

Licensing Sub-Committee Report

Item No:	
Date:	16 th June 2017
Licensing Ref No:	17/03847/LIPN - New Premises Licence
Title of Report:	Soho Mixer Unit 5 Jubilee House Ramillies Street London W1d 2lf
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve top start of permitted hours on New Year's Day						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	10:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve top start of permitted hours on New Year's Day						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	2 nd May 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p>	
Responsible Authority:	The Environmental Health Service
Representative:	Ayesha Bolton
Received:	5 th May 2017
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the Ground Floor of the premises.</p> <p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To permit Supply of Alcohol both 'On' and 'Off' the premises Monday to Thursday 10.00 to 23.30 hours, Friday to Saturday 10.00 to 00.00 hours and Sunday 12.00 to 22.30 hours. 2. To permit Late Night Refreshment on the premises, Indoors only, Monday to Thursday 23.00 to 23.30 hours and Friday to Saturday 23.00 to 00.00 hours. 	

I wish to make the following representation.

1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety within the area.
2. The provision and hours requested for the Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.

Responsible Authority:	The Licensing Authority
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Representative:	Mr Steve Rowe
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Received:	10 th May 2017
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I write in relation to the application submitted for a new Premises Licence for the above premises.

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 Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.

The application seeks to:

· To permit Supply of Alcohol both 'On' and 'Off' the premises Monday to Thursday 10.00 to 23.30 hours, Friday to Saturday 10.00 to 00.00 hours and Sunday 12.00 to 22.30 hours.

· To permit Late Night Refreshment on the premises, Indoors only, Monday to Thursday 23.00 to 23.30 hours and Friday to Saturday 23.00 to 00.00 hours.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where

the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

Policy RNT2 which relates to restaurants within the CIA states Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

2-B Other Persons	
Name:	Soho Society
Address and/or Residents Association:	St Anne's Tower 55 Dean Street London W1D 6AF
Received:	10 th May 2017
<p>I write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.</p> <p>About The Soho Society</p> <p>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. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.</p> <p>New licensed premises in the West End Cumulative Impact Area</p> <p>The proposal is for a new licensed premises in the West End Cumulative Impact Area. We note the premises are described as a 'café/bar' and light food will be served with alcohol. We would like to ensure that model restaurant conditions are appended to the licence if granted, ensuring</p>	

that alcohol will only be served as ancillary to a seated table meal.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) 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 policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Name:	Jace Tyrell
Address and/or Residents Association:	3 rd Floor Heddon House 149-151 Regent Street London
Received:	5 th May 2017

It is my understanding, that Bloomsbury Leisure (t/a The Soho Mixer) have applied for a premises license for Unit 5 Jubilee House, Ramillies Street. On behalf of New West End Company, we are in full support of the premises license application put forward by Bloomsbury Leisure.

New West End Company is a leading business voice for London's West End, representing the people and organisations behind the world's largest retail destination. It delivers management and marketing services to 25 streets within London's retail heartland including Bond Street, Oxford Street and Regent Street.

Bloomsbury Leisure plan to open an all-day food and beverage offering at the northern end of Ramillies Street, close to the junction with Oxford Street. This area of the street would substantially benefit from an active retail frontage and activity in this location. We foresee that this area can, in due course, become a safe and attractive pedestrianised area, providing significant advantages to the surrounding area.

Bloomsbury Leisure provide an offering which would create the necessary respite for shoppers on Oxford Street, a key principle of New West End Company. Bloomsbury Leisure are an experienced operator and we have every confidence that Bloomsbury Leisure will deliver an appropriate offering and rejuvenate this area in line with our strategy.

10.05.2017

Since submitting our representation attached New West End company has been in dialogue with the proposed operator Bloomsbury Leisure and representatives of a freeholder in the area for 187 – 195 Oxford Street. We feel genuine concerns have been raised around the trading hours of the operator and care and maintenance to security/anti-social behaviour in and around Ramillies Place, cleanliness of the streetscape and noise management.

We have been reassured by the applicant of what they are seeking to achieve and the measures they will be putting in place. However, where there are understandable and genuine concerns from neighbours, we trust the licensing authority will of course impose such conditions that are appropriate to support the licensing objectives and maintain an appropriate balance.

We will of course monitor the situation when the licence takes effect.

Name:	Joelson JD LLP acting on behalf of Leighton Harbour Ltd
Address and/or Residents Association:	30 Portland Place London
Received:	12 th May 2017

We act on behalf of Leighton Harbor Ltd the freehold owner of 187-195 (odd) Oxford Street, London W1D 2JY including 6 Ramillies Street, London W1F 7TY and have been instructed to make a representation on our client's behalf in respect of the above application.

Our client has commercial lessees overlooking the Premises and hence has the following concerns which predominately come under the public nuisance licensing objective.

The Outside Area

At the front of the Premises Ramillies Street is pedestrianised. As a 'cut through' from Oxford Street our client has long experienced problems with public urination and is working closely with other businesses in the street to make the area more pleasant. The applicant has applied for unrestricted off-sales (i.e. not in sealed containers), the lodged plans shows an outside area and a proffered condition states that 'all tables and chairs shall be removed from the outside area by 23.00 each day'. Our client has no issue with a business, such as a coffee shop, making use of outside space *per se*. However, as matters stand, there would be nothing stopping large numbers (the proposed capacity of 110 only relating to the inside of the Premises) standing outside the Premises drinking and smoking into the early hours without supervision. The resulting noise from laughter/shouting and the fumes caused by cigarette smoking would disturb our client's tenants. There is no mention of the outside area being actively supervised by door supervisors or staff.

Ancillary Nature

The application describes the Premises as going to be 'a café and bar'. Crucially no restaurant condition has been proffered which, if a premises licence was granted as sought, would mean that the Premises could be operated purely as a 'vertical drinking' bar. This is despite the Premises being located within West End Stress. For such a premises licence to be granted would be extraordinary and 'fly in the face' of over ten years of practice and policy. This application is a 'world away' from new restaurants seeking small 'holding bars' for pre and post dinner drinks. Furthermore, given that the applicant's proposed 'USP' is the selling of different olive varieties, our client has legitimate concerns that, even if a restaurant condition is adopted, it cannot be complied with given the concept and the restrictions imposed by the A4 planning use.

The problems of cumulative impact that new bars can cause are covered in detail in the City of Westminster's Licensing Policy. In particular, it states: 'premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder. This is of particular concern in Cumulative Impact Areas where there had been a growth in the number of premises that primarily serve alcohol, resulting in or adding to cumulative impact. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances'. Our client shares these concerns and this is not an exceptional application and hence is contrary to policy.

Live and Recorded Music

Whilst no reference is made to the playing of live and recorded music in the application, the applicant will be well aware that, with the recent deregulation, premises permitted to sell alcohol can also play live and recorded music up to 23.00 and 500 persons without needing to apply for such licensable activities. Save for no loudspeakers to be positioned outside and a commitment not to give rise to a nuisance, there is no detail as to the nature of the music, proposed nor the soundproofing that have been/will be put in place. It is noted that no condition has been proffered stating that windows and doors shall be kept closed save for access/egress.

Support for the Application

The applicant refers to support from local business, namely NWE Company, The Photographers' Gallery and Pontegadea. Whilst our client was not consulted, it has discussed the application with the first two businesses and there appears to have been a fundamental misunderstanding as to the nature of the application. Our client will, of course, leave it to those businesses to make their own representations.

Our client is actively working to improve Ramillies Street and the immediate surrounds. Granting a premises licence for a bar is going to hinder, not assist, this work.

Name:	Manuel Criado- Romero Managing Director
Address and/or Residents Association:	Ponte Gada West End House 11 Hills Place London W1F 7SE
Received:	5 th May 2017

We understand that Mr Dalton has applied for a premises license for Unit 5 Jubilee House, Ramillies Street W1F 2JU. Ponte Gadea is the Landlord of the building and we are in support of his business and premises license application.

Mr Dalton's business plan is to open for a coffee and breakfast trade in the morning and continue to trade into the evenings, with an adaptable offer to take into account the likely customer base throughout the day. Ponte Gadea have been careful to select an experienced operator and consider their operation will provide substantial benefits and, in particular, rejuvenate this specific area of the street.

Mr Dalton has extensive experience in opening businesses in previously 'run-down' locations and has a track record of substantially improving these locations. We are confident that Ramillies Street will similarly benefit and we feel that the positives from having a successfully trading premises here significantly outweigh any potential negatives.

Name:	Brett Rogers OBE Director The Photographers' Gallery
Address and/or Residents Association:	Ramillies Street London
Received:	5 th May 2017

I understand that Bloomsbury Leisure have applied for a premises license for Unit 5 Jubilee House, Ramillies Street. For and on behalf of The Photographers' Gallery who are based on Ramillies Street, I am writing to confirm our full support of their premises license application.

Founded in 1971, The Photographers' Gallery (a registered charity) is firmly established as the UK's primary venue for photography. We are widely recognised as a pioneer in exhibiting and renowned for educating and engaging people with photography and attract over 500,000 visits annually. Our vision is for the gallery to "infiltrate" the public domain, establishing its presence in the neighbouring area.

Our vision is to increase the prestige of the area, to accentuate the visibility and maximise footfall on Ramillies Street and to become a 'cultural oasis', bringing art and culture into the street and into the public domain. This would be a welcome addition to ease congestion on Oxford Street, inviting passers-by to enjoy and diverse and stimulating cultural experience.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy PB2 applies:	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant</p>

	policies.
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4. 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:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Licensing Authority Representation	10 th May 2017
5	The Metropolitan Police Representation	2 nd May 2017
6	The Environmental Health Service Representation	5 th May 2017
7	The Soho Society Representation	
8	Jace Tyrell Letter of Support	5 th May 2017
9	Manuel Criado- Romero Letter of Support	5 th May 2017
10	Brett Rogers OBE c/o The Photographers' Gallery- Letter of Support	5 th May 2017
11	Joelson JD LLP acting on behalf of Leighton Harbour Ltd- Representation	12 th May 2017



THE SOHO MIXER |

THE BLOOMSBURY LEISURE GROUP

Established in 2004, Bloomsbury Leisure owns and operates 12 sites in London, Bristol and Manchester.

We operate a mixture of businesses including' cafes, bakeries, event spaces, hotel and leisure businesses.

Our London sites include:

The Fleet River Bakery

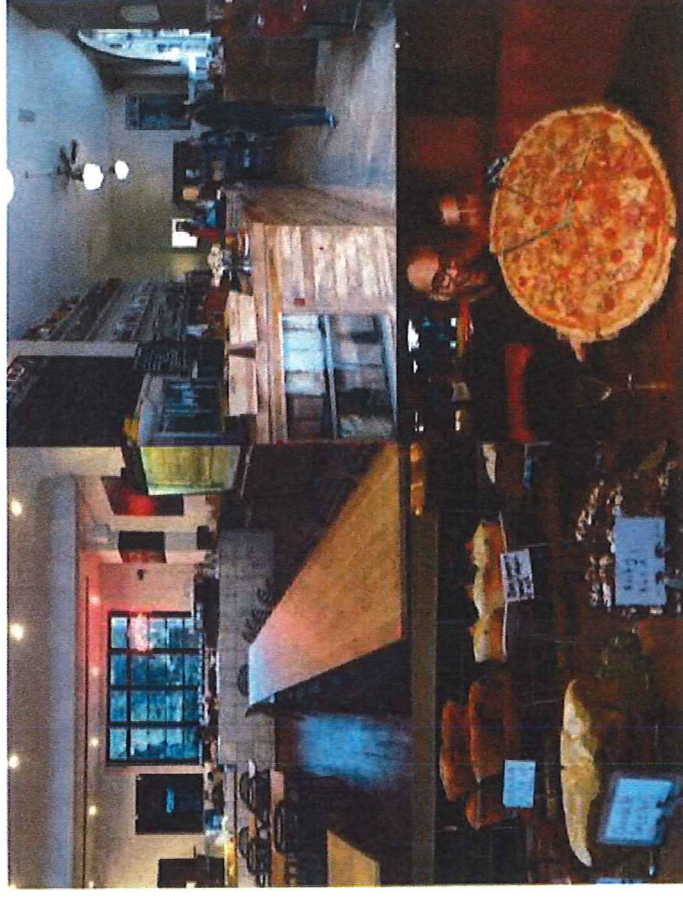
Upper Fleet Café

Pelt Trader – Craft Pizza

Waterloo Tap

Resting Hare Brasserie

Ray's Pizza



THE AREA

Ramillies Street

The upper end of Ramillies Street where the site is situated is a pedestrianised cut-through from Great Marlborough Street to Oxford Street. Formerly a car park, the street is dominated by goods service access to the Oxford Street retailers.

There are no residential properties in the immediate area.

Anti-social behaviour, litter and a general unwelcoming vibe of the location are all challenges. The area has a high crime rate associated with its proximity to Oxford Street and relative seclusion.

Bloomsbury Leisure has a track-record in re-invigorating sites in previously challenging and unloved locations and in doing so, promoting the licensing objectives by helping to improve the look and feel of the area for pedestrians.

The Soho Mixer

Planning was granted in 2016 for A4 usage, which reflects the desire for new life to be brought into the north of Ramillies Street. It is not possible to install extraction facilities at the site and this naturally limits the uses that the site can be put to.

Operating Style

The Soho Mixer will specialise in olives, with a range of over 40 olive types sold to customers to eat in, or take away.

Outside of olives the Soho Mixer will provide food throughout the trading day. A large amount of the food on offer will be supplied by our sister venue, Fleet River Bakery.

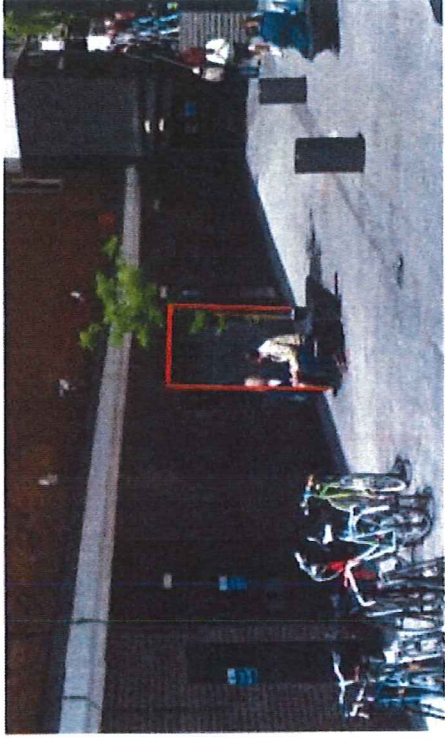
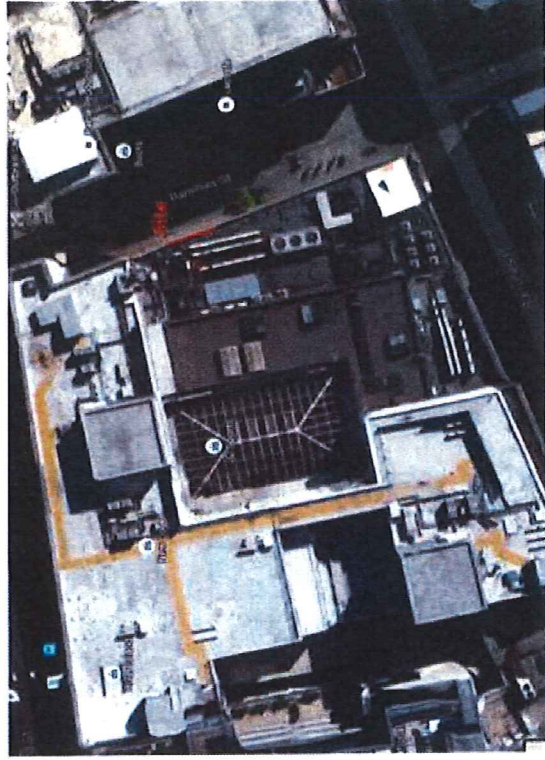
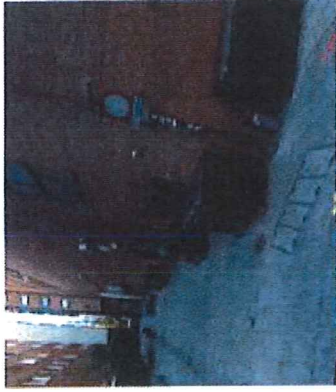
We will open daily from 8am, serving breakfast fare, including croissants, yoghurts, teas and All Press Coffee, for customers to eat in and take away.

Lunch trade will be based around fresh sandwiches, salads and lunch boxes to eat in or take away.

In the afternoons the Mixer will provide a meeting space for local businesses. A range of fresh cakes and snacks will be available.

Although food will play a major role in the offer, as evening approaches the focus will shift to small plates, olives and our selection of speciality craft beers, wines and a small cocktail selection.

LOCATION

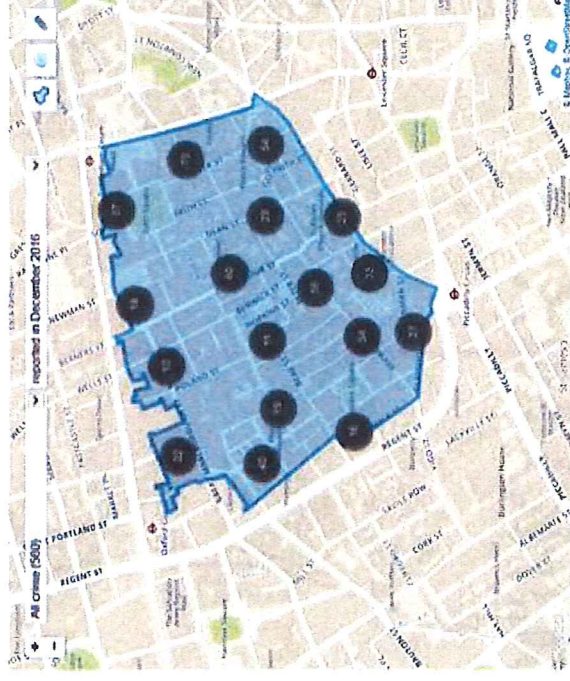


Former carpark on dead end off Oxford Street

RAMILLIES STREET

Breakdown of current issues

- 212 reported crimes in Ramillies Street 2016 (police.uk)
- Secluded location makes it ideal for purse snatchers to search and dispose of stolen items
- Area used by drug takers, street drinkers and rough sleepers
- No permanent leisure/ retail presence to deter criminal activity
- Unwelcoming for visitors, office workers and Londoners



DESIGN... IN THE SOHO MIX

LICENSING KEY

Public - commercial activities	Green
Private - commercial activities	Red

This plan is a preliminary design and is not intended to be used for any other purpose. It is subject to change without notice. The design is based on the information provided and is not a guarantee of performance. The design is for informational purposes only and is not intended to be used for any other purpose.

Project Name: [REDACTED]
 Project No: [REDACTED]
 Date: [REDACTED]
 Scale: [REDACTED]
 Drawing No: [REDACTED]

LICENSING KEY

Public - commercial activities	Black
Private - commercial activities	White

This plan is a preliminary design and is not intended to be used for any other purpose. It is subject to change without notice. The design is based on the information provided and is not a guarantee of performance. The design is for informational purposes only and is not intended to be used for any other purpose.

Project Name: [REDACTED]
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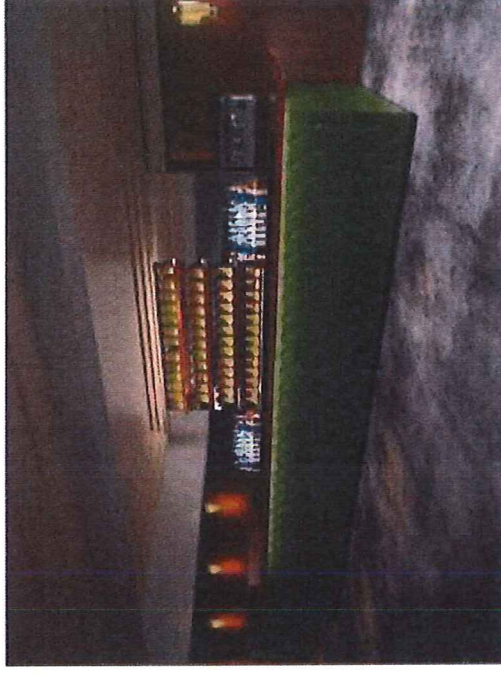
BACK BAR ELEVATION
 FRONT BAR ELEVATION
 REAR BAR ELEVATION

OLIVES

Olives are perfect small dish from morning to evening. They can be eaten with a range of dishes or on their own.

The Soho Mixer, will the first venue in London to focus on the exploding interest in olives. Our selection of 40 plus varieties, showcased in an bespoke, cooled, display will enable our customers to peruse the range at any time of the day or night.

There are more than 250 'table' olives (eatable) varieties in the world today. though our exclusive partnerships with the best importers in the UK and beyond, the Soho Mixer is bringing a unique eating experience to London.



Artist's impression of the olive bar

TESTIMONIALS



Rhonda
Wentworth
Surveyor

10 April 2017

Dear Sirs,
It is my wife's husband, that Bloombury Leisure have applied for a premises licence for the premises at 212, Fosse Court, in the building of the building and we are in full support of the premises licence application for Bloombury Leisure.

New West End Company is a leading business who, for London's West End, representing the people and companies who have made the world's most vibrant and exciting entertainment and leisure destinations. It is an honor and a privilege to be associated with Bloombury Leisure, Oxford Street, London.

Bloombury Leisure aims to open its highly local and boutique offering at the members end of Ramillies Street, close to the location with Oxford Street. The aim of the premises licence application is to allow Bloombury Leisure to offer a range of services to its members and to the public, including a bar, cafe and restaurant, providing significant advantages to the surrounding area.

Bloombury Leisure provides an offering which would create the necessary people for shoppers or visitors to the area, a key principle of New West End Company. Bloombury Leisure are an experienced operator and we have every confidence that Bloombury Leisure will deliver an appropriate offering and represent the area in the best of all ways.

Thank you for your consideration.

Yours sincerely,

Neil Yorke
Chief Executive



PONTÉGADFA

Mr. P. Pontégadfa
11, Fosse Court
London, W1T 2JZ

Dear Sirs,

We understand that you have been applying for a premises licence for 212, Fosse Court, in the building of the building and we are in full support of the premises licence application.

Mr. Dabur's business plan is to open a cafe and breakfast place in the morning and continue to add other services, with an adaptable offer to take into account the likely customer base throughout the day. Your Guide has been careful to highlight the commercial aspects and consider the application from a substantial point of view, in your usual, professional and objective way.

Mr. Dabur has extensive experience in running businesses in proximity to 'hot spots' locations and has a track record of successfully improving local facilities. We are confident that Ramillies Street will benefit from the new offering and we feel that the premises licence being a successfully making premises has significantly outweighed any potential negatives.

Thank you for your consideration.

Yours sincerely,

Miriam Crabb-Stewart
Managing Director, Fosse Court



To whom this may concern,

I understand that Bloombury Leisure have applied for a premises licence for 212, Fosse Court, in the building of the building and we are in full support of the premises licence application. I am writing to confirm our full support of their premises licence application.

Established in 1971, The Photographers' Gallery (a registered charity) is firmly established as the UK's primary venue for photography. We are widely recognised as a pioneer in exhibiting and promoting for educating and engaging people with photography and attract over 500,000 visits annually. Our vision is for the gallery to "advance" the public domain, establishing its presence in the neighbouring area.

Our vision is to increase the prestige of the area, to accentuate the visibility and maximise footfall on Ramillies Street and to become a 'cultural oasis', bringing art and culture into the street and into the public domain. This would be a welcome addition to ease congestion on Oxford Street, inviting passers by to enjoy and diverse and stimulating cultural experience.

Kind regards

Street Rogers OBE
Director
The Photographers' Gallery



WATERLOO TAP: REINVIGORATING AN UNLOVED LOCATION

