



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 14th January, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Nickie Aiken (Chairman)  
Susie Burbridge  
Rita Begum

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.**

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

#### Licensing Applications for Determination

#### 1. CLEVELAND ARMS PUBLIC HOUSE, 28 CHILWORTH STREET, W2

(Pages 1 - 32)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Lancaster Gate Ward / not applicable	Cleveland Arms Public House, 28 Chilworth Street, W2	Variation	15/09112/LIPV

#### 2. 58 BREWER STREET, W1

(Pages 33 - 62)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End	58 Brewer Street, W1	New	15/10264/LIPN

**3. ZELMAN MEATS, 2 ST ANNE'S COURT, W1**

**(Pages 63 - 98)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End	Zelman Meats, 2 St Anne's Court, W1	Variation	15/08707/LIPV

**4. ITSU, 31 BROADWICK STREET, W1**

**(Pages 99 -  
114)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End	Itsu, 31 Broadwick Street, W1	New	15/09829/LIPN

**Charlie Parker  
Chief Executive  
8 January 2016**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

### **PERMITTED TEMPORARY ACTIVITIES**

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.



## **LIVE MUSIC ACT 2012**

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

## **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES**

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	14.01.2016
Licensing Ref No:	15/09112/LIPV - Premises Licence Variation
Title of Report:	Cleveland Arms Public House 28 Chilworth Street London W2 6DT
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	15 October 2015		
<b>Applicant:</b>	Cleveland House (Chilworth) Limited		
<b>Premises:</b>	Cleveland Arms Public House		
<b>Premises address:</b>	28 Chilworth Street London W2 6DT	<b>Ward:</b>	Lancaster Gate
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	A traditional public house.		
<b>Variation description:</b>	<ul style="list-style-type: none"> <li>• To increase the hours of opening times to allow the sale of breakfast.</li> <li>• Internal changes to the layout to increase the space available for licensable activities in the basement area and to reinstate full cooking facilities.</li> <li>• Extra male and female toilet facilities to be added.</li> <li>• The capacity of the premises is to remain at 90 including staff.</li> <li>• This variation is not to have effect until 01.02.2016.</li> </ul>		
<b>Premises licence history:</b>	The premises has operated as a public house since at least conversion to the Licensing Act 2003 in 2005.		
<b>Applicant submissions:</b>	<p>This application has been made following pre-application advice (see Appendix 2).</p> <p>The applicant has also submitted an Operational Management Plan dated 22 June 2015 (See Appendix 2).</p> <p>Conditions have been agreed with Environmental Health (see Appendix 4).</p>		

**1-B Current and proposed licensable activities, areas and hours**

<b>Performance of Live Music – No changes</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
<b>Tuesday</b>	1000	2330	No change			
<b>Wednesday</b>	1000	2330	No change			
<b>Thursday</b>	1000	2330	No change			
<b>Friday</b>	1000	0000	No change			
<b>Saturday</b>	1000	0000	No change			
<b>Sunday</b>	1200	22:50	No change			
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				No change	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Sunday before bank holiday 12:00 – 00:00.				No change	

<b>Playing of Recorded Music – No changes</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted		No change		Ground floor and basement	Increase in licensable area in basement following internal changes
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						

<b>Anything of a similar description to Live Music or Recorded Music – No changes</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
<b>Tuesday</b>	1000	2330	No change			
<b>Wednesday</b>	1000	2330	No change			
<b>Thursday</b>	1000	2330	No change			
<b>Friday</b>	1000	0000	No change			
<b>Saturday</b>	1000	0000	No change			
<b>Sunday</b>	1200	22:50	No change			
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				No change	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Sunday before bank holiday 12:00 – 00:00.				No change	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		No change		Ground floor and basement	Increase in licensable area in basement following internal changes
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						

Late night refreshment – No change						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	2300	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
<b>Tuesday</b>	2300	2330	No change			
<b>Wednesday</b>	2300	2330	No change			
<b>Thursday</b>	2300	2330	No change			
<b>Friday</b>	2300	0000	No change			
<b>Saturday</b>	2300	0000	No change			
<b>Sunday</b>	N/A	N.A	No change			
<b>Seasonal variations:</b>	Current:				Proposed:	
	N/A				No change	
<b>Non-standard timings:</b>	Current:				Proposed:	
	Sunday before bank holiday 2300 – 0000.				No change	

Sale by Retail of Alcohol – No change						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
<b>Tuesday</b>	1000	2330	No change			
<b>Wednesday</b>	1000	2330	No change			
<b>Thursday</b>	1000	2330	No change			
<b>Friday</b>	1000	0000	No change			
<b>Saturday</b>	1000	0000	No change			
<b>Sunday</b>	1200	2250	No change			
<b>Seasonal variations:</b>	Current:				Proposed:	
	N/A				No change	
<b>Non-standard timings:</b>	Current:				Proposed:	
	Sunday before bank holiday 12:00 – 00:00.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	1000	2330	08:00	No change	Ground floor and basement	Increase in licensable area in basement following internal changes
<b>Tuesday</b>	1000	2330	08:00	No change		
<b>Wednesday</b>	1000	2330	08:00	No change		
<b>Thursday</b>	1000	2330	08:00	No change		
<b>Friday</b>	1000	0000	08:00	No change		
<b>Saturday</b>	1000	0000	09:00	No change		
<b>Sunday</b>	1200	2250	09:00	No change		

1-C Layout alteration
Plans to increase the size available for licensing premises. Please see the attached plans at Appendix 1 and the pre-application advice at Appendix 2.

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	12 November 2015
<p>I refer to the application for variation of the premises licence for the above premises. The applicant has submitted new plans of the premises and is seeking the following:</p> <ol style="list-style-type: none"> <li>To change the layout of the premises in accordance with the submitted plans.</li> </ol> <p>I wish to make the following representations based on the plans and operating schedule submitted:</p> <ol style="list-style-type: none"> <li>The changes in layout may lead to an increase in Public Nuisance in the area and may adversely impact on Public Safety.</li> </ol> <p>The applicant is requested to contact the undersigned to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.</p> <p>Following a site visit, Mr Drayan has proposed 20 additional conditions dated 3 December 2015 (see Appendix 4).</p>	

2-B Other Persons			
<b>Name:</b>		Mr Paul Gray	
<b>Address and/or Residents Association:</b>		2 Gloucester Mews West London W2 6DY	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	In support
<b>Received:</b>	15 November 2015		
<p>This is a valued community pub, catering particularly for local residents. It supports local activities, for example the fireworks in Cleveland Square. It is popular for lunch for local business people. The proposed alterations to provide a kitchen and dining room will be of good use for local residents.</p>			
<b>Name:</b>		Mr John King	
<b>Address and/or Residents Association:</b>		25 Chilworth Street London W2 3HA	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	18 November 2015		
<p>I write in regard to the above application and would wish to make the following points:</p> <ol style="list-style-type: none"> <li>1) The applicant states they have no wish to change the hours except for earlier opening for non-licensable activities. However it would appear that they wish to stay open till midnight on Sunday, currently licensing ceases along with all the other pubs in the non-stress area at 22.30. Any change could set a precedent.</li> <li>2) We understand that no outside consumption of alcohol is allowed after 22.30. We would like this to continue as a term of the licence and an obligation to clear all the people from the front terrace by this time as this is a residential street and the pub is surrounded by flats and mews houses.</li> <li>3) Such new licence not to come into force until completion of the building works and a numbers cap by the Fire Officer.</li> <li>4) The archway to be removed from the licensed premises as any congregation of people under the arch will cause a noise nuisance to the mews.</li> <li>5) A term of the existing licence had been that no preparatory cooking is permitted on the premises. We would ask that a comprehensive filtered ventilation system be installed before this term is released.</li> </ol>			



<b>Name:</b>		Mr John Zamit	
<b>Address and/or Residents Association</b>		S.E.B.R.A	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	19 November 2015		

We object / have concerns to certain aspects of variation but are confident / trust agreement can be reached to resolve these concerns of our members living in vicinity of pub.

We note no change in 'hours of sale of alcohol' proposed except earlier opening of premises nor any change in maximum capacity (we were told by a member that application form showed increase hours on a Sunday but assured that this is not the case) - we think due to increase in size of premises for drinking / eating more customers will frequent pub than at present.

We note proposal to create drinking area in basement and we think that should be condition on maximum number in this area and also it should be laid out with tables and chairs so that patrons can be seated. We wondered if this area should be conditioned if alcohol should be ancillary to taking table meal or at least food to be available at all times

We always ask, if no conditions already on existing licence, that deliveries and refuse / recycling conditions are placed on licence. We note on management plan no beer deliveries till after 9 am (and assume none on weekends / bank holidays) in Gloucester Mews West and no doubt this will be a condition. We understand some deliveries needed via front of pub after 7am (later on Sundays we trust) and suggest that deliveries should cease by say no later 8pm at latest and say 4pm Sundays and be by vehicles only using Chilworth Street.

Likewise we trust refuse and recycling collections will be controlled as is standard practice on new licences or variations to say none to take place between 10 pm and 7am and none on Sundays.

Main area of concern to local residents living adjacent to a pub is noise and any anti social behaviour outside - especially late in evening - and believe that in this case no drinks should be taken off the premises i.e. on public pavement, particularly under archway leading to Gloucester Mews West or Upbrook Mews opposite. We note on existing licence outside drinking (including standing or seated area outside pub on forecourt) ceases at 11pm and trust customers in pub are off the premises at end of 'permitted hours for sale alcohol'.

We also trust smokers / mobile phone users also will not use area under archways of two mews adjacent to pub.

As is our standard practice we ask for doors/ windows to premises are kept in 'closed' permission say after 8pm

We assume standard / model CCTV and other standard / model police conditions will be on new licence along with standard / model conditions from WCC Environmental Health department regarding keeping outside area of pub clean, noise and ventilation /

ducting equipment being installed as part of modernisation / upgrading of premises not being audible to flats above or outside etc.

<b>Name:</b>	Ms Frances Hutchinson		
<b>Address and/or Residents Association</b>	99 Gloucester Mews West London W2 6DY		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 November 2015		

In light of continued problems with noise and rubbish, etc left outside the pub, the proposed licence variation is supported on the condition that following conditions be added. These conditions are consistent with those already applicable to the Mitre on Craven Terrace.

- All doors and windows shall be closed during the playing of amplified music
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
- The outside area on Gloucester Mews West will not be used by customers at any time and notices will be displayed in the archway accordingly
- The outside area on Chilworth Street will not be used by any customer after 22:30 and notices will be displayed informing customers that this area will be closed at 22:30
- Any outside seating and or tables shall be rendered unusable by 22:30
- Management and staff will regularly monitor both outside areas to ensure usage in accordance with these conditions
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
- No rubbish, including bottles shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours Monday to Saturday and not before 10:00 hours on Sunday
- There shall be no collections or deliveries to the premises between 23:00 hours and 08:00 hours
- Management and staff will be responsible for clearing up litter both on the pavement on Chilworth Street and under the archway on Gloucester Mews West adjacent to the pub
- The pavement from the building line to the kerb edge immediately outside the premises, shall be swept and or washed and disinfected daily, and litter and sweepings collected and stored in accordance with the approved refuse arrangement.

<b>Name:</b>		Mr Daniel Hardy	
<b>Address and/or Residents Association</b>		Not provided – neighbouring property.	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	16 November 2015		
<p>Unfortunately we are in objection to the application from The Cleveland Arms public House for the following reasons.</p> <p>Our Daughters bedroom window overlooks the front of the pub and has caused in the past and present issues with noise resulting in her being woken and kept awake late at night.</p> <p>We have made several verbal complaints to managers of the pub late at night when the crowds drinking outside have become overly rowdy and persistently noisy sometimes resulting in physical violence. At times this has extended past the closing hours facilitated by alcohol being sold in the shop next door.</p> <p>There is also what appears to be an on going issue with drug taking and the consumption of alcohol purchased from this shop by small groups that gather on the grounds of the off licence joined by pub customers again late at night and after hours. The area surrounding the Cleveland Arms is a very quiet and predominantly residential neighbourhood consisting of largely town houses and flats within, many families with young children attending the local school in Craven Terrace.</p> <p>We feel that the intended plans and development of the Pub which is obviously being considered to increase custom and in turn increased revenue for the pub will attract larger groups of socialising and therefore increased noise levels.</p> <p>The plans for windows to be fitted to observe and control customers that may be gathering in this area under the Mews arch is of course a good idea however from what I understand from the plans is that these customers will be directed to move to the front of the pub.</p> <p>It is not our intention to disrupt the business of the pub however we are convinced that the noise levels and external noisy socialising will only increase and become harder for the management to monitor and control.</p> <p>Until now our requests and complaints have been direct with the pub by either phone call or in person. However if you advise that this is a matter that requires documentation then we will need to consider contacting the local authorities accordingly.</p> <p>I hope you can appreciate our circumstances</p> <p>I would also like to request an e mail in response if possible.</p>			

<b>Name:</b>		Ms Natalia Georgiadou	
<b>Address and/or Residents Association</b>		98 Gloucester Mews West London W2 6DY	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	3 November 2015		
<p>I am concerned about the smells and the waste from the proposed restaurant. Currently licensing hours and noise from the music system are not always respected (01.30 on 31 Oct) and there is no control over customers which means that they are sitting and drinking in the mews on our doorsteps late at night. The mews is also used by customers smoking dope.</p> <p>Minicab and Taxi pick up noises are also an issue as it seems that customers are not all local.</p> <p>There should be no doors or windows opening onto the archway as this amplifies the noise.</p>			

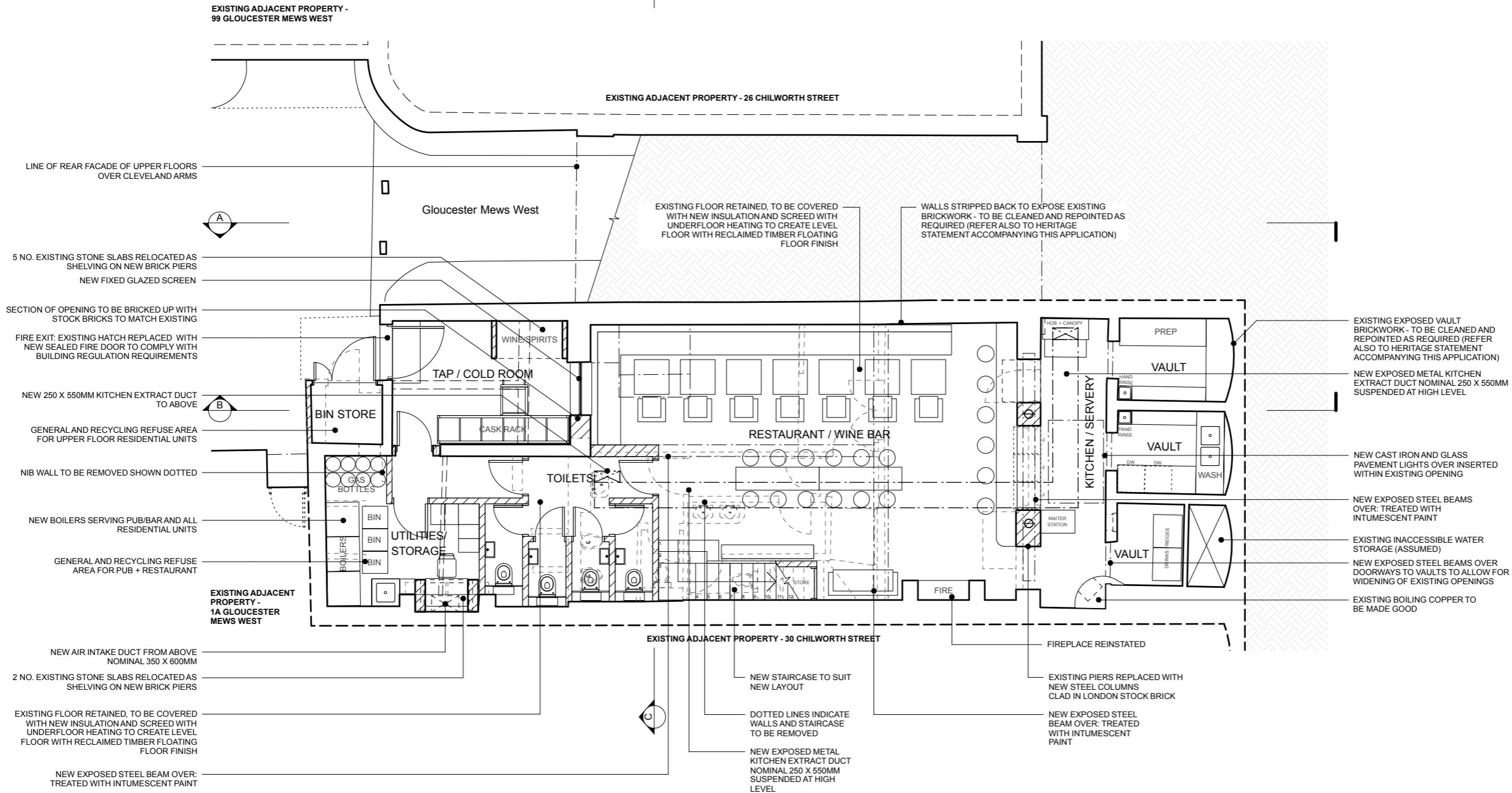
### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy PB1:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy HRS1:</b>	<p>(i) Applications for hours within the core hours in the 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 in the policy will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.</p>

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents – Operational Management Plan and Pre-application Advice
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	David Sycamore Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk



PROPOSED BASEMENT FLOOR PLAN

1:100

NOTES:

- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

KEY:

	EXISTING FABRIC TO BE RETAINED
	EXISTING FABRIC TO BE REMOVED
	PROPOSED NEW CONSTRUCTION

- NOTES:
- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
  - ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
  - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
  - EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE. TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: As Proposed  
Basement Floor Plan

CLIENT: Maria Tamander

PROJECT: Cleveland House  
28 Chilworth Street, London W2 6DT

JOB NUMBER: 038

DRWG STATUS: Planning

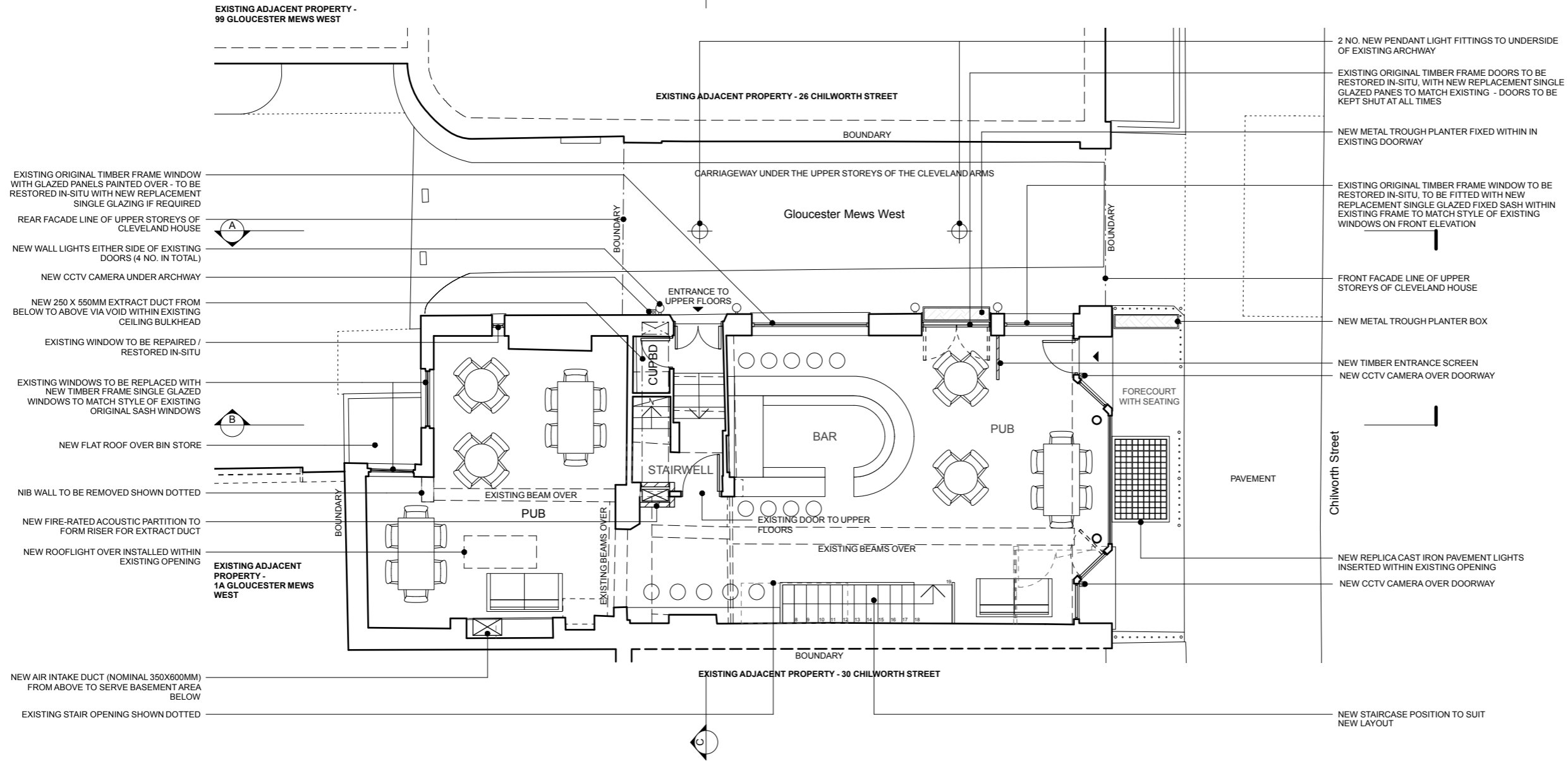
SCALE AT A3: 1:100 CHECKED: PS

DRAWING NO: PL\_010 REVISION: P3

PENTTINEN SCHÖNE

Unit 311 Panther House, 38 Mount Pleasant  
London WC1X 0AN tel: 0207 833 9947  
studio@penttinen-schone.co.uk





**PROPOSED GROUND FLOOR PLAN**  
1:100

- NOTES:**
- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
  - THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

- KEY:**
- EXISTING FABRIC TO BE RETAINED
  - EXISTING FABRIC TO BE REMOVED
  - PROPOSED NEW CONSTRUCTION

- NOTES:**
- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
  - ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
  - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
  - EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
  - LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: **As Proposed Ground Floor Plan**  
 CLIENT: **Maria Tamander**  
 PROJECT: **Cleveland House**  
 28 Chilworth Street, London W2 6DT  
 JOB NUMBER: **038**  
 DRWG STATUS: **Planning**  
 SCALE AT A3: **1:100** CHECKED: **PS**

DRAWING NO: **PL\_011** REVISION: **P3**

**PENTTINEN SCHÖNE**  
 Unit 311 Panther House, 38 Mount Pleasant  
 London WC1X 0AN tel: 0207 833 9947  
 studio@penttinen-schone.co.uk



**OPERATIONAL MANAGEMENT PLAN**

**FOR**

**CLEVELAND ARMS / CLEVELAND HOUSE (CHIRLWORTH) LTD, 28 CHILWORTHE  
STREET, LONDON W2 6DT**

**REVISION A - 22.06.15**

1. INTRODUCTION
2. OPERATIONAL CHART
3. LICENSING
4. OPERATIONS / OPENING HOUSE / DELIVERIES / SERVICES / PERSONELL PLAN
5. SAFEGUARDING THE AMENITY
6. ACCESS, EGRESS AND FIRE ECAPE
7. ALCOHOL CONSUMTION & ANTI – SOCIAL BEHAVIOUR

- Action – Noise
- Action – Restricted use of arch way
- Action – Smoking

8. HELATH AND SAFETY
9. OTHER SECURITY MEASUREMETNS
10. VENTILATION AND EXTRACTION
11. NOISE AND VIBRATION
12. WASTE DISPOSAL STRATEGY

- Commercial waste
- Residential waste

## **1. INTRODUCTION**

The proposed upgrading of the Public house will be managed by an experienced and fully trained management team of two with one bar manager and another 5 - 10 staff, who will all be closely supervised by a general manager.

This management team will ensure that this Public House is run professionally and that our relationships with our neighbors and the local community is strong. During our first year managing the Public House we have closely been in a dialogue with the local community. There has been several points that has been highlighted and addressed.

This establishment will incorporate a leading edge traditional public house experience where we are catering for not just the local community but residents.

We are currently trading under a A3 license and will submit an application for mixed use licence from A3 to A3/4 submission for WCC licencing department (see enclosed existing licence).

A food facility consultation has not been needed seeing that the key management have a long standing experience in area. The management will meet the health inspections physical building requirements and remain in compliance with the health code. The owner/manager will see that all staff are educated in food handling, health and safety, fire/evacuation.

## **2. OPERATIONAL CHART**

Cleveland Arms is owned and part of the Public House (Chilworth) Ltd. It is at the present operated by Ashley Sumner and Vivienne Hayman in collaboration with there other ventures in the neighbourhood, The Grocer on Elgine, The Factory and Tin Shed. Vivianne Hayman is the Pub's operational assistance, the land lady at present is Maria Tamander, one of the owners of Cleveland House and the bar manager is "Toni" Antonio Serra (personal licence nr GM 05060970 issued by Gravensham Borough Council 2006 with CPR level 1 – 2 / Health and Safety level 1 – 2 – 3 / Food H&S level 1 – 2)

With over 20 years operating in the area in the customer service industry and in hospitality operations, Ashley and Vivianne is well knowable with the customs and regulations.

Until planning is in place and we have done the necessary upgrading of the premises all food is prepared of site at The Factor, bread is delivered from their bakery.

We have introduced a simple menu and cold platters plus open hot sandwiches to widen then clientele and to be able to serve some healthy food.

The Public House has great importance to the neighbourhood, residents above the pub as well as the local infrastructure and offices.

There for the upgrade is essential where we will be able to see that we can make the commercial space work and be able cater for more craft beers and local microbreweries, we will be able to build a new more efficient cold room. The lower ground floor will be more efficiently used by installing a kitchen were we can prepare food, create a wine bar with wine cellar. New toilet facilities will as well be installed. We will as well be able to create a staff changing area.



### **3. LICENSING**

We are currently trading under a A3 license and will submit a application for mixed use licence from A3 to A3/4 submission for WCC licencing department once our planning application had been approved (see enclosed existing licence).

The amenity and local community is not prejudiced by having a updated Public house. Indeed, CA and team prides itself on ensuring its venue is attractive, well maintained and complementary to the surroundings.

CA will have a comprehensive and extensive training program which all staff under take upon joining the company. This training is then supplemented by continual training by the General Managers in relation to matters such as licencing, food hygiene and health and safety. Photographic ID is required in the form of a passport or driver's license in order to prove the required age for the sale and supply to the customer of alcohol.

A food facility consultation is not needed. The owner will meet the health inspection physical building requirements and remain in compliance with the health code.

### **4. OPERATIONS / OPENING HOURS / PERSONELL PLAN**

This operation is an independent Public House. We took over the property as an on going concern and have managed it since May 2014. With the limitation we have introduced light food platters and open hot sandwiches through out the day.

Monday through Thursday the Pub is operate from the hours of 10:00 – 23:30. Friday and Saturday 10:00 – 00:00, Sunday from 12:00 to 22:50, Sunday before Bank holiday 12:00 – 00:00.

Under new operations we aim for breakfast servings form 08:00 Mondays to Saturdays and Sundays from 09:00, closing house will be the same.

Current staff requirements are 1 member of staff from 09:00 – 10:30, second member will arrive at 11:00, second shift will arrive staggering hours from 15:30 and 16:30. From Thursday we have a third member of staff arriving at 18:00 whom will close and lock up.

Under new operations / license staffing will be in line with the new opening hours and kitchen prep requirements.

Beer deliveries will be made at the back of the building via existing beer hatch (as it is today) after 09:00. Breakfast deliveries will be made between 07:00 – 08:00 all other deliveries and services will take place after 09:00, all via the main front entrance.

### **5. SAFEGUARDING THE AMENITY**

The management team is extremely used to working within high profile and sensitive areas with restaurants in the Westminster and RBCH area.

### **6. ACCESS, EGRESS AND FIRE ECAPE**

Together with our approved building inspector and fire consultant all regulations are being applied based on final approved planning application.

Opening staff will arrive side entrance, all other staff, deliveries (other then beer) will be done via the main front entrance. Customer access will be via the main front entrance. The same procedures will be applied for exiting the premises.

Fire escape – all staff is trained for any emergency. In case of fire there is one exit point from the lower ground floor and we have two on the ground floor. Members of staff are to gather all customers house-guests under the arch at 25 Chilworth Street opposite the pub.

## **7. ALCOHOL CONSUMPTION & ANTI – SOCIAL BEHAVIOUR**

The Cleveland Arms / Cleveland House Chilworth Ltd has every intention to enhance, not impact, upon the surrounding area as to do otherwise would be damaging to our reputation which we have worked tirelessly to achieve.

Reflecting a combination of our healthy food with traditional pub food, meeting the growing local and tourist demand with breakfast, lunch and early evening peak trading periods. CA's overriding sales mix with food is nonalcoholic beverages.

### Action – Noise

- The back room of the Pub will be dedicated to eating and more private setting
- The windows / glass in the archway and that is to use a advanced acoustic glazing which is the latest developments in sound and vision.
- We will have a entrance lobby at new location (see drawings)

### Action – Restricted use of arch way

- We will by the new internal and external alterations be able to oversee what is going on in the archway.
- We will see that our customers as well as people buying beer and alcohol form the off licence next door do not use this space.
- We will install CCTV camera externally in the archway (see proposed drawings)

### Action - Smoking

- By having the windows this will give us the opportunity to direct our customers and ask them to move to the front of the building.

## **8. OTHER SECURITY MEASUREMETNS**

- The windows will help as well, staff and clients will keep an eye. .
- There will be clear internal signage stating opening house and contact details 24/7 at the premises plus on the web site as well as FaceBook
- 24/7 contact are the following Antonio Serra on 07599693171 (will be clearly displayed), the others are Ashely Summer 07799 411955, Maria Tamander 07787 148256, Vivianne Hayman 07884 188373.

## **9. HEALTH AND SAFETY**

Westminster City Council officers work with us in all areas of health and food safety, advising on policy, process and compliance and auditing our restaurants.

## **10. VENTILATION AND EXTRACTION**

CA cooking is mainly low level and odors from the cooking process are considered light to moderate compared to other high street restaurants. However, as a standard we take the following measures to reduce the risk of odours nuisance:

- The kitchen exhaust duct will be routed as per the submitted plans on the basis of WCC's conditions. The exhaust air is discharged vertically at high velocity to ensure dispersal at the highest possible level above the building greatly reduces odour.
- The internal surfaces of the kitchen ductwork are professionally cleaned on a six monthly planned basis to avoid the build-up of grease and contaminants within the system. Cleaning intervals are monitored and adjusted depending on site location and restaurant turnover.
- Baffle filters are installed at the kitchen extract canopy to reduce the introduction of grease into the system.

## **11. NOISE AND VIBRATION**

We already note above the design measures to limit noise disturbance.

It is also important to note that our opening hours are within the core hours; the restaurant will not open into the early hours of the morning. The following measures will also be taken to avoid any nuisance from noise or vibration:

- The kitchen extract and toilet extract fans will be fitted with atmosphere-side silencers to further reduce noise.
- All units operate on a timer system to ensure that everything is shut down during non-trading hours.

## **12. WASTE DISPOSAL STRATEGY**

Waste disposal strategy has been consulted with Mr Andrew Grimm on the commercial waste storage and have for now twice per week collection which will be increased once refurbishment has taken place.

- Commercial waste – We will be kept the commercial waist in the premises until permitted minutes prior to scheduled collection.
- We will not be having any waste being dragged down the arch way at late hours will compensate for having the residents drop their rubbish at the back of the building.
- Residential waste – They will now use the old commercial bin store where they will only be allowed to use during restricted hours between 06:00 to 22:00
- We will be in charge seeing that it is all nice and tidy at all times.

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City of Westminster

<b>Officer Name:</b> Anil Drayan <b>Designation:</b> EHO <b>Date:</b> 14/08/15 <b>Contact number:</b> 020 7641 1774 <b>Email:</b> adrayan@westminster.gov.uk <b>Signed:</b> Anil Drayan <b>Uniform Ref Number:</b> 15/06005/PREAPS
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**Trading name of business and Address:** Cleveland Arms / Cleveland House (Chilworth) Ltd, 28 Chilworth Street

**Reference Number if Applicable:**

**License:** 14/08537/LIPDPS

**Applicant/solicitor:** Maria Tamander, Cleveland House (Chilworth) Ltd, 28 Chilworth Street, London W2 6DT

**Stress Area:** No

**Type of Business:** Public House

**Current Licensed Areas:** Ground Floor

**Current Activities:** Live Music, Recorded Music, Anything of a similar description to Live Music or Recorded Music, Late Night Refreshment, Private Entertainment, Sale by Retail of Alcohol

**Pre application advice purpose:** Applicant undertaking the following: *'We are currently trading under a A3 license and will submit an application for mixed use licence from A3 to A3/4. The premises have previously had cooked food.'* - The proposal is for internal alterations, refurbishment and restoration at ground and basement levels with the improvements to include the creation of a Restaurant/Wine bar at basement level.

**Background to application:**

Environmental Health base this advice on the Design and Access Statement and the Operational Management Plan submitted for the planning application and with this request.

These appear to show that there will be no intention to increase the hours for or have additional licensable activities as part of any application to vary the licence.

The main proposed changes appear to be an increase in opening hours for non-licensable activities to allow service of breakfast, to change the internal layout including providing new additional space for licensable activities in the basement and to re-instate full cooking facilities to allow for a restaurant level offering of food.

*sanitary facilities and scale of provision of sanitary and associated appliances: Table 11; licensed pubs etc.*

- For your current capacity of 90 this would normally equate to 1 male WC plus urinal and 3 female WC's. Whereas I understand that currently the provision at the premises is only 1 male WC plus 2 urinals and 1 female WC.
- Although Environmental Health would encourage standards to BS 6465 are achieved for existing premises where major refurbishments are proposed we would accept proposals that did not result in any lessening of provision.
- If there is an intention to increase the overall capacity then there should be a commensurate increase in sanitary provision so that it matches the existing ratio of provision.
- As it is the intention to increase the onsite food preparation sanitary accommodation for staff should be separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.

**Conditions recommended by Environmental Health for an application to vary the licence based on the above information (*these are in addition to existing conditions on the licence*) :**

1. The number of persons permitted at the premises at any one time (including/excluding staff) shall not exceed X persons (*to be assessed on completion*)
2. A Challenge 21 proof of age scheme will operate at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
5. Save for in any permitted external area patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

6. All sales of alcohol for consumption off the premises, save for in any permitted external area, shall be in sealed containers only, and shall not be consumed on the premises.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours on the following day.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
11. The variation of the Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

**Should you wish to discuss the matter further or seek further clarification please do not hesitate to contact me.**

**Anil Drayan**

**Environmental Health Officer,**

**EH Consultation Team**

**Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.**



### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion and variation 05/04934/LIPCV	Application to convert and vary the licence under the Licensing Act 2003	08.08.2015	Granted by Licensing Sub-Committee
Transfer application 14/03686/LIPT	Transfer from Hurley Bennett & Co Limited to Cleveland House (Chilworth) Limited	15.07.2014	Granted under delegated authority
DPS variation 14/08537/LIPDPS	Application to vary the DPS	28.10.2014	Granted under delegated authority
Variation application 15/09112/LIPV	Current application		

**There is no appeal history**



*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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions: On Current Licence -**

**Mandatory:**

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.
- 9. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

- 10. Alcohol may be sold or supplied:
  - (a) On Monday to Thursday 10.00 to 23.30.
  - (b) On Friday to Saturday 10.00 to 00.00.
  - (c) On Sundays 12.00 to 22.50.
  - (d) On Sundays immediately prior to a Bank Holiday 12.00 to 00.00
  - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 11. The capacity of the premises shall not exceed 90 persons (including staff)
- 12. The licence holder to provide emergency lighting to BS5266 or an equivalent standard as approved by LFEPA.
- 13. Regulated entertainment in the form of Live Music, Recorded Music and Anything of a similar description is permitted Monday to Sunday within the hours outlined in condition 10 above, subject to the following agreed conditions:
  - (a) The premises are to operate within the provisions of s.177 of the Licensing Act 2003
  - (b) no external drinking after 23.00
  - (c) the Regulated Entertainment will be limited to 2 performers.
- 14. No children under 14 are allowed in the bar unless the following conditions are satisfied:
  - (a) the premises are not being used solely for the sale or supply of alcohol
  - (b) any child under the age of 14 is accompanied by a responsible adult, parent or guardian over the age of 18
  - (c) it is between 10.00 and 21.00, except where a meal has been ordered before 21.00 in which case the child may remain on the premises up until 21.30 to allow the consumption of the meal.

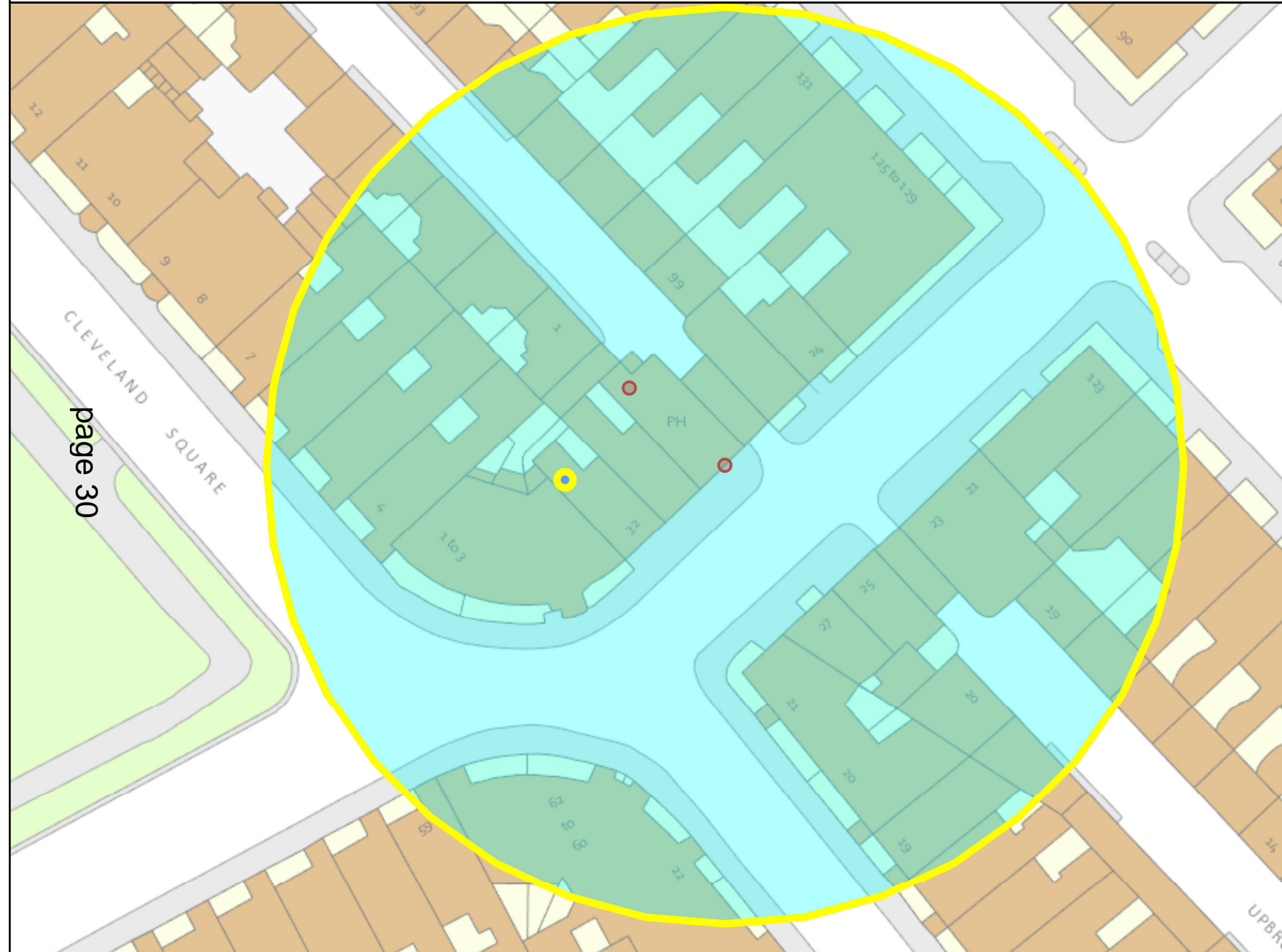
**Conditions proposed by Environmental Health**

- 15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or in its vicinity.
- 16. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification

cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. All windows shall be kept closed when amplified music is being played and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
20. The number of persons permitted in the premises at any one time (including staff) shall not exceed 90 persons with local restrictions of 60 (*final figure to be determined on completion of works but not more than 60*) in the basement.
21. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall be restricted to within the external area of the premises at the entrance as shown on the plans.
22. After 23:00 hours patrons permitted to use the external area at the entrance eg to smoke, shall not be permitted to take any drinks or glass containers with them, maximum 10 people at one time.
23. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.
24. The premises licence holder shall ensure that patrons do not use the archway outside the premises, except for access and egress. This area to be monitored by staff including by use of CCTV.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.

27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No collections of waste or recycling materials, including bottles, from the premises shall take place between 20.00 and 07.00 hours on the following day and must only be collected via the front of the premises in Chilworth Street.
29. Deliveries to the premises shall not take place between 20:00 and 07:00 hours on the following day except Beer which can only be delivered between 09:00 to 20:00 hours via Gloucester Mews.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
32. The variation of this premises licence ,15/09112/LIPV, will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.



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Residential / Proposed Residential	169
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

7

Meters

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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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2011
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	15 October 2015
<b>5</b>	Representation – Environmental Health	12 November 2015
<b>6</b>	Representation – Mr Paul Gray	15 November 2015
<b>7</b>	Representation – Mr John King	18 November 2015
<b>8</b>	Representation – SEBRA	19 November 2015
<b>9</b>	Representation – Ms Frances Hutchinson	6 November 2015
<b>10</b>	Representation – Mr Daniel Hardy	16 November 2015
<b>11</b>	Representation – Ms Natalia Georgiadou	3 November 2015

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Item No:	
Date:	14 <sup>th</sup> January 2016
Licensing Ref No:	15/10264/LIPN - New Premises Licence
Title of Report:	58 Brewer Street London W1F 9TL
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: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 November 2015		
<b>Applicant:</b>	Shaftesbury Soho Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	58 Brewer Street London W1F 9TL	<b>Ward:</b>	West End
		<b>Cumulative Impact Areas</b>	West End
<b>Premises description:</b>	The premises is to operate as a restaurant over the Ground Floor and Basement Floor		
<b>Premises licence history:</b>	None		
<b>Applicant submissions:</b>	The applicant has submitted some proposed conditions as part of their application ( <b>Appendix 4</b> )		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour. To be extended from the terminal hour on New Year's Eve through to the commencement time on New Year's Day						

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	22:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour. To be extended from the terminal hour on New Year's Eve through to the commencement time on New Year's Day						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	22:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour. To be extended from the terminal hour on New Year's Eve through to the commencement time on New Year's Day						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Nicola Curtis
<b>Received:</b>	26 <sup>th</sup> November 2015
<p><b><u>Licensing Act 2003</u></b></p> <p><b><u>58 Brewer Street, London, W1F 9TL</u></b></p> <p>I refer to the application for a new Premises Licence for the above premises.</p> <p><b>The premises are situated in the West End Stress Area.</b></p> <p>The applicant has submitted the following plans for the premises:</p> <ul style="list-style-type: none"> <li>◆ Licensing Plans dated October 2015, drawing number 22054 – L01</li> </ul> <p>This representation is based on the plans and Operating Schedule submitted.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> <li>1. The Provision of Late Night Refreshment 'indoors' Monday to Saturday 2300 to 0100 hours</li> <li>2. The Supply of Alcohol 'on' the premises Monday to Saturday 1000 to 0100 hours and Sunday 1200 to 2230 hours</li> </ol>	

3. For both activities the following non-standard timing are applied for:

- a. On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour
- b. From the terminal hour on New Year's Eve through to the commencement time on New Year's Day

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

1. The provision of Late Night Refreshment 'indoors' and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the West End Stress Area.
2. The Supply of Alcohol both 'on' the premises and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the West End Stress Area and may impact upon Public Safety.

The applicant has provided additional information within the operating schedule which is being considered but does not fully address the concerns of Environmental Health.

The applicant is advised to contact the undersigned to arrange a suitable time for inspection of the premises.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the West End Stress Area and may impact upon Public Safety.**

The Environmental Health Service has proposed conditions which has not been agreed by the applicant (**Appendix 4**)

<b>Responsible Authority:</b>	The Metropolitan Police
<b>Representative:</b>	Reaz Guerra
<b>Received:</b>	3 <sup>rd</sup> December 2015

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.

The venue is situated in the West End Stress Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

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.

It is for these reasons that we are objecting to the application.

<b>2-B Other Persons</b>			
<b>Name:</b>		Aneela Majid	
<b>Address and/or Residents Association:</b>		Great Pulteney Street and Bridle Lane Residents Association 39B, Great Pulteney Street, Soho, W1F 9NY	
<b>Status:</b>	Resident Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 <sup>th</sup> December 2015		

The Great Pulteney Street and Bridle Lane Residents Association object to the application for a new premises licence. We object to all parts of the application, the supply of alcohol - Monday to Saturday 1000 - 0100, Sunday 1200 - 2233 and late night refreshment Monday to Saturday 2300 - 0100.

Our representation is made on the likely basis that the application will fail to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. We also object on the basis of cumulative impact.

#### **The residents**

John Broadwood House on Bridle Lane and 35-40 Great Pulteney Street comprise of 28 social housing flats owned by Soho Housing Association. They house c. 60 residents aged between two and eighty-five years of age. These are long term residents, many having been born in the area and some are second and third generation Soho families. All residents live in close proximity to these premises.

Soho being within the stress area has the highest number of late night establishments in Westminster. The council acknowledges in its Statement of Licensing Policy the impact of the night time economy in stress areas, and the cumulative effect of the concentration of such establishments which has led to serious problems of crime and disorder and public nuisance affecting residents. Residents in Great Pulteney Street and Bridle Lane currently experience noise nuisance by people talking in loud and raised voices, waste disposable collections during the night, and crime and disorder in the form of drug dealing and drug taking and coupled with significant anti-social behaviour of people fouling in our doorways.

#### **The application**

We object to this licence being granted, this will be a new late night premises licence in the stress area. Not only will this have an adverse impact on residents living in Gt. Pulteney St and Bridle Lane, but also those living nearby on Brewer Street and in particular the residents in the three units above these premises.

The premises has for many years been a café, which did not sell alcohol and was not licensed to do so. This application therefore seeks an entirely different type of operation, involving drinking and a late terminal hour.

The application fails to promote the licensing objectives and we object on the following grounds.

### **Prevention of public nuisance**

Late night disturbance is a real problem for residents in Gt. Pulteney Street and Bridle Lane. A new late night premises licence will exacerbate the existing disturbance already experienced by the residents. Disturbance is created by people smoking outside our windows, talking in loud and raised voices, noise disturbance from taxis waiting to pick up customers, the closing of car doors and street fouling as stated above.

No 58 Brewer Street is located approximately [ ] yards from Bridal Lane, and approximately [ ] yards from Great Pulteney Street. There is clearly therefore the potential for customers using these premises, particularly late at night, to add to the cumulative impact which we already experience. We enclose a photo of the premises and its proximity to our homes.

### **Prevention of crime and disorder**

It is well known that the consumption of alcohol increases the level of violent crime, public order offences, theft, robbery, property damage and antisocial behaviour in Soho. Residents in Gt Pulteney Street and Bridle Lane frequently experience crime and disorder in the form of drug taking and dealing and significant anti-social behaviour which includes vomiting, urinating and defecating in our doorways.

### **Cumulative impact and The City Council's Statement of Licensing Policy ("SLP")**

The application as presented is contrary to the Stress Area Policies STR1 and PB2 in the City Council's Statement of Licensing Policy. We already experience anti-social behaviour and crime and disorder. The proposed new licence in close proximity to residents will only increase disturbance, anti-social behaviour and crime and disorder in the area.

It is difficult to pin the blame for noise nuisance on any particular premises; indeed, this problem is implicit in the existence of the Stress Area Policy. It is the large number of late night licensed premises in a small area which gives rise to the problems which residents experience. It is not necessarily people being excessively drunk or badly behaved (although there certainly are too many people could be described as such). Paragraph 2.2.12 of the SLP states that:

'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

The application is outside the Council's core hours Policy HRS for when customers can be on the premises.

The Guidance issued under s182 Licensing Act 2003 makes it clear that there are certain expectations of applicants; namely, that an applicant is expected to have assessed any risk posed to the local area by the proposals, and to include positive proposals in their application on how they will manage any potential risks (Guidance 8.34 and 8.35). Although we note that some conditions have been proposed, there is no detail of how a late terminal hour will, for example, affect dispersal of customers away from the premises. After the tubes finish and night buses begin, there is a marked decrease in public transport options available to customers to leave. Dispersal is one of the major reasons for having the 'core hours' Policy HRS1; the



timings are broadly in line with enabling people to catch the tube home and this no linger in the Stress Area longer than is necessary.

**Conclusion**

We oppose this application on the basis that if it is granted it would fail to promote the licensing objectives. We therefore ask the Licensing Sub-Committee to reject this application.

We were successful recently in persuading the Licensing Authority that an extension of hours to 1am for a restaurant in the near vicinity of our flats was not appropriate for the promotion of the licensing objectives. The current application is also for a restaurant licence, and also to 1am. We would ask the Licensing Authority to make a similar decision in this case, and refuse a licence with such a late terminal hour.



The above representation is supported by seven other residents from 35-40 Great Pulteney Street namely, Veronique Jack, Maggie Bartlett, Ashley Taboda, Andy Greenfield, Graham Curren, Spyros Koskinas, Lesley Isles.

**Name:**

Isabel Anderton

<b>Address and/or Residents Association:</b>	39c Great Pulteney Street London W1F 9NX		
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<b>Status:</b>	Resident	<b>In support or opposed:</b>	Supposed
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<b>Received:</b>	9 <sup>th</sup> December 2015		
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I am writing to object to the licence application 15/10264/LIPN - 58 Brewer Street, London W1F 9TL.

I am a local resident and I endorse the letter that was sent to you on behalf of the tenants of our resident's association (attached here).

I object on the grounds of 1) Prevention of Public Nuisance and 2) Prevention of Crime and Disorder. I also object on the basis of the cumulative impact of potentially granting another new alcohol licence in an area saturated with premises alcohol licences. There is less and less diversity in Soho businesses as each retail premises or non-licensed cafe is turned into another new bar or restaurant.

I also question the application. It is made by Shaftesbury Soho, presumably the new owners of the building, and requests an alcohol licence for a restaurant. Yet, no restaurant is actually named and no details given as to what type of restaurant it is. Is it that there is no actual restaurant and this is a speculative application? Perhaps to make letting out the ground and basement 'easier' and generate a higher income for the owners of the building? It would be good to have some clarification on this.

<b>Name:</b>	Leslie & Wendy Hardcastle		
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<b>Address and/or Residents Association</b>	37C Great Pulteney Street London W1F 9NT		
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<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
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<b>Received:</b>	5 <sup>th</sup> December 2015		
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**Reference : 15/10264/LIPN - New Premises Licence  
Shaftesbury Soho Limited, 58, Brewer Street, London W1F 9TL**

We are residents at the above address. We wish to object to the application for a new premises licence at 58 Brewer Street. We object to all parts of the application, the supply of alcohol - Monday to Saturday 1000 - 0100, Sunday 1200 - 2233 and late night refreshment Monday to Saturday 2300 - 0100.

Our representation is made on the likely basis that the application will fail to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. We also object on the basis of cumulative impact.

We and our neighbours live in Soho Housing Association property, some are elderly and frail, but there are also a number of young children and teenagers who particularly need to be able to get a good nights sleep. Many of us have lived here for many years and recognize that inner city living is not exactly peaceful. But Soho is a stress area and we are beginning to feel swamped by the increasing number of late night establishments in Soho. We have noticed an increase in noise and public nuisance in the early hours of the morning – loud and raised

voices, revelry and fouling in our doorways and drug dealing.

So we object to this licence being granted. It would have an impact on all of us, but we cannot conceive that such a licence would be permitted with flats above. Previously it was an unlicensed family run Italian establishment which was very popular with workmen and others who want – and need - a simple, honest, straight forward and reasonably priced place to eat (and where we often had breakfast), of the sort that is becoming non-existent in Soho. But the lower paid workers and residents on which Soho depends need places of this kind. There is no need for yet another premises with a late license.

The application fails to promote the licensing objectives and we object on the following grounds.

**Prevention of public nuisance**

Late night disturbance is a real problem for us and our neighbours. We increasingly experience fouling in our doorways (vomiting, urinating and defecating) and the noise of revelers as they leave premises or make their way to another. A new late night premises licence will make worse the existing disturbance that we experience.

No 58 Brewer Street is located approximately 20 meters from our street and it is inevitable that customers using these premises late at night, would add to the cumulative impact which we already experience.

**Prevention of crime and disorder** It is well known that the consumption of alcohol increases the level of crime, We have already mentioned drug taking and anti-social behavior.

**Cumulative impact and The City Council’s Statement of Licensing Policy (“SLP”)**

The application is contrary to the Stress Area Policies STR1 and PB2 in the City Council's Statement of Licensing Policy. We already experience anti-social behaviour and crime and disorder. The proposed new licence in close proximity to ourselves will inevitably have a cumulative effect in increasing disturbance, anti-social behaviour and crime and disorder in our area.

The application is outside the Council’s core hours.

**Conclusion**

We oppose this application on the basis that if it is granted it would fail to promote the licensing objectives. We therefore ask the Licensing Sub-Committee to reject this application.

We were successful recently in persuading the Licensing Authority that an extension of hours to 1am for a restaurant in the near vicinity of our flats was not appropriate for the promotion of the licensing objectives. The current application is also for a restaurant licence, and also to 1am. We would ask the Licensing Authority to make a similar decision in this case, and refuse a licence with such a late terminal hour.

<b>Name:</b>	Steve Chambers		
<b>Address and/or Residents Association</b>	The Soho Society 58 Dean Street London W1D 6AF		
<b>Status:</b>	Resident Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	9 <sup>th</sup> December 2015		

Reference: 15/10264/LIPN, Premises Licence - New, Unnamed Venue (Shaftesbury Soho Ltd), 58 Brewer Street, W1F 9TL

I write to make a relevant representation to the above application on behalf of The Soho Society.

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.

### About 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. 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.

### Application summary

Activity	Indoors/Outdoors	Alcohol Consumed	Time Period	From	To
Sale by Retail of Alcohol		On Premises	Monday to Saturday	10:00 AM	01:00 AM
Sale by Retail of Alcohol		On Premises	Sunday	12:00 PM	10:30 PM
Late Night Refreshment	Indoors		Monday to Saturday	11:00 PM	01:00 AM



### New licensed premises in the West End Stress Area

The proposal is for a new licensed premises in the West End Stress Area. The new Sale by Retail of Alcohol On Premises licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses (in particular where not ancillary to food) should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. It is noted the conditions for this application do not make reference to service with food. It is therefore felt necessary that should this license be permitted, conditions must be applied to prevent problematic vertical drinking:

- MC38**            The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
- MC39**            The supply of alcohol shall be by waiter or waitress service only.
- MC41**            Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

### Hours of operation

The proposal includes licensable activities, including offsite sale of alcohol, outside of Westminster core hours. The premises are in the West End Stress Area. There are private homes nearby and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.

### 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.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

<b>Name:</b>		Mr Tino Giglio-Vigna	
<b>Address and/or Residents Association:</b>		2 John Broadwood House Bridle Lane London	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed

<b>Received:</b>	29 <sup>th</sup> November 2015
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Comment: 11:44 AM on 29 Nov 2015 I object for the following reasons:

1. The previous business at n.58 traded without selling alcohol. There is no shortage of catering outfits nearby which sell alcohol and another one is not required;
2. The proposed hours of sale would mean alcohol is being sold from mid-morning until clearly past midnight. This is likely to change the character of the whole block from Lower James Street to Bridle Lane. There will be more problems with drunken behaviour, litter, urination and people being sick on the narrow pavement;
3. The business will become a point of attraction for the drug dealers who are already present regularly in Bridle Lane and the trading presence of it will be a useful cover for their own trade.

<b>Name:</b>	Marina Tempia		
<b>Address and/or Residents Association:</b>	Flat 4, John Broadwood House 1, Bridle Lane London W1F 9BT		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	8 <sup>th</sup> December 2015		

I write to make representation in respect of the above application for a new premises licence. I object to all parts of the application this being the supply of alcohol; Monday to Saturday 1000 - 0100, Sunday 1200 - 2233 and late night refreshment; Monday to Saturday 2300 - 0100.

The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. I also object on the basis of cumulative impact.

**Proximity of residents**

John Broadwood House on Bridle Lane and 35-40 Gt Pulteney Street comprise of 28 social housing flats owned by Soho Housing Association. They house c.60 residents aged between 2 and 85 years of age. These are long term Soho residents, many having been born in the area and some second and third generation Soho families.

All residents live in very close proximity to these premises and in particular Bridle Lane is only 10 metres away (see photograph). Residents in Bridle Lane already experience a range of anti-social behaviour, crime and disorder during the day and night in the form of drug dealing and drug taking, waste collections during the night, street fouling and noise nuisance from people leaving other licensed premises in the area.

**The application**

I object to this licence being granted, this will be a new late night licence in the stress area and one which will be very close to my flat. Soho has the highest number of licensed and late night establishments in Westminster and the council acknowledges in its Licensing Policy the impact of the night time economy in stress areas and the cumulative effect of the concentration of late night establishments which has led to serious problems of crime and disorder and public nuisance affecting residents.

For over 40 years these premises operated as small family run cafe on the ground floor, it did not sell alcohol and closed at 5pm. I am therefore very concerned that this new application creates a very different type of operation which is highly likely to have an adverse impact on

residential amenity and fail to promote the licensing objectives.

The application fails to promote the licensing objectives and I object on the following grounds.

**Prevention of crime and disorder**

It is well documented that the consumption of alcohol late at night increases the level of violent crime, public order offences, theft, robbery, property damage and anti-social behaviour. Residents in Bridle Lane frequently experience crime and disorder, the lane is very narrow, it is very dark at night and has a number of secluded areas, for many years it has been a magnet for drug dealers and it is not unusual to witness people shooting up at night and during the daytime. At night time it feels very unsafe. This type of criminal behaviour will only increase with the creation of a new restaurant with a late night licence.

**Prevention of public nuisance**

Residents in Bridle Lane currently experience noise nuisance, disturbance and street fouling during the daytime but especially in the evening and at night time. Bridle Lane is extremely narrow and noise including loud and raised voices from people in high spirits is amplified by its narrowness and this in turn frequently disturbs sleep. We also suffer from significant anti-social behaviour in the form of street fouling with people vomiting, urinating and defecating in our doorways, see the attached photograph showing streams of urine, vomit and rubbish next to my front door at 10.15pm on 19th November.

**Cumulative impact**

The application as presented is contrary to the Stress Area Policies STR1 and PB2 in the City Council's Statement of Licensing Policy. I already experience noise nuisance and anti-social behaviour, a new late night licence with the associated increase in numbers of people discharged onto the streets in such close proximity to residents in Bridle Lane will only increase rather than diminish public nuisance and crime and disorder.

**Conclusion**

For the reasons stated above, I oppose this application on the basis that if it is granted it would fail to promote the licensing objectives. I therefore ask the Licensing Sub-Committee to reject this application.

The Gt. Pulteney Street and Bridle Lane Tenants' Association were recently successful in persuading the Licensing Authority that an extension of hours to 1am for a restaurant in near proximity of our flats was not appropriate for the promotion of the licensing objectives. The current application is also for a restaurant licence, and also to 1am. We would ask the Licensing Authority to make a similar decision in this case, and refuse a licence with such a late terminal hour.







### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	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.  Applications for other licensable activities in the Cumulative Impact Area will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy HRS1 applies:</b>	(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.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
<b>Policy RTN2 applies:</b>	Applications will be granted subject to other policies 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.

### 4. Appendices

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

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
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<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk
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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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015





No supporting documentation

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 premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder

- d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system, searching equipment or scanning equipment
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
21. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
22. The premises shall only operate as a restaurant
- a) in which customers are shown to their table,
  - b) where the supply of alcohol is by waiter or waitress service only,
  - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - d) which do not provide any take away service of food or drink for immediate consumption,
  - e) which do not provide any take away service of food or drink after 23.00, and
  - f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
23. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

### **Conditions proposed by the Environmental Health**

27. Licensable activities shall be restricted to the ground floor of the premises.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be

swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
33. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required

# APPENDIX 5

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Residential /  
Proposed  
Residential

Under  
Construction

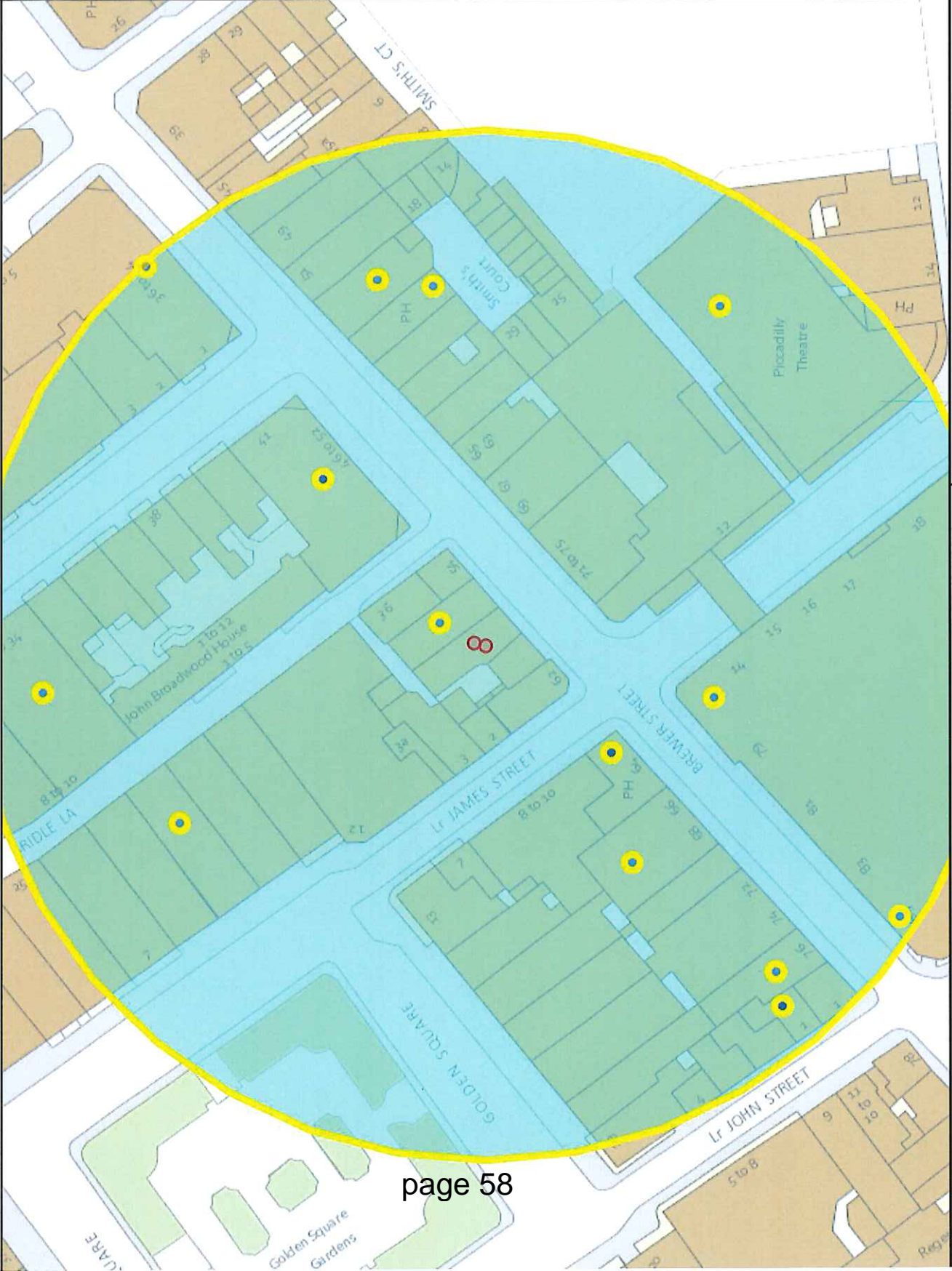
Other Uses

Proportion  
Residential  
of all Uses

Data Source: Uniform Database

Date: 22/12/2015

58 Brewer Street

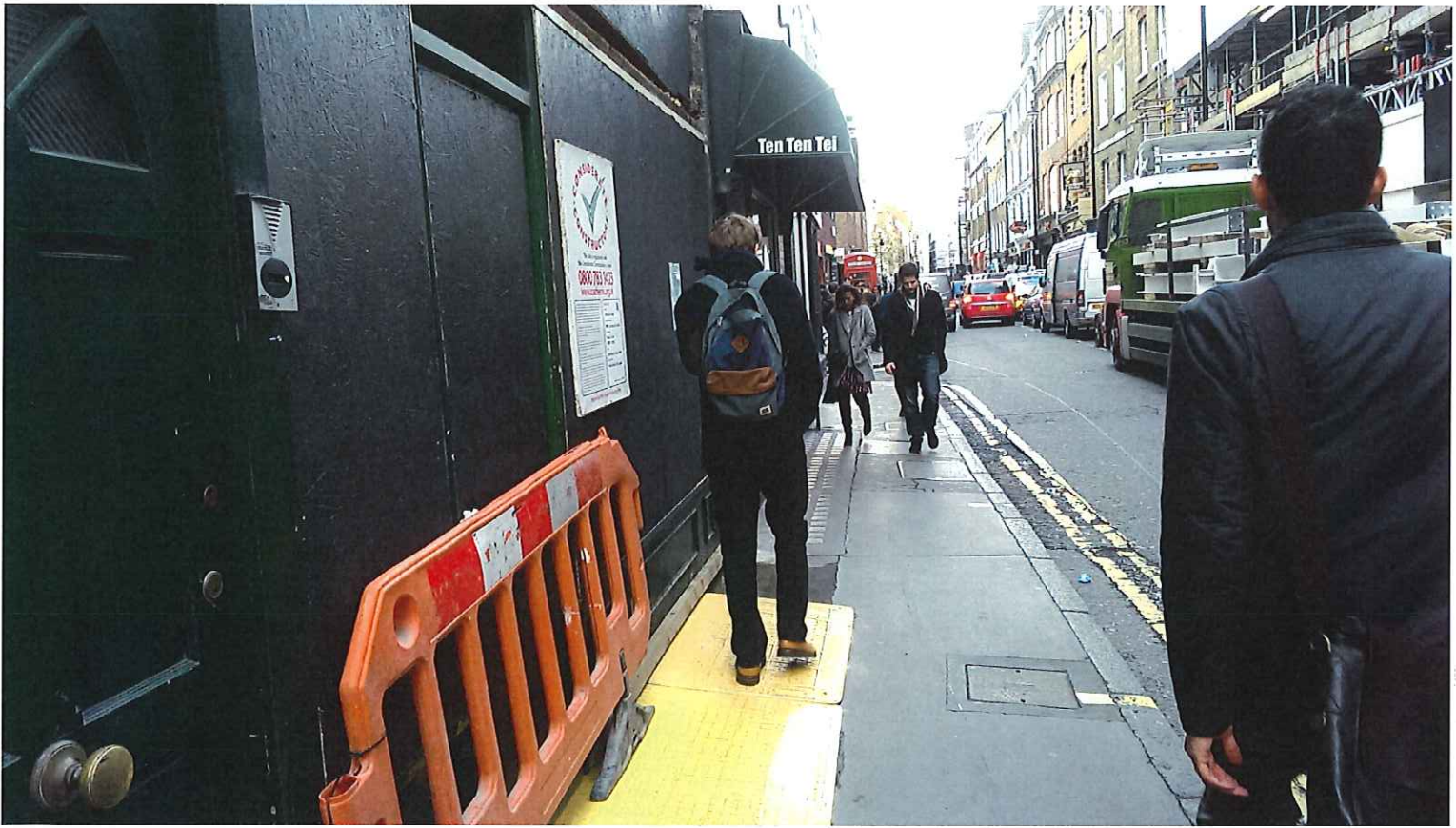


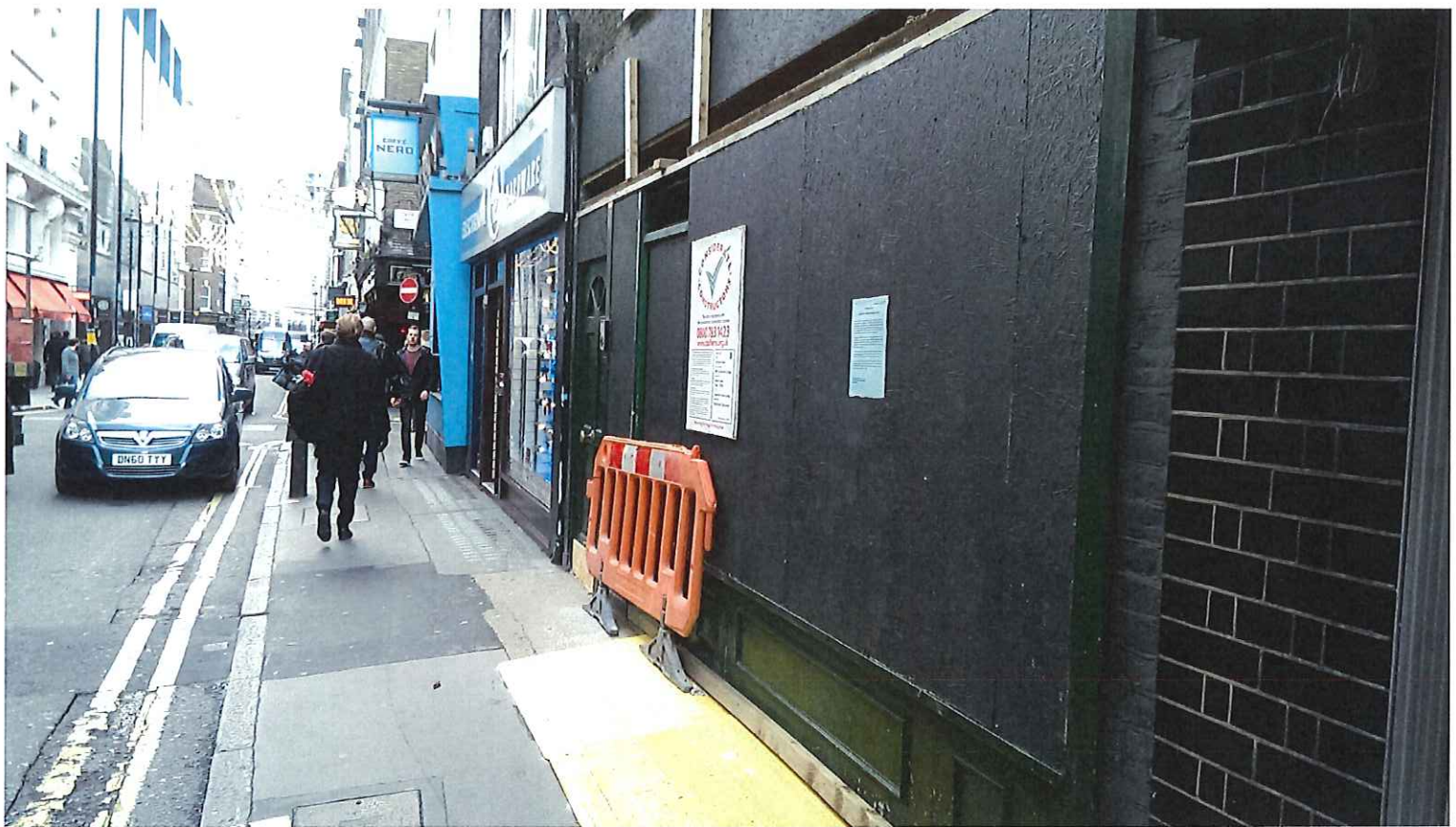
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**Premises within 75 metres of: 58 Brewer Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
17878	Lingo Japanese Restaurant	Basement North And Ground Floor North 1 Lower John Street London W1F 9DT	Monday to Sunday 08:00 - 23:00
14024	Ten Ten Tei Restaurant	Ground Floor 56 Brewer Street London W1F 9TJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-2743	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-19042	Bills	36 Brewer Street London W1F 9TA	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
30705	Nine Golden Square Restaurant	Basement And Ground Floor 9 Golden Square London W1F 9HZ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
27978	Crown Public House	64 Brewer Street London W1F 9TP	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30
15751	Arigato	48-50 Brewer Street London W1F 9TG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-15772	One Stop Food & Wine	Ground Floor 1 Lower John Street London W1F 9DT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-22416	Vabene	46-52 Brewer Street London W1F 9TF	Monday to Saturday 08:00 - 00:00 Sunday 12:00 - 22:30
6110	Crown	64 Brewer Street London W1F 9TP	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30
-10710	Rapha Racing	85 Brewer Street London W1F 9ZN	Monday to Sunday 08:00 - 21:00
-26729	Kulu Kulu Sushi	76 Brewer Street London W1F 9TX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
27521	HIX	66-68 Brewer Street London W1F 9TP	Monday to Sunday 07:00 - 01:00
5108	Mash	77 Brewer Street London W1F 9ZN	Monday to Sunday 11:30 - 01:30
-27401	Scoop Fine Italian Gelato	53 Brewer Street London W1F 9UD	Monday to Sunday 10:00 - 02:00 Monday to Sunday 11:00 - 22:00
-7833	Piccadilly Theatre	Piccadilly Theatre Denman Street London W1D 7DY	Saturday to Sunday 09:00 - 03:00 Monday to Friday 09:00 - 04:00
-26795	Urban Golf	33-34 Great Pulleney Street London W1F 9NT	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00







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City of Westminster

# Agenda Item 3 Licensing Sub-Committee Report

Item No:	
Date:	14 January 2016
Licensing Ref No:	15/08707/LIPV - Premises Licence Variation
Title of Report:	Zelman Meats 2 St Anne's Court London W1F 0AZ
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: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	<b>Date Application received:</b> 6 <sup>th</sup> October 2015 <b>Validation Date:</b> 2 <sup>nd</sup> November 2015		
<b>Applicant:</b>	St Anne's Court Restaurant Ltd		
<b>Premises:</b>	Zelman Meats		
<b>Premises address:</b>	2 St Anne's Court London W1F 0AZ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises operate as restaurant/bar		
<b>Variation description:</b>	<p>The variation application is for a change of layout, including inter alia</p> <ul style="list-style-type: none"> <li>• Re-arrangement of fixed seating</li> <li>• Moving of partition further away from bar area</li> <li>• Relocation of oyster bar</li> <li>• Removal of former cold station to be replaced by freestanding tables and chairs</li> <li>• Some reconfiguration of back-of-house areas</li> </ul>		
<b>Premises licence history:</b>	The premises are currently licensed under the Licensing Act 2003; reference 14/04699/LIPN		
<b>Applicant submissions:</b>	None		

## 1-B Current and proposed licensable activities, areas and hours

Late night refreshment: No Changes Proposed						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			n/a	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	n/a	n/a		
Tuesday	23:00	23:30	n/a	n/a		
Wednesday	23:00	23:30	n/a	n/a		
Thursday	23:00	23:30	n/a	n/a		
Friday	23:00	00:00	n/a	n/a		
Saturday	23:00	00:00	n/a	n/a		
Sunday						
<b>Seasonal</b>	<b>Current:</b>			<b>Proposed:</b>		

<b>variations:</b>	N/A	N/A
<b>Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	N/A

<b>Sale by Retail of Alcohol: No Changes Proposed</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On		N/A	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	n/a	n/a		
<b>Tuesday</b>	10:00	23:30	n/a	n/a		
<b>Wednesday</b>	10:00	23:30	n/a	n/a		
<b>Thursday</b>	10:00	23:30	n/a	n/a		
<b>Friday</b>	10:00	00:00	n/a	n/a		
<b>Saturday</b>	10:00	00:00	n/a	n/a		
<b>Sunday</b>	12:00	22:30	n/a	n/a		
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	n/a				n/a	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				n/a	

<b>Hours premises are open to the public: No Proposed Changes</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	n/a	n/a		
<b>Tuesday</b>	10:00	23:30	n/a	n/a		
<b>Wednesday</b>	10:00	23:30	n/a	n/a		
<b>Thursday</b>	10:00	23:30	n/a	n/a		
<b>Friday</b>	10:00	00:00	n/a	n/a		
<b>Saturday</b>	10:00	00:00	n/a	n/a		
<b>Sunday</b>	12:00	22:30	n/a	n/a		
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	n/a				n/a	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	

**1-C Layout alteration**

The application is for a change of layout in the premises which includes:

- Re-arrangement of fixed seating
- Moving of partition further away from bar area
- Relocation of oyster bar
- Removal of former cold station to be replaced by freestanding tables and chairs
- Some reconfiguration of back-of-house areas

**1-D Conditions being varied, added or removed**

Condition		Proposed variation	
n/a		n/a	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>	
	n/a	n/a	

**2. Representations**

**2-A Responsible Authorities**

<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	29 <sup>th</sup> October 2015

**The Licensing Act 2003**  
**Zelman Meats, 2 St Anne's Court, W1**

I refer to the application for variation of the Premises Licence.  
 The premises are located within the West End Stress area.

This representation is based on the operating schedule submitted and plans submitted reference 104/1517 dated 05/10/15.

The applicant is seeking the following

1. To carryout alterations to include, *Change of layout, including inter alia: Re-arrangement of fixed seating, Moving of partition further away from bar area Relocation of oyster bar Removal of former cold station to be replaced by freestanding tables and chairs and some reconfiguration of back-of-house areas*

I wish to make the following representation

1. Objection is made to the application on the grounds of Public Safety.

A visit is required to be made to the premises to enable Environmental Health to assess the impact of the application on Public Safety.

The Environmental Health Service has provided noise complaints **(Appendix 3)**.

<b>2-B Other Persons</b>			
<b>Name:</b>		Mr Mark Allan	
<b>Address and/or Residents Association:</b>		3 Clarion House, 4 St Annes Court London	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	26 <sup>th</sup> October 2015		
<p><i>I live directly upstairs to these premises my bedroom is over the front of the premises. I object to the extension of the hours proposed and that they want to sell take away food. This will cause more noise in St Annes Court which is a narrow street. The noise comes up into my bedroom. Having a takeaway will probably cause people to queue in the street and stand around outside eating and discarding waste in the street. I strongly object to these changes.</i></p>			
<b>Name:</b>		Ms Rebecca Taylor	
<b>Address and/or Residents Association:</b>		18 clarion hs, London, W1F 00BA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	8 <sup>th</sup> November 2015		
<p><i>My name is Rebecca Taylor i live at no.18 clarion hs and my flat is directly above zelman I'm writing to strongly oppose the new so called "restaurant" Zelman meats. Firstly the blue notice required by law has been covered by posters advertising the site for over two weeks. I have photos of this as proof. they have been adhered to all the windows externally hence the blue notice being obscured all that time. I gather the terms of the plan are a complete reversal of what was promised in February 2014, indeed the posters shout wildly of cocktails, clearly not advertising for a sit down restaurant. I should point out the change in use and the need for full restaurant conditions (model condition 66) in order to comply with policy and prevent both crime and disorder and nuisance. The application represents a change in use from restaurant to bar. Myself and the other residents are appalled of the insidious change. We will be strenuously opposing the bar and takeaway. Not one of the posters even mentioned a restaurant!! Its getting more and more like revolution bar, the place there before that caused such misery, they just are trying to sneak the same format through the back door. Sorry to be a cynic but I've lived here 30 years and am very sure this will take us back to all the problems we had before we all were exhausted and demoralised at how lawless the site had become, the drug pushers attracted and the terrible noise till well after closing time also, it would seem they have opened regardless and are already gathering outside good housekeeping opposite to avoid the max of 15 rule that was previously ordered. I've seen that partitioned off is a bar about half the size of this very large restaurant. This clearly is in violation of the previous order that it should be a sit down restaurant not a bar and there should be no takeaway. They feel above the law. The arrogance is gobsmacking and the fact they've ignored my email well...</i></p>			
<b>Name:</b>		Miss Brooke Bailey	
<b>Address and/or Residents Association</b>		Flat 17, Clarion House, 4 St. Anne's Court, London	

<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	<p><i>I voiced my concerns regarding the plans and asked for clarity regarding the application and if any requests had been made to change the usage, hours or nature of the license. Bina however confirmed and assured me that the only details related to the license application was to the change of layout.</i></p> <p><i>Fast forward a few weeks and not only have Zelman Meats concealed the blue notice required by law, they have also been completing drilling and building work after 13:00 on a Saturday which I have picture evidence of.</i></p> <p><i>When I approached the builders who were very aggressive they tried to make out that they weren't making any noise or drilling, but as you will see they were evidently mid way through putting up the signage and the drills were clearly visible on the tables inside the venue.</i></p> <p><i>The biggest issue now facing residents of Clarion House is that now they have opened they have blatantly re-opened as a bar, pumping loud music with a host of noisy punters then loitering in the street smoking and generating even more noise.</i></p> <p><i>The noise last night was deafening, and even in my flat up on the 3rd floor the bass penetrated through the floor. It is obvious that they ignored factoring in sound proofing when they did the refurbishment to try and cut costs given the amount of noise. The fact that the last restaurant Rex &amp; Mariano didn't have loud music meant it wasn't such an issue, but the level of noise last night and the thought that is what we are going to be subjected to 7 days a week is utterly depressing.</i></p> <p><i>Please could you let me know what is going on and what Westminster Council plan to do about this blatant change of usage?</i></p>		
<b>Name:</b>	Mrs Oona Jean		
<b>Address and/or Residents Association</b>	7 Clarion House, 4 St Anne's Court, London		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 <sup>th</sup> November 2015		
<p><i>I was present at the initial licence hearing when this company took over the premises last year, and recall the company saying that they intended the restaurant to be a high end restaurant. The new proposal is for a cheap beef takeaway/ restaurant/ bar as advertised on the windows of the property for the past two weeks whilst they have been renovating the property, which I hasten to add has been of huge noise disturbance to the many residents above.</i></p>			

*Before the new ownership, this was a highly problematic bar that caused much distress to the 22 resident flats above and as such was finally closed with thanks to Westminster. I am extremely concerned that the current occupiers are heading that way with their new theme of cheap takeaway eats and a bar.*

*Their current licence states that alcohol should be served by a waitress to seated customers whom are having a substantial meal, could you please look in to how that will be done in a take away premises, and one that is advertising a bar.*

*I hope you take in to consideration all the residents living above this premises, many of whom are elderly and confined, and families with very young children when making decisions that will affect our daily lives.*

<b>Name:</b>		Dr Luke Dixon	
<b>Address and/or Residents Association</b>		6 Clarion House, St Anne's Court, London, W1F 0BA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 <sup>th</sup> November 2015		

*This variation will have a dramatic effect on the lives of those of us living in the flats above the restaurant. We have a long history of aggravation from previous restaurants and the existing licence was agreed with the intention of ensuring that such problems were kept to a minimum. The licensee has not kept to the terms of its existing licence, (over noise, street disturbance) and changes will fundamentally change the operation from a sit down restaurant to a bar and take away. The restaurant has already made changes even though the variation has not been agreed. There is now loud music and a bar rather than a restaurant operating.*

<b>Name:</b>		Mr Niall MacAnna	
<b>Address and/or Residents Association</b>		65 Clarion House, St Anne's Court, London, W1F 0BA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 <sup>th</sup> November 2015		

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<b>Name:</b>	Mr Niall MacAnna
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<b>Address and/or Residents Association</b>		6 Clarion House, St Anne's Court, London, W1F 0BA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 <sup>th</sup> November 2015		

*This variation will have a dramatic effect on the lives of those of us living in the flats above the restaurant. I have sent a detailed version from myself and those suggested from other residents in one document via email (**below**). The Variations have been done without being agreed but show that the business is now substantially different from what had been approved. It was a formal restaurant now it's an informal retro lounge bar with food with and a takeaway. The noise, music, street disturbance is attracting a very different crowd to the area. The promises that were made at the hearings and in their previous applications have not been kept and our attempts to resolve issues around late night noise were blocked.*

**Changes to decor inside and out:** The variation details, as outlined on their application form, are: *Change of layout, including inter alia. Re-arrangement of fixed seating, moving of partition further away from bar area, relocation of oyster bar, removal of former cold station to be replaced by freestanding tables and chairs, some reconfiguration of back-of-house areas.*

I object to this variation of the above license as I believe they have substantially changed the nature of the business.

The changes to the decor described above have already been done and the business has been trading for some weeks, so I have included pictures and observations.

What was supposed to be a 'formal sit-down restaurant' with customers shown to their seats with waitress service and alcohol served only with substantial meals value at '£25 to £30' or above.

However, the business now operates as an informal lounge bar with small cuts of various meats. They say, 'There is no longer a menu just a blackboard' in their online PR and emphasise their staple - a 'Streak Sarnie' at around the £5 - £9 mark, a gimmick to 'Win your cut of Meat' and a Take Away service.

The waiting staff I saw were mostly serving small trays of long stemmed cocktails and carafes of wine from the Bar to small tables crowded around with glasses and bottles of spirits and wine. The interior decor is of red leather booths and small tables with tub chairs. The modern art on the walls recall the 'drinking club' aesthetics of The Revolution Bar which were the previous license holders.

Where their former Fish Restaurant was brightly lit – Zelman's is very dark inside and lit from low hanging industrial lamps. The brightest and most artfully lit section is the full length cocktail and spirits bar.

The front windows of the venue prominently feature bottles of Wine. Shelves of Wine several stacks high provide the back drop to the reception area at the Door.

**Alcohol featured up front as Restaurant changes into a Cocktail Lounge with Bar Food**





The venue itself now resembles and seems to operate as a Retro Cocktail and Lounge Bar. This recalled Annex 3 #14(vi) *where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

When loud Jazz Funk Music is played in the Bar, complaints from residents have been met with the excuse that 'this is a private party'. At the same time on the door on the left hand side of the Lounge was advertised as 'OPEN' with customers appearing to come and go as usual. (Pictures available)

Public customers appeared to be enjoying the recorded music, while the 'Private Party' continued. The Committee had been assured *'there would be no regulated entertainment and that the Applicant had agreed to The Councils 'Model Restaurant condition':*

In granting the original license the committee were assured that the premises would operate as a restaurant. Requests by the venue for late night alcohol and music license requests were dropped as were requests for a Take Away service. As a result of these assurances, some conditions were not attached as positive assumptions were made by The Environmental Health and The Metropolitan Police.

### TAKE AWAY operation at odds with assurances given



Before the venue began trading, very large poster on their windows promoted their BAR and COCKTAILS in amongst the general WIN YOUR MEAT, ZELMAN'S as well as large TAKE AWAY signs complete with graphics of a Hand and a Take Away bag.

When they operated as a Take Away restaurant on 12 November 2015, the queue lined up straight out of its door and directly across the width of the street at a 90 degree angle, completely blocking the narrow alley. The Queue was managed by a waitress wearing a Zelman's T Shirt and handing out re-useable numbered tags to those in the line. (pictured)

The operation of a Take Away recalled Annex 3 #14(iii) and (iv) *to provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery and (iv) which do not provide any*

*take away service of food or drink for immediate consumption,*

**Here is a quote from the minutes of the Sub Committee (1) hearing on Thursday 31<sup>st</sup> of July 2014, which was originally under the name of 'Smack Deli' before the title was changed to Rex and Mariano/Zelman's Meats:**

*"The Sub-Committee fully appreciated the problems that residents had experienced as a result of the premises known as Revolution being located at St Anne's Court. Revolution had however been a bar. As Mr Thomas and Mr Neil stated at the hearing, the Applicant had originally planned to have a lobster roll restaurant/takeaway concept at the premises (the boat bringing in the lobsters was called Smack hence the initial name of Smack Deli) but had taken into account that the concept of a takeaway with a bar was not suitable for the location. The premises would now be a higher end restaurant operating to core hours. Mr Neil added that the concept for the premises (which was yet to be named) was seafood based with each dish being approximately £25 to £30. Alcohol would be ancillary and be in keeping with the food provided. The clientele would not be the same as the patrons of Revolution. The Applicant had ten sites, with four in Westminster including the Goodman and the Burger and Lobster restaurants. They were well managed and the Mayfair restaurants were in residential areas. Mr Thomas advised that core hours for the operation of the premises were business critical and part of the agreed lease".*

### **Noise and nuisance**

The Committee had also noted that the venue should note *"that Local Residents had experienced specific problems with noise outbreak and it was agreed that the Applicant would be required to proceed with the necessary attenuation measures before the application was signed off by Environmental Health. A 'No Noise Shall Emanate' model condition was attached to the license."*

At the hearings and on their original application the applicants promised a special sensitivity to noise and stated that they would hire 'acoustic engineers' and take special measures. They assured the committee that they were running other restaurants with residents attached to the site e.g. in Mayfair and elsewhere in Soho.

Mr Strauss said to residents in December 2014 that their owners had spent £30k solving sound problems at their other venues and that they were keen to get things right.

However, contrary to what was said to the Committee and to residents, promises of 'acoustic engineers' and solving problems did not mean they would resolve noise problems coming from their own venue.

Instead they wanted to impose an 'acoustic engineer' along with their measuring equipment, over night, inside a Residents home.

Each complaint was met with this intrusive suggestion and came to represent a block to co-operation. There could be no agreement to this since they would not be independent and would side step the Westminster Council's own Noise Team.

Recently, their Extractor fan which opens on the roof of the residential block has been sounding more aggressively loud and raucous than usual. On Wednesday 11<sup>th</sup> of November, Mr. Strauss said that the noise was the fault of the buildings' owners since the extracting could be done in many other ways and so it was a planning issue.

Their management have been invited several times over the past year to hear these noises for themselves but they have chosen not to. Other emails to Mr. Strauss from residents have also received no response.

**Efforts to engage**

In person and on email from the 3<sup>rd</sup> December 2014, to Jan 26<sup>th</sup> 2015 in particular, we looked to engage and find a work-around solution for the noise and nuisance.

Amongst the issues Residents had to complain about was noise from the Extractor Fans, noise and vibration from Air Conditioning and Refrigeration Extractors, disturbances from late night cleaners, early deliveries and bottling noise from waste disposal.

We suggested noise management techniques such as agreed timings and equipment settings, with reminder notices to staff, schedules and protocols for cleaners – especially contract cleaners and emergency out of hours contact numbers.

We were met little or no co-operation and it became a kind of ongoing attrition including a long email trail.

**An Example: Late Night cleaners inside the venue.**

The Rex and Mariano was open plan with tiled walls, a steel kitchen and no soundproofing on the ceiling. There were no room-dividers or curtains to absorb any sound.

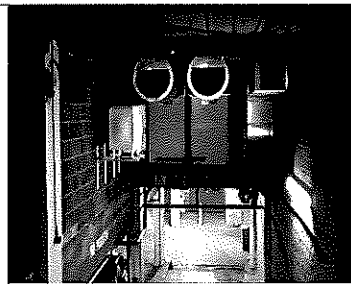
Noise from their late night cleaners between Midnight and 5am could be heard through the ceiling in the homes above. Those with small children complained directly but were met with flat denials and a blaming of others.

Families were forced to refute these denials with photographs, witness statements and video of the cleaners responsible in order to get any acknowledgement. Not to mention countless complaints to the Westminster Noise Team. *No adequate sound insulation Annex 3 #16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. Sound proofing and sound reduction measures which were called for in Appendixes B3 to B10 as well as Annex 3*

Noise from this business adds to the general noise in the area in the area is having a detrimental cumulative impact on residents' quality of life in particular their health and well being.



Loud Extractor Fan – no action over 1 year.



Noise & vibration under floor at Richmond Buildings.



Customers under residents windows.

**Doors front and rear**

Their main door is mostly open at night which they had promised not to do because of noise. On event nights, music emanates from the door on the Bar side when opened. As noted above, much was made in the hearings to grant the original license that the applicants were dropping their request for recorded music both the Committee and the Metropolitan Police commented favourably.

St Anne's Court is a narrow pedestrian walkway and sound reverberates more than a normal street, this is also true of the rear of the premises in Richmond Buildings where

complaints about late night noise from bottles and early have been ignored over the past year.

According to the residents who live directly above the back door these restrictions to deliveries too early in the morning and dumping of waste bottles late at night were not met and were the subject of numerous complaints to the Westminster Noise Team. *Annex 3 #17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day and #18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.*

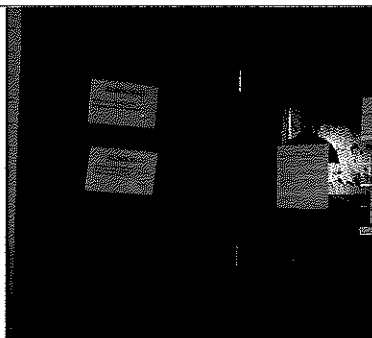
**No Notice re noise at Doors for 1 year of trading.**

Today Friday November 27<sup>th</sup> just before the deadline for local objections, 2 notices were put up beside the front door. They resemble the A4 printed page that appeared for a short period this summer before being taken down.

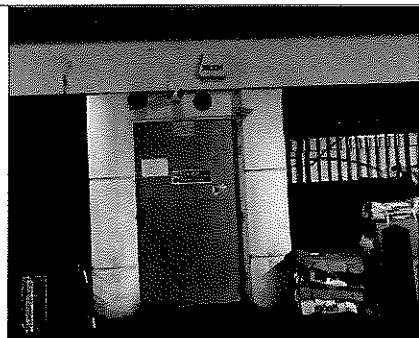
This comes after a year of trading without a permanent notice, prominently displayed at areas used for smoking, front or back, requesting patrons (or staff) to respect the needs of local residents and use the area quietly.



Blue Notice turned to the wall on open main door throughout November.



After 1 year of trading without - a notice re noise appears Fri 27<sup>th</sup> Nov.



No notice at rear of building re noise of bottling.

Residents live directly above the premises and loud voices, cigarette smoke and music can be heard through the windows and balcony. It is a detriment to the quality of life. (pictured) *Annex 3 #12 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.*

Customers stand about at each door after 9pm smoking some continuing to drink wine and other alcoholic drinks outside. (Pictured above right) *Annex 3 #21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. And #19 All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons. This was also an advised amendment from the Licensing Sub-Committee No.1 July 31<sup>st</sup> 2014.*

**Adding to the background noise**

Noise and a change of use in the venue of the same building as well as an unresponsive management at Zelman's come on top of several major ongoing stressful events in the nearby environment.

Many of the residents at Clarion House are elderly, some are physically disabled and several more live with ongoing health conditions which are exacerbated by stress. No one needs the increased disturbance of noise, music and increased activity of late night

drinkers. The residents front door of Number 4 St Anne's Court is directly beside the steps at their Bar area.

The immediate environment in St. Anne's Court is surrounded by building works, the demolition of 81 Dean St and works at 86 Dean St while to the rear of Clarion House there are works at 12 Richmond Buildings. It is also understood that buildings at 10-11 Richmond Buildings and the Nat West building across Dean St are both shortly due to be redeveloped. All this comes on top of the ongoing disruptions of Crossrail.

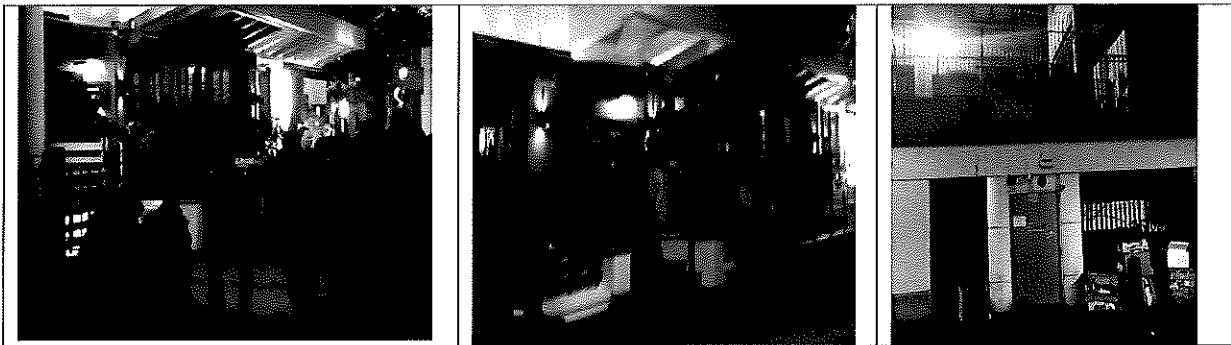
These stresses are having a cumulative detrimental effect on the residents' health and well being.

### Anti-social behaviour

At night, the noise, music and activity as well as the 2 very large Neon 'Z' signs at either end of the building, is attracting curious revellers from both ends of St Anne's alley.

These are people who are already drinking and have cans and beer bottles in their hands. They stand on the low wall outside the building to see in. Others at various times sit on the steps and use the light provided by the signs to drink, chat, and roll cigarettes and talk.

The outdoor area is not being managed as was requested at the hearing of July 31<sup>st</sup> 2014 (pictured)



### Security

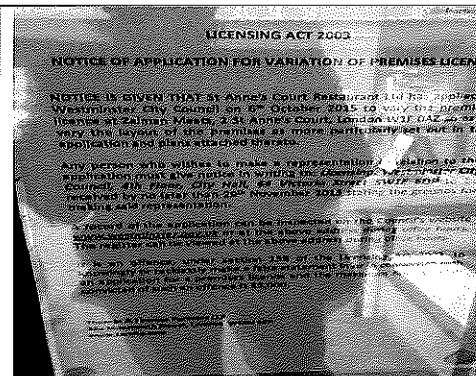
Residents have pointed out there seems to be no CCTV Camera coverage at the doors which they were required to have. (Annex 3 #9) It is supposed to be there to record all incidents, ejections of patrons, crimes, disorder, offensive weapons or drug offences etc, at the entrances and exits, front and back, in any light conditions.

### Application Notice

The Blue A4 notice of Application has remained out of sight up a 2 steps into a shaded doorway.

The door is mostly open which meant that the text of the Notice is usually facing the wall and cannot or seen or read by anyone passing. (Pictured above)

Until recently it was displaying the out of date giving the impression that the deadline of 9<sup>th</sup> of October made already passed. (Picture 4<sup>th</sup>



Nov)	
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### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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 policies.</p>
Policy RNT2 applies:	Applications will be granted subject to other policies 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 Area
Policy CIP1 applies	<p>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>Applications for other licensable activities in the Cumulative Impact Area will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Noise complaints history from Environmental Health Service
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015







No supporting documentation

CITY OF WESTMINSTER

MEMORANDUM

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TO Licensing Officer

REFERENCE 15/08707/LIPV

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FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 6th January 2016

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## The Licensing Act 2003

### Zelman Meats, 2 St Anne's Court, W1

I refer to the application for variation of the Premises Licence.

The premises are located within the West End Stress area.

List of noise history for 2015.

Wednesday 7<sup>th</sup> January 2015 @ 09:25 Loud noise coming from an air conditioning unit and an oven at 6:45am, every morning. Noise officer visited and spoke to George Ryan 07890 577302 (duty manager) at Rex & Mariano restaurant 0207 4370566 re 1) cleaners from 00.00—03.00 and 2) the a/c, or equivalent, units coming on at around 06.45 hours.

1 - He will talk to all the kitchen porters and advise/warn.

2 - He thinks it is the extract making the noise as the ovens come on for the bread at about this time.

Feedback given.

Sunday 11<sup>th</sup> January 2015 @ 02:12 Restaurant Rex and Mariano at this location is creating a lot of noise. The cleaners are banging and smashing around as they are tidying. This is an ongoing issue. He would like a call back regarding this issue. Had given customer my direct number to phone over last weekend nights and this weekend nights if the noise was a problem. He didn't call until he called this morning at 02.30 to say he thought he had heard something tonight but did not want a visit as wife and child are asleep. He said he will call if an issue tonight. Spoke to GM Kevin Keogh 02074370566 and discussed possibility of other times. He doesn't think possible but will ensure they are quiet

Fed back to customer and agreed to visit Thursday Night if the problem persists.

Cleaners in 12 midnight until 3am. MGP has already spoken to them. Will follow up with their management today.

Saturday 24<sup>th</sup> January 2015 @ 01:29 Loud hovering and cleaning is being done customer also states that spoke to noise team before and has taken video footage and is requesting a call back. Premises inspectors state

Dear Kevin

Thank you for your time today.

Further to our meeting, I can confirm we have received a number of complaints from local residents regarding noise nuisance at the above premises (i.e. noisy cleaners working late into the night/early morning). I note that as a result of recent complaints you no longer move furniture at night, however, as discussed, please let me know, by email, if you are able to change the time when the cleaners vacuum the premises.

Furthermore, I would suggest that, considering you do not open to the public until midday, you move all cleaning at the premises to a time which has less impact on local residents?

As you are aware, the Licensing Act 2003 requires licensing authorities to carry out all their functions with a view to promoting the licensing objectives, which are:

- (a) The prevention of crime and disorder;
- (b) Public Safety;
- (c) The prevention of public nuisance; and
- (d) The protection of children from harm

Impairment of one or more of these objectives is a real concern. We would look to resolve the issues of noise through undertakings (e.g. new procedures), however if this is not possible, we may look to go down a more formal route which could lead to a review hearing of the premises licence if there is evidence that the licensing objectives are not being promoted.

Finally, I am concerned that management at the premises are not familiar with conditions on the premises licence. It was noted on my visit that the following licence condition was breached :-

14. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Please take immediate action to rectify this and confirm by email.

Also, it is concerning that staff at the venue were unaware of conditions placed on your licence to control the outside area and in doing so, minimise . Even though my visit was to discuss noise from a different source, it shows that certain members of staff (at a management level) have clearly not read the licence.

21. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.

22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.

Again, please take immediate action to rectify this and confirm by email.

In view of the above, please arrange for a response to be sent on behalf of the licence holder. In any event, please advise me in writing, within the next 7 days, what action you intend to take in respect to the above matters?

For your information, we will continue to respond to complaints and monitor the situation on a 24 hour basis.

Tuesday 27<sup>th</sup> January 2015 @ 07:36 Cleaner starting at 6am and there is lots of aluminium pieces on the wall and ceiling and when they clean them it makes a very loud drum sound. Also, when he turns hot water on it is incredibly loud as it goes through the pipes. They have been leaving on an extractor fan a lot too. Cleaner has been verbally aggressive, blatantly lies to people that have watched him making noise and says he has done nothing and then reports the situation to his boss differently. Absolutely no sound deadening in there and it all goes straight up into the flats above. Callback please. Phoned customer - alleges that cleaners are working noisily at around 6.30. Had previously been a problem between 02.00 and 04.00 hours. He will send some compelling video footage

Monday 2<sup>nd</sup> February 2015 @ 12:55 Drilling coming from the restaurant below and its making the floor boards vibrate. Premises visited @ 14.15 and minor repairs being carried out. QPs not necessary. Work to be completed same day.

Saturday 7<sup>th</sup> November 2015 @ 14.02 Restaurant on ground floor is doing construction work. Noise team contact. They seem to have stopped, as she has not heard the noise since she called.

Monday 7<sup>th</sup> December 2015 @ 23:25 Zelma meats have a very loud extractor fan and they supposed to turn it off at 11pm but have not. Phoned the restaurant on 02074370566 and spoke to the manager, Alex Khiliss. He told me that the kitchen extraction is usually switched off at 22.30 hrs, Mon - Thursday. He admitted that it may have slightly over ran last night for which a resident came to them and complained.

Thursday 10<sup>th</sup> December 2015 @ 23:18 No call back is needed. Noise coming from Zelman Meats Restaurant as a result of a loud extractor fan. Visited but the restaurant was closed and plant noise not audible from outside.

Ian Watson  
Senior Practitioner Environmental Health (Licensing)

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/06224/LIPC	Conversion Application	03.09.2005	Granted Under Delegated Authority
06/09805/WCCMAP	Application for a premises licence	26.09.2007	Granted Under Delegated Authority
11/07816/LIPV	Application for a Variation premises licence	29.09.2011	Refused by Licensing Sub-Committee
12/00527/LIPDPS	Application to Vary the Designated Premises Supervisor	17.04.2012	Granted Under Delegated Authority
12/03890/LIPVM	Application for a Minor Variation	06.06.2012	Granted Under Delegated Authority
12/09250/LIPDPS	Application to Vary the Designated Premises Supervisor	03.12.2012	Granted Under Delegated Authority
13/01540/LIPV	Application for a Variation premises licence	13.06.2013	Refused by Licensing Sub-Committee
13/07749/LIPDPS	Application to Vary the Designated Premises Supervisor	25.10.2013	Granted Under Delegated Authority
13/08763/LIPDPS	Application to Vary the Designated Premises Supervisor	20.11.2013	Granted Under Delegated Authority
13/10146/LIPDPS	Application to Vary the Designated Premises Supervisor	02.01.2014	Granted Under Delegated Authority
14/04699/LIPN	Application for a premises licence	31.07.2014	Granted by Licensing Sub Committee

There is no appeal history

*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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions: On Current Licence -**

**Mandatory:**

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.
- 9(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.
- 9(ii) For the purposes of the condition set out in paragraph 9(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.
- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv).
  - (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

- 10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any visit by a relevant authority or emergency service.

13. The licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.
14. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
15. No deliveries to the premises shall take place between 23:00 and 08:00 the following day.
16. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

17. There shall be no sales of alcohol for consumption off the premises.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
21. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. The number of persons accommodated at the premises (excluding staff) shall not exceed 200.



Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses
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Data Source: Uniform Database  
Date: 23/12/2015

Premises within 75 metres of: Zelman Meats 2, St Anne's Court London			
p / n	Name of Premises	Premises Address	Licensed Hours
20502	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Monday to Saturday 11:00 - 23:00
19920	Soho Business Club	16 Carlisle Street London W1D 3BT	Friday to Saturday 08:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 08:00 - 23:30
19854	Hearst Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Monday to Sunday 00:00 - 00:00
11286	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Monday to Saturday 10:00 - 02:30 Sunday 12:00 - 01:00
-7977	Soho Dean Street	76 Dean Street London W1D 3SQ	
-12815	Enrique Tomas	132 Wardour Street London W1F 8ZW	Monday to Saturday 10:00 - 22:30 Sunday 12:00 - 22:30
-21918	Nellie Dean Public House	89 Dean Street London W1D 3SU	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-24838	Busaba Eatthai	108-110 Wardour Street London W1F 0JL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-27414	Tostado	Ground Floor 16 St Anne's Court London W1F 0BF	Monday to Saturday 08:00 - 23:30 Sunday 10:00 - 22:00
31610	Inamo	136 Wardour Street London W1F 8ZR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
27460	The Ship Public House	116 Wardour Street London W1F 0TT	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
26200	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
24993	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
22734	Pizza Pilgrims	11 Dean Street London W1D 3RP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
11863	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30

-21288	Wardour News	Ground Floor 118-120 Wardour Street London W1F 0TU	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
25077	Billy And The Chicks	27 - 28 St. Anne's Court London W1F 0BN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
24841	The Red Fort	Basement And Ground Floor 77 Dean Street London W1D 3SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
6940	Soho Joe	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Monday to Saturday 07:00 - 01:00 Sunday 09:00 - 00:00
-9042	Cote	Basement And Ground Floor 122-126 Wardour Street London W1F 0TY	Sunday 09:00 - 00:00 Monday to Thursday 09:00 - 03:00 Friday to Saturday 09:00 - 03:30
15576	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 23:30 Bank Holiday 14:00 - 23:30
22041	Piccolo Forno Pizzeria	9-12 St. Anne's Court London W1F 0BB	Sunday 10:00 - 22:30 Monday to Saturday 10:00 - 23:30
3204	Rex & Mariano	2 St. Anne's Court London W1F 0AZ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
827	Soho Hotel	Soho Hotel 4 Richmond Mews London W1D 3BD	Monday to Sunday 00:00 - 00:00





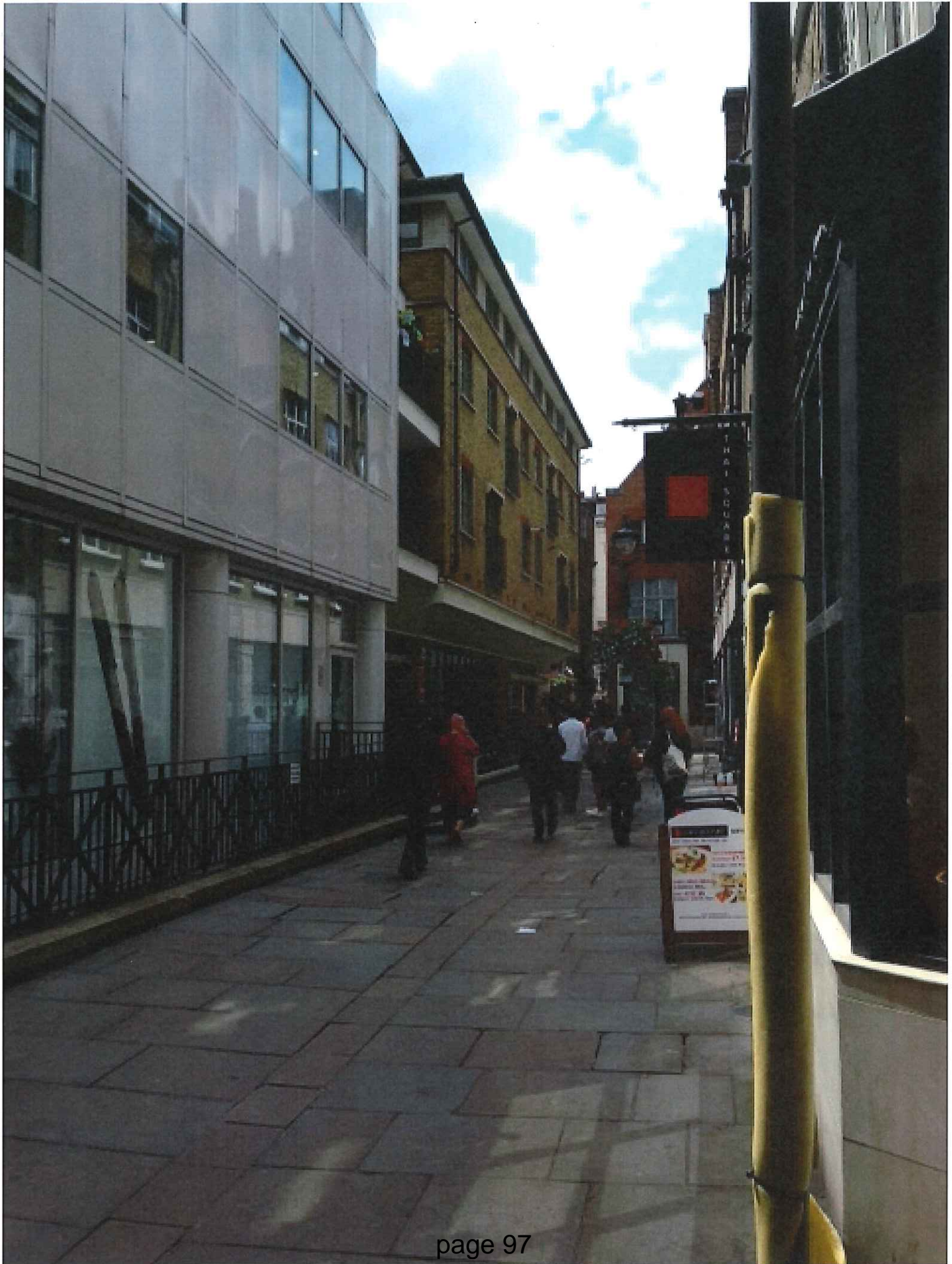
















Item No:	
Date:	14 <sup>th</sup> January 2015
Licensing Ref No:	15/09829/LIPN - New Premises Licence
Title of Report:	Itsu 31 Broadwick Street London W1F 0DG
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	3 November 2015		
<b>Applicant:</b>	Itsu Limited		
<b>Premises:</b>	Itsu		
<b>Premises address:</b>	31 Broadwick Street London W1F 0DG	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	<p>ITSU is a nationwide chain of family friendly Japanese Cafes and restaurants. This is for the Cafe situated in Broadwick Street. The application does not contemplate Late Night Refreshment. They offer only bottled beer and will be serving it as ancillary to their meal offerings to customers who are seated at tables eating their meals. The sale of alcohol, whilst part of the menu offer, is only a very small part of the overall sales. Only customers purchasing a full meal will be able to purchase alcohol and seated customers will always be monitored by a floor manager. Off Sales will be in sealed containers with a full meal and not for immediate consumption.</p>		
<b>Premises licence history:</b>	13/01658/LIPN was withdrawn by the applicant.		
<b>Applicant submissions:</b>	The applicant has agreed conditions with the Council's Environmental Health Service and added them as part of their Operating Schedule.		

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	1000	1000	1000	1000	1000	1000	1200
<b>End:</b>	2100	2100	2100	2100	2100	2100	2100
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	None						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	0900	0900	0900	0900	0900	0900	0900
<b>End:</b>	2130	2130	2130	2130	2130	2130	2130
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	None						
<b>Adult Entertainment:</b>	None						

## 2. Representations

2-B Other Persons	
<b>Name:</b>	Mandana Ruane
<b>Address and/or Residents Association:</b>	Not Supplied
<b>Received:</b>	8 <sup>th</sup> November 2015
<p>As a neighbouring resident, I write with my objections to the above application. It was an unpleasant surprise to see that Itsu has reapplied for a license; I attach an email dated March 2013 from their representative who withdrew the application when they faced a great deal of local opposition.</p> <p>Itsu is part of a large chain of takeaways, an off shoot of Pret A Manger. A large part of its business is retail/takeaway. This is all fast food for immediate consumption. The licensing of such an operation sets a horrifying precedent.</p> <p>This is a stress area, overburdened with licensed premises and the infrastructure cannot support more. We cannot tolerate a precedent where fast food joints are issued licenses.</p>	
<b>Name:</b>	Mrs Liz Callingham
<b>Address and/or Residents Association:</b>	Flat 2 6 Upper John Street London W1F 9HB
<b>Received:</b>	1 <sup>st</sup> December 2015
<p>I object to this licence on the grounds of Prevention of crime and disorder, Prevention of public nuisance and Cumulative impact. This is a restaurant with a bank of tills and stools as chairs. Is it to become yet another bar?</p> <p>I would suggest that this application will provoke many other nearby coffee and snack bars to request the same. This will cause more crowds and inevitably more crime.</p> <p>Please Westminster consider the whole surrounding area before coming to a decision on this licence.</p>	
<b>Name:</b>	Mr David Gleeson
<b>Address and/or Residents Association:</b>	The Soho Society St Annes Tower 55 Dean Street London W1D 6AF
<b>Received:</b>	20 <sup>th</sup> November 2015
<p>I write to make a relevant representation to the above application on behalf of The Soho Society. 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>	

### About 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. 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.

### Application summary

Activity	Time Period	From	To
Sale by Retail of Alcohol	Monday to Saturday	10:00 AM	09:00 PM
Sale by Retail of Alcohol	Sunday	12:00 PM	09:00 PM

New licensed premises in the West End Stress Area. The proposal is for a new licensed premises in the West End Stress Area. The new Sale by Retail of Alcohol On Premises licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses (in particular where not ancillary to food) should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. It is noted the conditions for this application do not make reference to service with food. It is therefore felt necessary that should this license be permitted, conditions must be applied to prevent problematic vertical drinking:

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

MC41 Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

### 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.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

Yours faithfully, David Gleeson  
Licensing Chair



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>Policy HRS1 applies:</p> <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 policies.</p>
<b>Policy CIP1 applies:</b>	<p>Policy CIP1 applies:</p> <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>

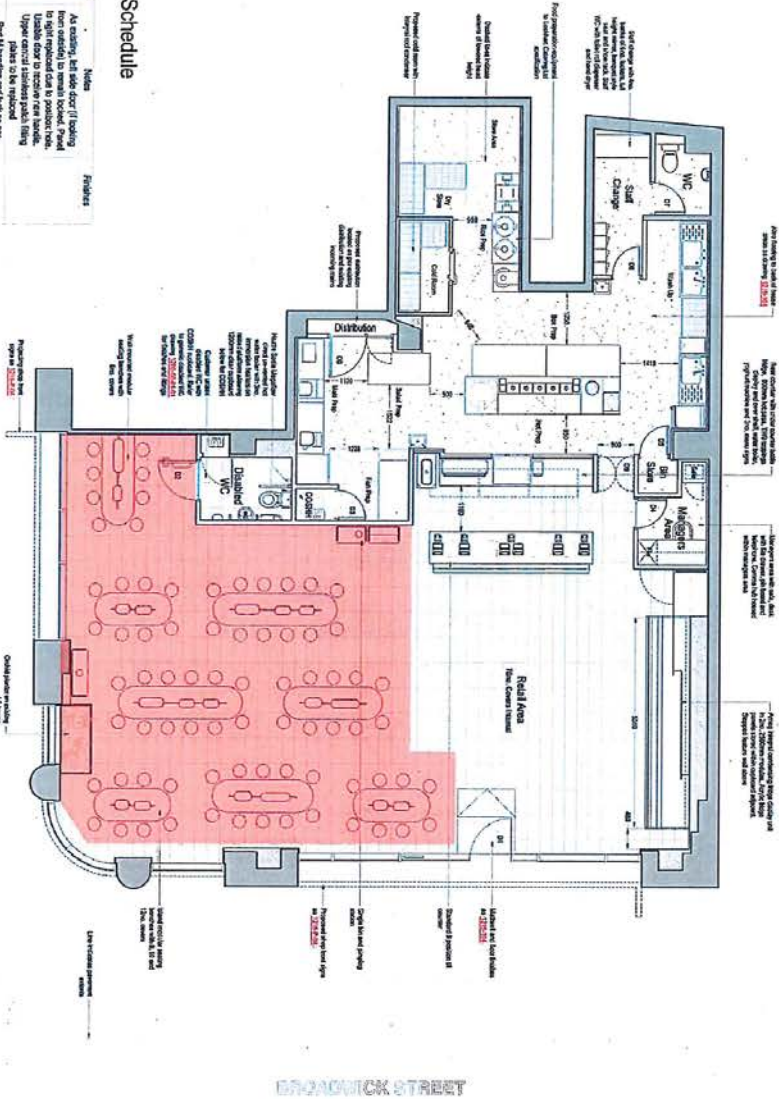
### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents – none
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	David Sycamore Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

Door	Location	Size	Notes	Finish
D1	General Entrance		As existing, but side door if existing door remains to remain locked. Provide lockable door to restrict non-bar staff. Upper central seating pods being fitted to be retained.	White painted
D2	Disabled WC	500	Part of submission and door as per 1020.001.1 of existing disabled WC.	EM
D3	Bar/ CO2SH/ Cockboard	600	Existing bar, lockable and external lock gate. (over door height by 100mm) to be retained.	White painted
D4	Managers Area	600	Check external door lock.	EM
D5	Ba Store	600	FCOJ. Keep chair door pattern, lock pattern, standard part of bar area.	White painted
D6	Staff Change	600	New door door with down, lock & push handle. Existing door to be retained.	White painted
D7	Staff WC	720	lock, standard part of bar area, lock pattern.	White painted
D8	Disabled Cockboard	628 + external dry lock and glass screen for door.	FCOJ. Heavy lockable door pattern, external dry lock and glass screen for door.	White painted
D9	Main Food Preparation	409 x 2	Double saloon with swing doors style at 1214.001	TBC

Door Schedule



Proposed General Arrangement Plan

MAPLE STREET PLACE

BROADWICK STREET



DRINKS: ROCK LITTLE, TEL: 01753 51414  
EMAIL: INFO@ITSU.CO.UK

DATE: 13/07/12  
DRAWN NUMBER: 1216-101

PROPOSED GENERAL ARRANGEMENT PLAN

1216 JOB NUMBER  
ITSU / BROADWICK STREET PROJECT TITLE  
11 LEAD ARCHITECT  
LONDON WORKS

DATE: 13/07/12  
DRAWN NUMBER: 1216-101

PROPOSED GENERAL ARRANGEMENT PLAN

1216 JOB NUMBER  
ITSU / BROADWICK STREET PROJECT TITLE  
11 LEAD ARCHITECT  
LONDON WORKS

DATE: 13/07/12  
DRAWN NUMBER: 1216-101

PROPOSED GENERAL ARRANGEMENT PLAN

1216 JOB NUMBER  
ITSU / BROADWICK STREET PROJECT TITLE  
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LONDON WORKS

DATE: 13/07/12  
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DATE: 13/07/12  
DRAWN NUMBER: 1216-101

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LONDON WORKS

DATE: 13/07/12  
DRAWN NUMBER: 1216-101

PROPOSED GENERAL ARRANGEMENT PLAN

1216 JOB NUMBER  
ITSU / BROADWICK STREET PROJECT TITLE  
11 LEAD ARCHITECT  
LONDON WORKS



None

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.



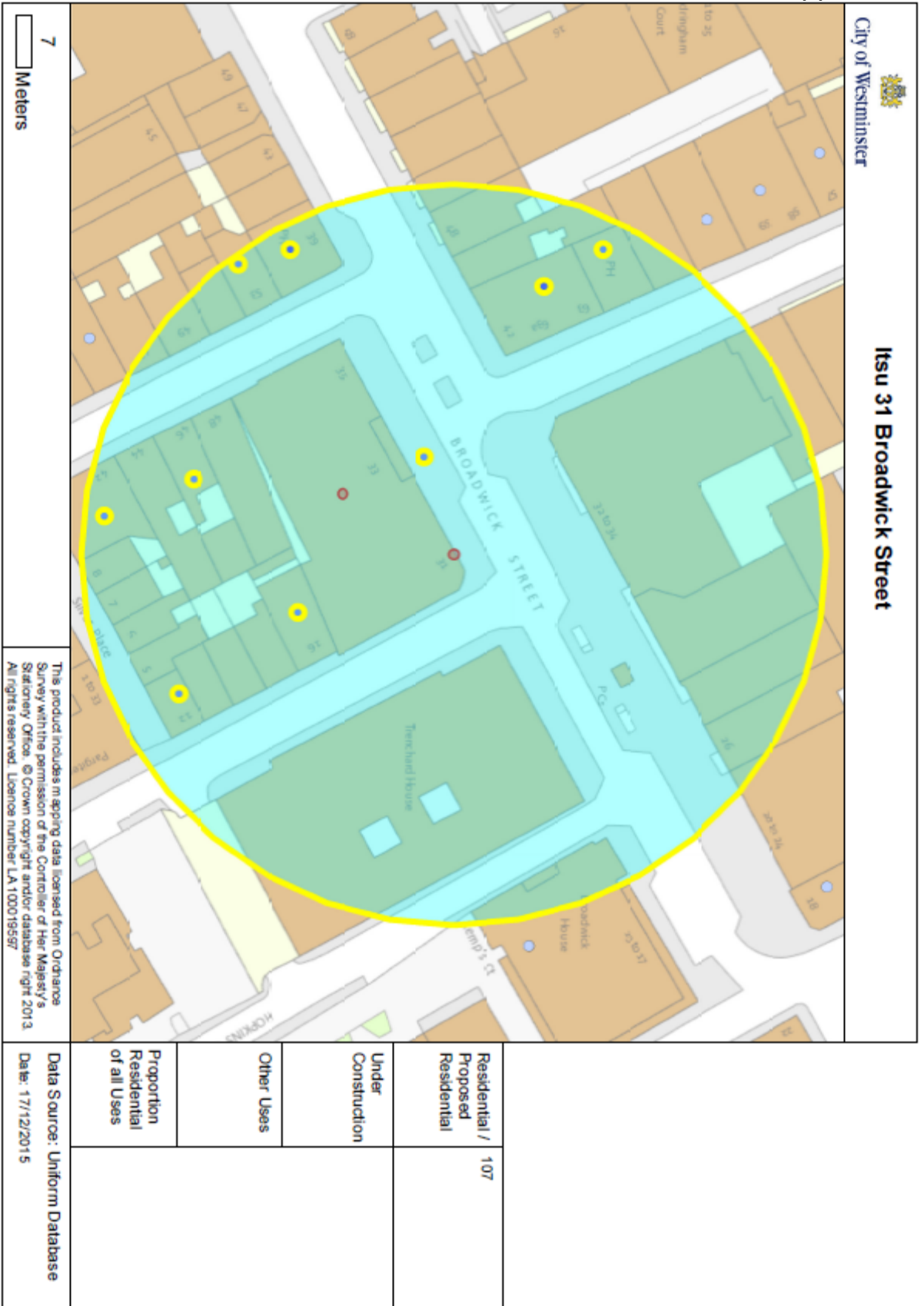
## Conditions consistent with the operating schedule

1. The premises shall only operate as a restaurant; where the supply of alcohol is only
  - (i) provided with food in the form of substantial table meals and are served and consumed at the table,
  - (ii) which do not provide any take away service of food or drink for immediate consumption,
  - (iii) which do not provide any take away service of food or drink after 22.00, and
  - (iv) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals
2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
3. There shall be no self-service of alcohol
4. All Off Sales to be in sealed containers with the purchase of a full meal.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol

- (h) any visit by a relevant authority or emergency service
9. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
  10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  11. Children are welcome if accompanied by a responsible adult for the purposes of having a meal. Staff are trained on their responsibilities to not sell alcohol to persons who are or appear to be underage and a Challenge 21 scheme is in place.
  12. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

**Conditions proposed by the Environmental Health – Agreed with the applicant.**

13. The number of persons permitted on the premises consuming alcohol at any one time (excluding staff) shall not exceed 40 persons.
14. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, and at the point of sale
15. Queuing outside the premises shall not be permitted
16. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. The public toilet shall at all times be accessible to the public during hours the premises is open for licensable activities



**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015