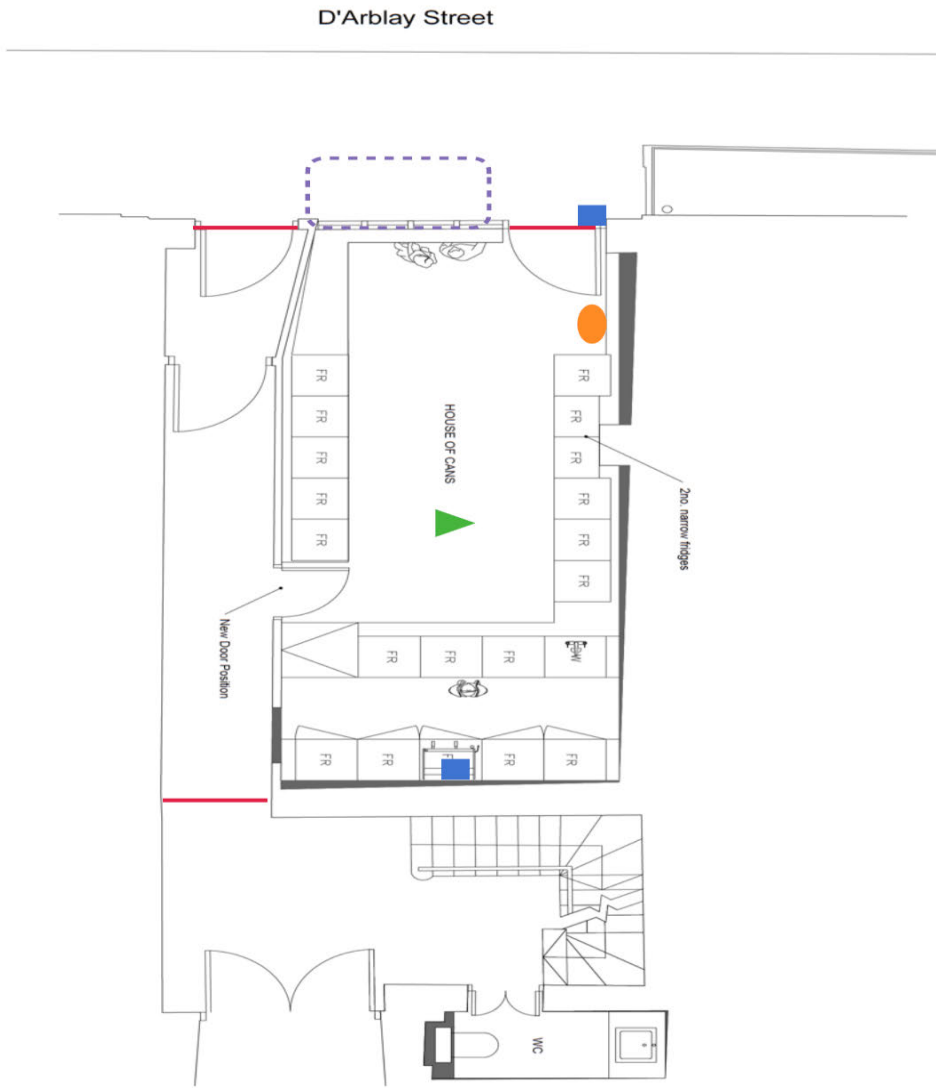
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Interested Party supporting documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
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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	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Metropolitan Police Service representation	13 December 2023
6	Environmental Health representation	13 December 2023
7	Licensing Authority representation	13 December 2023
8	Interested Party representation	23 December 2023



House of Cans D'Arbly Street - Proposed

— = single step level change

● = fire extinguisher point
(IX CO2 IX H2O)

▲ = ceiling mounted smoke
detector point

■ = CCTV camera location,
wall mounted

□ = proposed, removable
outdoor seating



IN THE WESTMINSTER LICENSING SUB-COMMITTEE

APPLICATION FOR A NEW PREMISES LICENCE

HOUSE OF CANS
12 D'ARBLAY STREET
LONDON
W1F 8DU

APPLICANT'S SUPPORTING BUNDLE

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IN THE WESTMINSTER LICENSING SUB-COMMITTEE

APPLICATION FOR A NEW PREMISES LICENCE

**HOUSE OF CANS
12 D'ARBLAY STREET
LONDON
W1F 8DU**

PROPOSED HOURS AND DRAFT CONDITIONS

REVISED HOURS

Sale by Retail of Alcohol/Opening Hours

- Midday to 9pm – Sunday to Saturday

PROPOSED DRAFT CONDITIONS

Model Conditions

Use Conditions:

- MC86 The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist retailer selling craft alcohol products in cans for customers to take away.
- MC93 The consumption of alcohol on the premises shall cease at 9pm.
- MC37 The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons.

Operational Conditions:

- MC64 No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
- MC24 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.

- MC27 All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
- MC28 Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
- MC32 There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
- MC33 Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

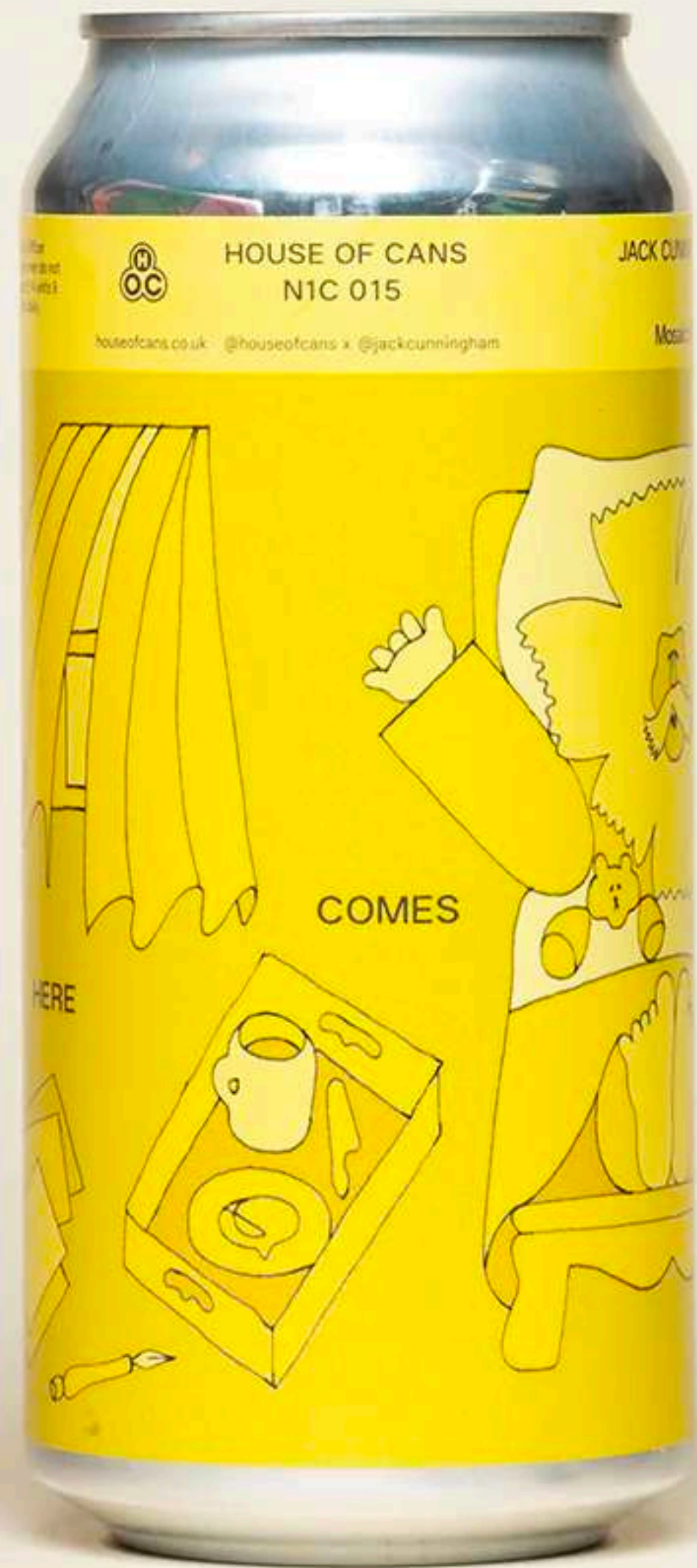
Additional Conditions

1. There shall be no more than 10 persons consuming alcohol on the premises at any one time, save for when such persons are attending a tasting event, when the number of persons shall be increased to no more than 20.
2. Deliveries shall only be made to a bonafide residential or business addresses.
3. No persons under the age of 18 shall be allowed in the shop.
4. Modified MC57 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 alcohol with them.
5. Modified MC29 No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for craft/premium beers and ciders, cocktails and wines supplied in cans.



House of Cans - D'Arblay Street, Soho, Proposal for Westminster Council Licensing

February 19th 2024



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- House of Cans - our product
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- Our Collaborations
- The Soho Context
- Some Google reviews - the best and worst
- Our Plans for Soho



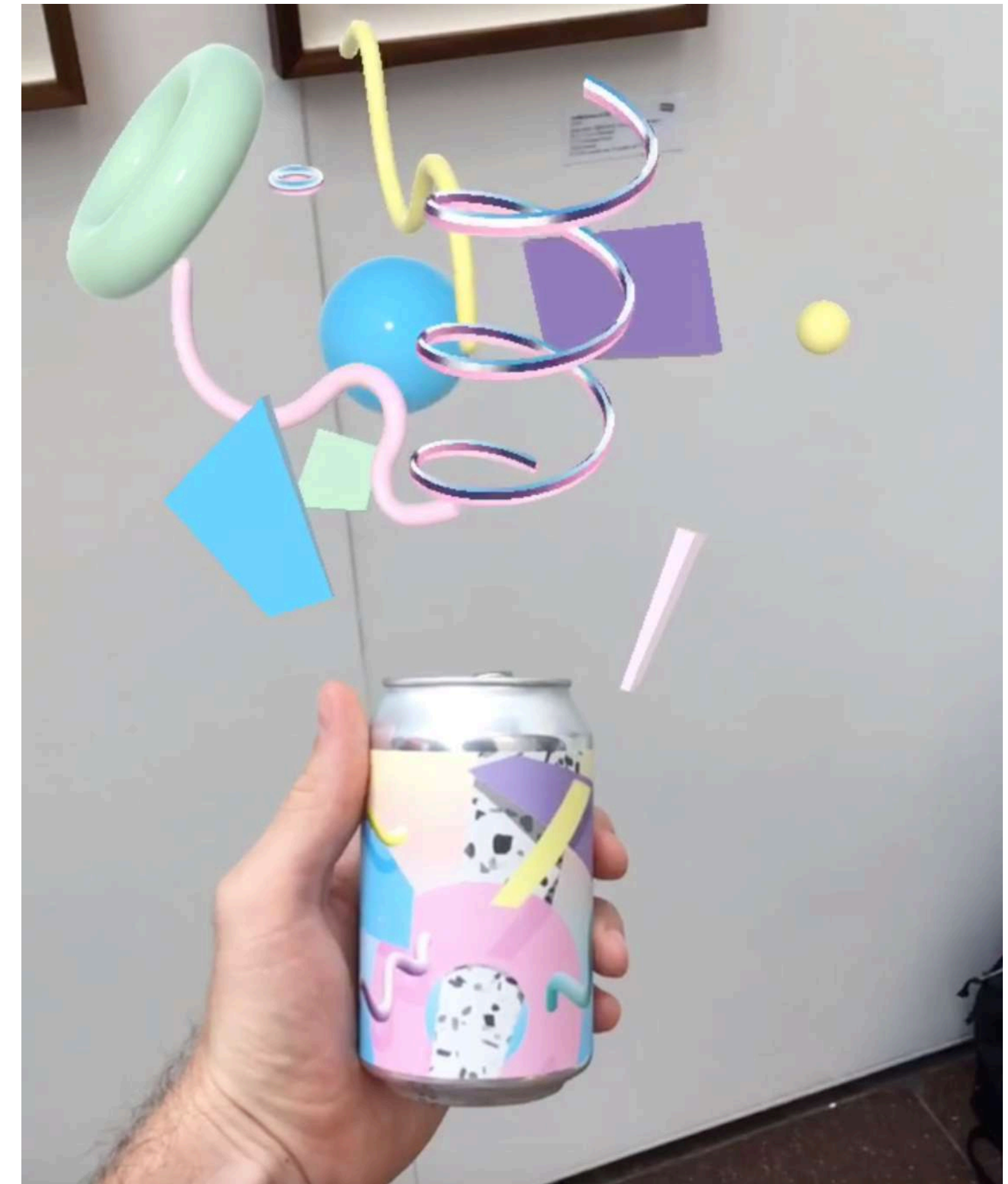
About Us

House of Cans was founded in 2018 around creativity, sustainability and a belief in excellent product sold. Alongside our broad retail offering we work with artists, illustrators and drinks producers to curate one-off custom and limited edition cans, predominantly for communities, brands and events. This focus on art and cans extends to how we present ourselves in store and ensures customer's immediate perception is that we aren't just another off-license.

Our very deliberate focus on cans (we do NOT sell glass bottled products) is not only for reasons of presentation and, increasingly, product quality and freshness, but to promote sustainability - to leverage the fact cans are infinitely recyclable, lighter and have a much smaller carbon footprint than glass while also ensuring less product is wasted at the point of filling.

The products we sell are of a premium nature which means they carry a premium price. Our lowest cost can, outside of our soft and zero alcohol range, is £5 for a 2.5% shandy and our highest priced product costs £12 per individual can (440ml).

House of Cans retails a specialist product and service to a specific audience, therefore providing an amenity to the workers and residents of Soho. Our intention is to become a responsible and engaged member of the Soho shop community.



One of our first ever collaborations was for The Other Art Fair, with Augmented Reality artwork





Our Founders

House of Cans was founded in 2018 by Fraser Shand and James Bowthorpe; the inspiration for House of Cans was discovered in the specialist bars of the Golden Gai, an area of Tokyo with tiny bars that cater to specific audiences interested in premium products. The King's Cross House of Cans off-licence and bar has been operating in King's Cross ever since, including throughout COVID when possible, building a dedicated audience of customers and fans.

Fraser Shand has worked in the London fashion retail for over two decades. In addition to House of Cans, Fraser is also the co-founder of UK clothing brand Folk Clothing (est. 2002), with shops throughout London. Fraser is a highly experienced retailer and has also recently launched a creativity-driven clothes store called Imprint.

James Bowthorpe has worked in the creative industries since coming to London in 2001. He is the founder and owner of the world's first B Corp certified placemaking agency, Applied Research Creative Studio (a-r-c-s). Amongst other placemaking projects, James was part of the team that launched Coal Drops Yard shopping centre in King's Cross and a-r-c-s continues to manage Lower Stable Street in King's Cross after 6 years.



Why Cans?



- Lighter than glass bottles, reduces carbon in transport
- Aluminium is infinitely recyclable, glass is not
- Aluminium has a lower melting temperature than glass, making aluminium recycling less energy intensive
- Aluminium does not create dangerous waste when it (rarely) breaks
- Less waste at point of filling due to wider mouth
- Freshly brewed products stay fresher for longer (than in glass) due to aluminium blocking UV light
- Cans create a flat and consistent substrate for creative labels, letting the artwork sing
- Mobile canning lines mean that small independent producers can package up their products in an accessible format
- Aluminium cans are part of our zero to landfill strategy at our King's Cross operation, and we would aim to duplicate this in Soho

House of Cans - our product

Whilst the majority of our product is beer, ranging from lagers to IPA's and Stouts, we also stock canned, English award-winning wine, ciders, pre-mixed cocktails, waters and soft drinks. We also carry premium low and zero alcohol beers, with a burgeoning market for quality product within this field.

Our product is sourced from small batch breweries and specialist drinks producers, with the majority of our product being sourced locally or within the UK. We have good relations with our suppliers which means we often get small batch beer to our shop before anyone else.

The price point and special nature of our product makes it very unattractive for those looking for cheap alcohol or a pre-drinking destination. Our product is more often than not enjoyed in the comfort of one's home, by customers who enjoy premium products, usually in relative moderation.



Eazy Peazy - Amundsend Bryggeri - 0.5% IPA - £4.90



House of Cans - our product

Part of our mission is to educate our customer about our products, how they are made and the processes, ingredients and qualities they represent. Whilst our products may appear similar to those available elsewhere, they have significant differences which we believe makes them exceptional and worth sharing and talking about. Physical retail where you can go in and experience our products is essential to our business.



• Apple Nut Stout
• House of Cans
• Small batches
• Small target audience



- Brewdog Stout
- £1.85 per can in Tesco's
- Mass produced in relative terms
- Broader audience





HOUSE OF CANS
OFF LICENCE & BAR

House of Cans - dedicated to physical retail and collaboration

We believe strongly in physical retail; not only how it can provide a more engaging and satisfying experience for customers, but because physical retail is an important part of the fabric of our cities. We want to be a part of the Soho community of retailers and believe that we can provide the following benefits:

- We provide an exceptional and otherwise unavailable product range, providing amenity to a customer audience that we believe exists in Soho
- We know from experience that creating a grouping of physical retail creates critical mass, which benefits all retailers - increasing dwell time by 1% increases turnover by 1.4%
- Seating within House of Cans supports the in-person experience, with tastings and the space to share and discuss products being an important part of our existing operation in King's Cross
- Our brand is built on our relations with the creative industries, from art to fashion - physical retail and the in-person experience is essential to these partnerships
- Our branding was developed by London-based designers IYA, who we continue to work with across our offering
- Our collaborations to date, created through our King's Cross outlet, include The Other Art Fair (who's offices are on D'Arblay Street) and Universal Works (another potential neighbour around the corner in Soho) - we want to co-create with artists, brands and other organisations that share our passion for quality products



Our Collaborations

We have worked with a diverse range of artists, organisations and brands to create our collaborative product. Many of our collaborations can be found on our website and they reflect our passion for arts and culture - celebrating everything from Pride and The Other Art Fair, to sneaker launches and 80 years of The London Jazz Festival with Blue Note Records. One of the most exciting prospects of being in Soho is to connect with the creatives who live and work there - we can't wait to create our first Soho collaboration!



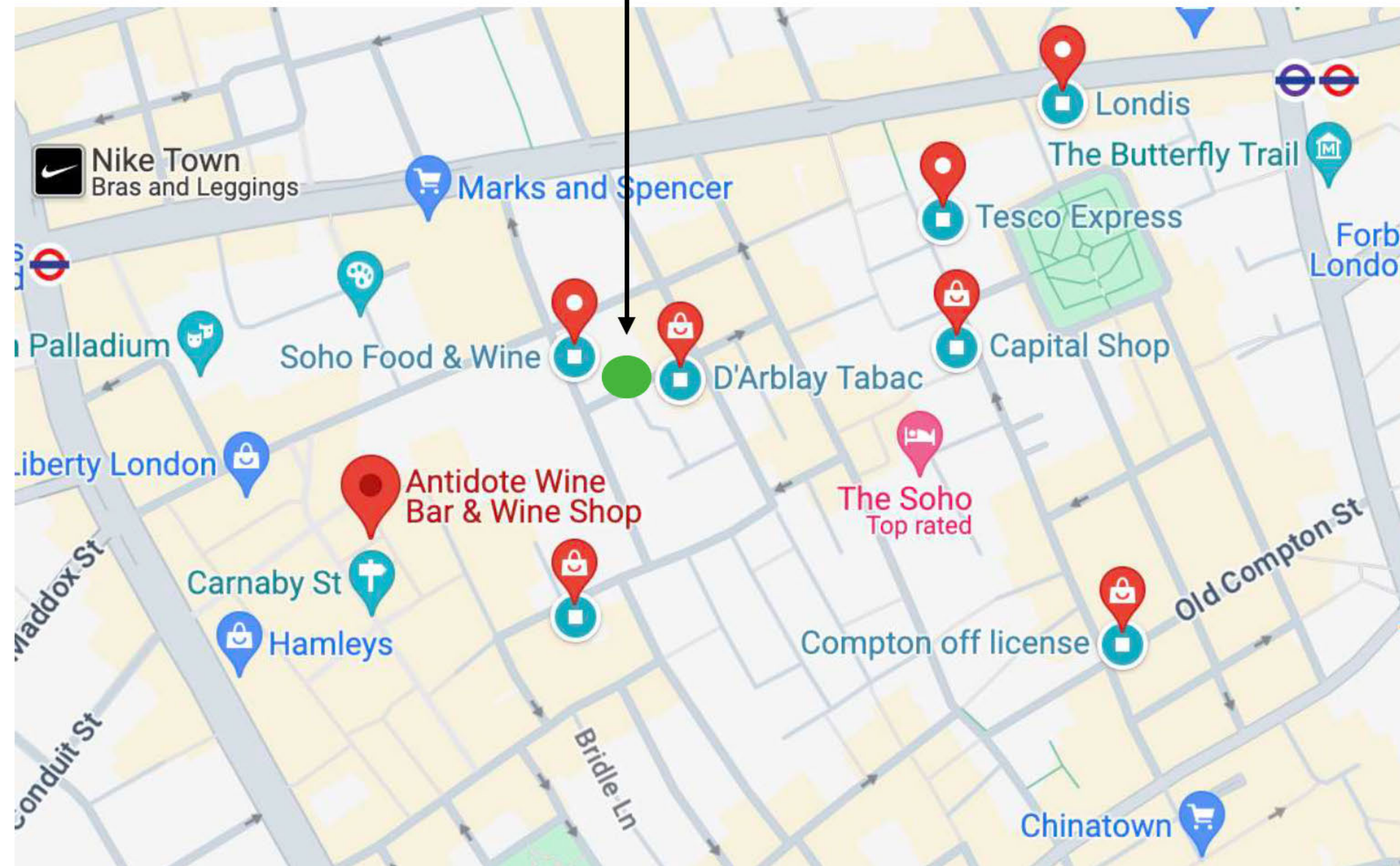
The Soho Context

Soho offers a broad range of places to purchase alcohol through off-licences and supermarkets, in addition to its bars and pubs. However, there is currently no off-licence in Soho offering the products that we provide.

The map opposite shows sites where low cost alcohol is available in Soho. Whilst some of these locations sell craft beer, the products we stock are not available at any of these locations. Some craft beer is mass produced and available in corner shops (Brewdog etc.) but that is not our product.

Customers looking for high strength, low cost beer or similar products are already shopping at these locations and will not find anything that they want to buy in our product range.

Proposed House of Cans location




Some Google reviews - the best and worst

House of Cans

Unit 116, Lower, Stable St, London

4.7 ★★★★★ 98 reviews

Reviews aren't verified. ⓘ

 Local Guide · 155 reviews · 546 photos

★★★★★ a year ago


House of Cans is one of those magical spots that once you find, you return again and again. I'm not sure how they do it but their can selection is always ahead of the curve featuring beers other bottle shops don't have or don't have as quickly. Incredibly friendly staff. One of the best craft shops in London and a must-visit for any true craft beer lover. Amazing location with plenty of outdoor seating and proximity to food and some of the nicest public toilets around.

Oh, they also will custom make beer labels and provide the delicious BBNo beer to go in it. ❤️




 Like

[Write a review](#)

 7 reviews · 2 photos

★★★★★ 4 years ago

Chronically over-priced beer, somewhere between 20-40% more expensive than other stores. Good range if you have deep enough pockets though.

 Like



Our Plans For Soho

If we are successful in our application for an alcohol licence for 12 D'Arblay Street, our intentions for the Soho branch of House of Cans are as follows:

- To replicate the design and fit out of our King's Cross shop - product and art-led
- To replicate our excellent customer service - knowledge and recommendation-led
- To make connections with our neighbours in D'Arblay Street - we have imagined a Soho Screening Rooms canned water that we would love to produce for them
- To collaborate with the creative community and artists within Soho
- To provide amenity to the communities of Soho, with a quality, premium product delivered through exceptional customer service





Thank You



**COMPLETE
LICENSING**

HOUSE OF CANS

Consultant Report

1. INTRODUCTION

1. Marcus Lavell of Keystone Law has instructed me to consider the application by House of Cans to open a new premises at 12, D'Arblay Street, Soho. I have used my knowledge of the area and visited the existing House of Cans premises at Unit 116, Lower Stables Street, Kings Cross, in order to consider how this application will impact on the D'Arblay Street and wider Soho area. I have also considered any conditions that may be required in order to ensure that the premises supports the Licensing Objectives to a high standard.



2. SUMMARY OF EXPERTISE

1. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games.
2. In addition to leading my team, I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures, and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I was awarded an Assistant Commissioners Commendation for this work.
3. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Later SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.
4. Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, to address these problems using action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
5. From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs, and Government departments to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on several Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.



6. I was involved with Best Bar None for several years and successfully helped several boroughs to implement the initiative. I was a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years of my service, I was in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended many internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

7. Since my retirement I have worked as an expert licensing consultant providing independent advice for premises requiring a local authority licence. I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, noise and nuisance, cumulative impact, sexual entertainment, street drinking, rough sleepers, age related products, betting and gaming and planning. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late-night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.



3. OBSERVATIONS

1. I conducted observations at the House of Cans, 116 Lower Stable Street, Coal Drops Yard, King's Cross, N1C 4DR on the night of Saturday the 17th of February 2024. The premises is licensed until 00.00 hours on Saturday nights but I understand that it currently trades until 21.00 hours so I arrived at the premises at about 18.30 hours. I had not informed the premises of my arrival so I conducted observations covertly outside the premises. The premises is small and is attractively decorated with colourful cans around the walls. There were about half a dozen chairs inside by the bar and till area. The vicinity of the premises was quiet and orderly with no one loitering in the area.
2. Going into the premises I spoke with the male behind the bar who I now know to be [REDACTED]. I said I was unsure what type of beer I would like and he asked me what I usually drank, what I enjoyed and then suggested a couple of cans I may like to try, explaining the flavours and strength of each. I chose one of his recommendations and sat at the bar to drink it from a can-shaped glass while chatting. Another male came into the bar, he was clearly known to [REDACTED] and they engaged in conversation and the male selected a can.
3. After a short while I explained to [REDACTED] who I was and that I had been asked to visit the premises in connection with their new application in Soho. We chatted about the beers available and [REDACTED] was very knowledgeable about the products and their various attributes. He explained they also sold speciality wines in cans and pointed me to the refrigerators. Behind the bar was a bank of glass fronted fridges that ensured all the beers were kept in ideal condition.
4. I sat in the premises for an hour or so, during this period about four or five customers came in to purchase beer to take away. They appeared to be known to [REDACTED] and they discussed the various beers available before selecting three or four cans each and purchasing them to take away. Bags were offered to them but they had their own. The males appeared to have called in on their way to visit friends and had called in to collect their favourite craft beer to take with them. None of them appeared to have been drinking prior to going to the premises and they all put their purchases in their bags and then walked away.
5. While I was at the premises there was also a couple of females and a male who came into the premises to have a drink. They purchased a can each and sat in the premises at the bar, or on seats outside by a table, to consume them and chat. They were all well behaved and did not appear to have been drinking prior to attending the premises. All appeared familiar with the beers on offer, knew their preference and chatted to [REDACTED] in a friendly and familiar manner.



6. I asked [REDACTED] about the incident book and he produced the incident and accident books it for me. The incident book was dated 2024 but had no entries in it. I asked [REDACTED] about this and he stated that they had not had any incidents. I asked what he would do if someone who appeared under 21 came into the premises and he stated that they had a challenge 21 policy and anyone who appeared to be under 21 would be asked for photo ID such as a Passport or Driving Licence. He explained that most of their customers were older, although there is a college nearby so on occasion younger looking customers did come in and when they did he asked for ID.
7. I asked [REDACTED] about security and he informed me that the estate provided SIA security and CCTV and although he saw security patrolling they had never had to call them. Toilet facilities are also provided by the estate so are not the direct responsibility of the premises. As far as he was aware there had never been any issues for the security to deal with or requests for CCTV connected to the premises.
8. I left the premises at about 19.30 hours but kept casual observations in the area until about 21.00 hours. The premises remained quiet and the vicinity was quiet and orderly. I did not see any crime and disorder, noise or nuisance generated by, or near to, the premises.



3. CONCLUSIONS

1. The premises operates as a genuine craft beer premises that sells a unique and high-quality product, stored and sold in prime condition and at premium prices. Cans are, of course, lighter and easier to store and transport than bottles and are easily and widely recycled.
2. House of Cans concentrates on Beer but stock a small selection of other drinks such as wine and cider in cans, however, they do not sell spirits or similar high strength products. The customers I observed had all made a point of going to the premises specifically to purchase the products that are not widely available; primarily it appeared to be to take-away but some requested to taste before selection and others stayed for a drink and a chat.
3. The premises promoted the licensing objectives to a high standard while I was there and, based on my observations, discussion with staff and research, it operates as a genuine craft and specialist beer shop that has interesting and unconventional products aimed at a speciality market. The drinks are premium products and premium prices, I saw no evidence of crime and disorder and can state that from my observations and experience I consider it very unlikely that such a premises would attract those looking to drink excessively and cause nuisance, crime or disorder.
4. I understand that the proposed Soho premises will operate in the same manner as that in Kings Cross and I am confident that it will be a positive addition to Soho and bring benefit to the area. At the Kings Cross site some of the operational requirements, such as the use of door supervisors and the CCTV, are provided by the estate management for the wider area and not employed by the premises directly. At the Soho site the premises itself will be responsible for CCTV and security and therefore consideration must be given to Conditions covering these activities.
5. While CCTV will be required at the premises I do not consider that SIA Door Supervisors will be required. I understand that the proposed terminal hour is now 21.00 hours and therefore I do not consider that it will be necessary to have SIA Door Supervisors employed at the premises which is, essentially, an off-licence with facilities for tasting prior to purchase and with limited consumption on the premises. In my view Door Supervisors are required for the larger premises that operate as a traditional bar and, of course, with later hours; but are not required for this specialist style of premises.

I understand that my duty is to the sub-committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report to be honest and true and that the opinions I have



expressed are correct to the best of my judgment. The fee for this report is not conditional on the outcome of the case in any way whatsoever.



Mediation email

From: [REDACTED]
To: [Jackaman, Kevin: WCC](#)
Cc: [REDACTED]
Subject: Re: Ground Floor Front, 12 D'Arblay Street, London - 23/08735/LIPN
Date: 08 January 2024 11:35:37
Attachments: [image001.png](#)
[image002.png](#)
[image001.png](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

Hi Kevin

Many thanks for forwarding details of the Soho Society's representation against our recent application for a Premises License at 12 D'Arblay Street.

We were especially keen to provide some more detailed information regarding our philosophy as well as our business operation, which I would be very grateful if you would forward on.

Firstly, House of Cans was founded very largely around creativity and sustainability, a large part of what we do being to work closely with artists, illustrators and drinks producers to curate one-off custom and limited edition cans, predominantly for communities, brands and events. This onus on art and drinks cans extends to how we present ourselves in store and ensures customer's immediate perception is that we aren't just another off-license.

Secondly, our very deliberate focus on cans (we do NOT sell glass bottled products) is not only for reasons of presentation and, increasingly, product quality and freshness, but to promote sustainability - to leverage the fact cans are infinitely recyclable, are lighter and so have a much smaller carbon footprint than glass while also ensuring less product is wasted at the point of filling.

All of which is as important to us as the commercial retail of craft drinks, the premium nature of which means they are also sold at a premium price. Cans typically cost between £6 and £12 per individual can and we are therefore supremely confident that, coupled with the specialist, unfamiliar (to a non beer enthusiast) nature of the product, our presence will not contribute to or exacerbate any existing street drinking or public nuisance issue within the West End CIZ. Our exclusive intention is that off-sales be taken away for consumption at home/in a domestic environment.

We would like to stress how acutely aware we are of the area classification as a Cumulative Impact Zone and all that this implies. We are wide open to working closely with the authorities and community, both in respect of arriving at an appropriately termed license and in ongoing operations within licensing policy. We likewise remain entirely amenable to any and all workable operating variations which will afford comfort to and/or alleviate any concerns held by residents and/or the Westminster licensing authorities regarding the potential impact of the premises on the CIZ. We are engaging with complete respect, driven only by the opportunity to sympathetically fill what we see to be a vacancy for a boutique, specialist craft drinks-led operation in Soho.

For completeness also, and as per the submitted operating schedule and authority stipulations, all required security (CCTV), responsible waste disposal, risk mitigation, safety and staff training measures and signage will be enforced thoroughly and proactively in order to support all four licensing objectives.

Lastly, if a representative was available and willing, we would of course be very pleased to meet with one or more members of the Soho Society in order to discuss their concerns in person.

Many thanks

[REDACTED]

Cumulative Impact

This area has been identified by Westminster City Council as under stress because of the cumulative effect of the concentration of licensed premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the draft Cumulative Impact Assessment 2023 continues to show high levels of cumulative impact in the West End Zone 1 in 2022, it states,

***'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.'* (p.50)**

The proposed Licensing Authority Statement strengthens the previous 2020 CIA statement in acknowledging the increasing and detrimental impact of the large number of licensed premises in the West End, it concludes,

***'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.'* (p.80)(our emphasis)**

In any application for an alcohol licence in the Cumulative Impact Zone the applicant is required to demonstrate that the application will not increase the Cumulative Impact. In the draft Cumulative Impact Assessment 2023 the modelling shows an overall factor of up to 1.5, which means that for every additional licence granted the number of undesirable behaviours expected in the area in a year would increase by up to a multiple of 1.5. This means a **50% increase in undesirable behaviours from any one new or extended licence, similarly the figures suggest a 26% increase in reported theft for each additional licence issued - for whatever type of venue: club, restaurant or café.** In relation to noise, it concludes,

'The number of licensed premises is a significant factor in the generation of noise complaints.'

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 SoLP).

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 2 : Crime and Disorder

The draft Cumulative Impact Assessment 2023 states by September 2022 crime in Westminster had reached pre-pandemic levels. It compared the proportion of crimes that occurred in 2022 against the period of the 2020 CIA (2017 - 2019) it indicates that ***'crimes within Westminster has concentrated even further within West End Zone 1.'***

It confirmed the majority of the hotspots for the four major crime types (overnight thefts, robbery, drug offences, violence against person) were closely concentrated in the West End, stating,

'This provides further evidence to the greater prevalence of criminal offences within this area, and given the temporal nature of this analysis, also suggests that criminal activity within this area is getting worse.'

Overall the West End Zone 1 accounts for:

- Just under 66% of all crime in Westminster
- 47% of violent crimes - approximately 59% at night (most prior to and after midnight)
- 44% (968) of all overnight robberies
- Over 65% of sexual offences.
- 52% of all night time alcohol related ASB
- 74% drug offences, small clusters include Soho - Old Compton Street
- 57% of all ASB call details included reference to public house/nightclub, night-time transport route, station, hotel or restaurant establishment

It confirms the majority of crime takes place on Friday / Saturday and Saturday/Sunday between 6pm - 6am. Overnight crime is identified as being particularly prevalent in Old Compton Street, Greek Street and Frith Street.

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 police crime reports for April/May 2023 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, 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, this is directly linked to the large number of venues and people which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

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

Soho Society Sleep Survey Results - 31 October 2022

There are real concerns amongst residents about the ever increasing numbers of licensed premises and people on the streets at night causing disturbance, 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.

It is therefore unsurprising that a 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 responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

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

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

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

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 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

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

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy! Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

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

The Soho Society

The Soho 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.

From: [REDACTED]
To: [Jackaman, Kevin: WCC](#); [Donovan, Jessica: WCC](#); [Hag, Roxsana: WCC](#); [Abbott, Karvn: WCC](#)
Cc: [REDACTED]
Subject: Additional document : 23/08735/LIPN: House of Cans, 12, D'Arblay St, W1F 8D
Date: 19 February 2024 16:50:06

Dear Kevin,
Please find below an additional document for the hearing on 29 February, this is a letter from a resident supporting the Soho Society's representation.

Many thanks.

Regards,
[REDACTED]
The Soho Society

Subject: 23/08735/LIPN: House of Cans, 12, D'Arblay St, W1F 8D

Dear Sir/Madam

I am writing a letter in support of the objection to the application for a new licence from House of Cans to open a shop selling cans on D'Arblay St.

The operator already has a shop selling cans in an off-licence / bar in King's Cross. King's Cross, Coal Drops Yard and Granary Square have large open spaces (unlike Soho) where drinkers can take their drinks and make less impact on everyone else. In Soho the geography of their proposed outlet is different: there is nowhere for street drinkers to go, so they drink in our doorways, on ledges outside shops, or in the mews. 12 D'Arblay St is directly opposite Portland Mews, and there is another mews on D'Arblay St (Wardour Mews) - it is a guaranteed certainty that customers would take their purchases to these mews to drink there. Street drinking outside the bars at the west end of D'Arblay St has already driven out a number of long term residents - the opening of this off-licence/bar would only exacerbate this problem. This street used to only have the George pub as a licenced premises, and a couple of genuine restaurants where alcohol was served ancillary to food - however there are now multiple outlets which are bars in all but name. Adding a further explicitly alcohol-led business will do nothing except to make the noise, crime and ASB worse. The statistics in the Soho Society's objection describing the overall picture in Soho bear this out, but I have actually lived through and watched it happen in microcosm on this street - every licence granted has worsened the quality of life here, and gradually eroded the neighbourhood.

Aside from the particular issue of increasing street drinking on a small mixed use street, it is a fact that Soho is already saturated with licensed premises. Three new licences have been granted by the council in the last few years on D'Arblay St, and the existing licence premises make no effort to control noise or anti-social behaviour from their customers when they are using the public realm. In the absence of enforcement, it would be completely against the policies relating to the cumulative impact zone to grant another new licence.

The applicant also has applied for tables and chairs outside. There is no space

on that pavement for tables and chairs - the drawing fails to show the residents' parking notice pole directly outside the shop, where piles of rubbish bags are put every day - there would be no access for pedestrians if there were tables and chairs outside, let alone for wheelchair users.

Finally, this would be a really depressing direction for the street - to lose a useful hardware store and have it replaced by just another bar. I hope the applicant can find another more appropriate place in London to open their bar - unfortunately picking Soho would simply add to the problem.

yours faithfully

A solid black rectangular box used to redact the signature of the sender.

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. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist retailer selling craft alcohol products in cans for customers to take away.

The Licensing Authority have proposed the following alternative condition which has been agreed by the applicant

The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist, can-only off-licence.

10. The consumption of alcohol on the premises shall cease at 9pm.
11. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons
12. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
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. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
16. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
18. There shall be no more than 10 persons consuming alcohol on the premises at any one time, save for when such persons are attending a tasting event, when the number of persons shall be increased to no more than 20.
19. Deliveries shall only be made to a bonafide residential or business addresses.
20. No persons under the age of 18 shall be allowed in the shop.
21. 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 alcohol with them.
22. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for craft/premium beers and ciders, cocktails and wines supplied in cans.

Conditions proposed by the Licensing Authority and agreed by the applicant so as to form part of the operating schedule

23. The Sale of alcohol for consumption on the premises shall only be to those that are seated and there will be no vertical drinking on the premises.

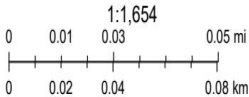
Conditions proposed by Environmental Health have been included in the applicants proposed conditions above.

12 D'Arbly Street, London, W1



15/02/2024, 16:40:35

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count: 44

Licensed premises within 75m of 12 D'Arblay Street, London, W1

Licence Number	Trading Name	Address	Premises Type	Time Period
21/07838/LIPVM	Vasco Piero's Pavilion Restaurant	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday; 12:00 - 23:30 Tuesday; 12:00 - 23:30 Wednesday; 12:00 - 23:30 Thursday; 12:00 - 23:30 Friday; 12:00 - 23:30 Saturday; 12:00 - 23:30 Sunday; 12:00 - 23:30
21/07812/LIPDPS	Ceru	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday to Sunday; 12:00 - 23:30
14/00062/LIPVM	Blanchette	Basement And Ground Floor 9 D'Arblay Street London W1F 8DR	Cafe	Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30
18/06968/LIPT	Conko	72 Berwick Street London W1F 8TD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/05520/LIPN	Fadiga	Basement And Ground Floor 71 Berwick Street London W1F 8TB	Restaurant	Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
11/09937/LIPVM	Copita	27 D'Arblay Street London W1F 8EN	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30

23/04515/LIPDPS	Pot & Rice	16 D'Arblay Street London W1F 8EA	Not Recorded	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30
22/07563/LIPDPS	Dalla Terra Vetro	16 D'Arblay Street London W1F 8EA	Not Recorded	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30
20/04508/LIPN	Not Recorded	28 D'Arblay Street London W1F 8EW	Not Recorded	Sunday; 10:00 - 23:30 Monday to Saturday; 08:00 - 23:00
22/01183/LIPDPS	Oxford Street Youth Hostel	14 Noel Street London W1F 8GJ	Club or institution	Monday to Sunday; 00:00 - 00:00

17/14875/LIPRW	(Delicatessen)	Basement And Ground Floor Munro House 9 Poland Street London W1F 8PY	Cafe	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00
23/02356/LIPDPS	Bodeans BBQ	10 Poland Street London W1F 8PZ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
10/03480/LIPDPS	Soho Food & Wine	14 Poland Street London W1F 8QD	Shop (large)	Monday to Sunday; 00:00 - 00:00
24/00303/LIPDPS	Soho Food & Wine	14 Poland Street London W1F 8QD	Shop (large)	Monday to Sunday; 00:00 - 00:00
23/04764/LIPDPS	Toi & Moi	38 Berwick Street London W1F 8RT	Cafe	Monday to Sunday; 07:30 - 22:00
22/00558/LIPDPS	Bubala	15 Poland Street London W1F 8QE	Restaurant	Sunday; 12:00 - 23:30 Monday to Saturday; 10:00 - 00:30
23/03577/LIPDPS	Tommis Burger Joint	37 Berwick Street London W1F 8RS	Not Recorded	Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
23/09290/LIPDPS	Barrio Central Restaurant & Bar	6 Poland Street London W1F 8PS	Wine bar	Sunday; 10:00 - 23:00 Monday to Saturday; 09:00 - 01:15
23/00389/LIPDPS	Barrio Central Restaurant & Bar	6 Poland Street London W1F 8PS	Wine bar	Sunday; 10:00 - 23:00 Monday to Saturday; 09:00 - 01:15
24/00197/LIPDPS	Soberberg	36 Berwick Street London W1F 8RR	Cafe	Sunday; 07:30 - 22:30 Monday to Saturday; 07:30 - 22:30
23/00385/LIPDPS	Soberberg	36 Berwick Street London W1F 8RR	Cafe	Sunday; 07:30 - 22:30 Monday to Saturday; 07:30 - 22:30
19/01200/LIPDPS	Maharani Restaurant	77 Berwick Street London W1F 8TH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday;

				10:00 - 00:30
23/04796/LIPVM	Not Recorded	77 Berwick Street London W1F 8TH	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
22/11516/LIPRW	Maresco	45 Berwick Street London W1F 8SF	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
17/03370/LIPDPS	Obica	Noel House 19 - 20 Poland Street London W1F 8QF	Restaurant	Friday; 08:00 - 00:30 Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
22/10814/LIPCH	The Breakfast Club	33 D'Arblay Street London W1F 8EU	Cafe	Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:00
21/06950/LIPVM	Comptoir Libanais	Ground Floor 52 - 53 Poland Street London W1F 7NQ	Restaurant	Monday; 08:00 - 00:30 Tuesday; 08:00 - 00:30 Wednesday; 08:00 - 00:30 Thursday; 08:00 - 00:30 Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
12/08061/LIPV	Lucky Voice	Basement 52 - 53 Poland	Restaurant	Sunday; 12:00 - 23:00

		Street London W1F 7NQ		Monday to Saturday; 10:00 - 03:00
21/07169/LIPDPS	Kasa And Kin	Ground Floor 52 - 53 Poland Street London W1F 7NQ	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30
19/08547/LIPDPS	Z Hotels	First Floor 52 - 53 Poland Street London W1F 7NH	Hotel, 3 star or under	Sunday; 10:00 - 18:00 Monday to Saturday; 08:00 - 21:00
16/02387/LIPDPS	The Melt Room	26 Noel Street London W1F 8GY	Restaurant	Saturday; 11:00 - 21:00 Sunday; 11:00 - 21:00 Monday to Friday; 08:30 - 21:00
22/06492/LIPT	Manteca	Basement And Ground Floor 58 - 59 Great Marlborough Street London W1F 7JY	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 09:00 - 02:30 Monday to Saturday; 10:00 - 00:30
22/07143/LIPN	Not Recorded	Basement And Ground Floor 58 - 59 Great Marlborough Street London W1F 7JY	Restaurant	Monday; 09:00 - 02:30 Tuesday; 09:00 - 02:30 Wednesday; 09:00 - 02:30 Thursday; 09:00 - 02:30 Friday; 09:00 - 02:30 Saturday; 09:00 - 02:30 Sunday; 12:00 - 23:30
18/01923/LIPVM	Korkers (Basement) And Mustafas Thai Cottage (Ground Floor)	Ground Floor 34 D'Arblay Street London W1F 8EX	Not Recorded	Not Recorded; XXXX - XXXX
22/01207/LIPDPS	Brewdog	Basement And Ground Floor 21 21 - 22 Poland Street London W1F 8QG	Night clubs and discos	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00