



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday, 20th May 2021**

Time: **2.30 pm**

Venue: **This will be a virtual meeting**

Members: **Councillors:**
Jim Glen (Chairman)
Barbara Arzymanow
Aziz Toki

If you require further information, please contact Tristan Fieldsend, Senior Committee and Governance Officer.

Email: tfieldsend@westminster.gov.uk
Tel: 07812 760 335
Corporate Website: 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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. 2:30 PM: LSC (3) – 407 OXFORD STREET, LONDON W1C 2PA

(Pages 5 - 28)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End N/A N/A	407 Oxford Street London W1C 2PA	New Premises Licence	21/00020/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

Stuart Love
Chief Executive
11 May 2021

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

Policy Considerations

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

Guidance Considerations

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

Core Hours When Customers Are Permitted to Be on The Premises

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 Hours to 24:00 hours
Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours
Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 Hours to 24:00 Hours

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

Monday to Thursday: 10:00 hours to 23:30 hours
Friday and Saturday: 10:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 Hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

2. Accessing Virtual Hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: licensing@westminster.gov.uk

4. Rules During Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- 4.1. All parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses to the Licensing Service at licensing@westminster.gov.uk no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. All parties should join the virtual hearing at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- 4.8. Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- 4.9. To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

5. Procedure

- 5.1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
- 5.5. Each party who has registered to speak, will be invited to make their representations and will be allowed a maximum of 10 minutes each. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
- 5.6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - (a) The applicant
 - (b) Responsible authorities
 - (c) Other persons
- 5.7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

- 5.8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
- 5.9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than 5 minutes each, in the following order:
 - (a) Responsible authorities
 - (b) Other persons
 - (c) The applicant
- 5.10. The Chairman shall then close the meeting and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
- 5.11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision ("Summary Decision") will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated: 14 January 2021

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	20 May 2021
Licensing Ref No:	21/00020/LIPN - New Premises Licence
Title of Report:	407 Oxford Street London W1C 2PA
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 January 2021		
Applicant:	Freaknaughty Ltd		
Premises address:	407 Oxford Street London W1C 2PA	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as an open plan convenience store selling everyday items including cigarettes and alcohol.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	None		
Applicant amendments:	<p>On original submission of the application, the hours applied for sale by retail of alcohol were the following: Monday to Sunday 07:00 to 23:00</p> <p>The hours applied for opening hours to the public were: Monday to Sunday 07:00 to 23:00</p> <p>These hours have since been reduced by the applicant and reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	15 February 2021
<p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.</p> <p>The applicant is seeking to supply alcohol for consumption "Off" the premises Monday to Sunday 07:00 to 23:00 hours</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <ol style="list-style-type: none"> 1. The supply alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area <p>The hours requested are slightly outside the council's core hours for off-licences. These hours are Monday to Saturday: 8am to 11pm and Sunday: 9am to 10.30pm. As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.</p> <p>Conditions were agreed between the applicant and Environmental Health. These conditions can be found at Appendix 4.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	16 February 2021
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail within the operating schedule to promote the Licensing Objectives. The hours sought exceed Westminsters Core Hours policy.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p> <p>Conditions and changes in timings were agreed between the applicant and the Police. These conditions can be found at Appendix 4.</p>	

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	28 January 2021		

I am not convinced that Oxford St is the right location for a store of this nature. Things may be quiet on this street at the moment but when trade and footfall pick up the potential for public nuisance is considerable. That would be true, in my opinion whatever hours were sought but the hours applied for would inevitably lead to increased nuisance.

It is all very well to take steps to reduce nuisance in the immediate location but contrary to what is stated in the application there is significant resident population both in the immediate and the wider vicinity.

I may revert with additional comments when I have had chance to consider the application in light of policy.

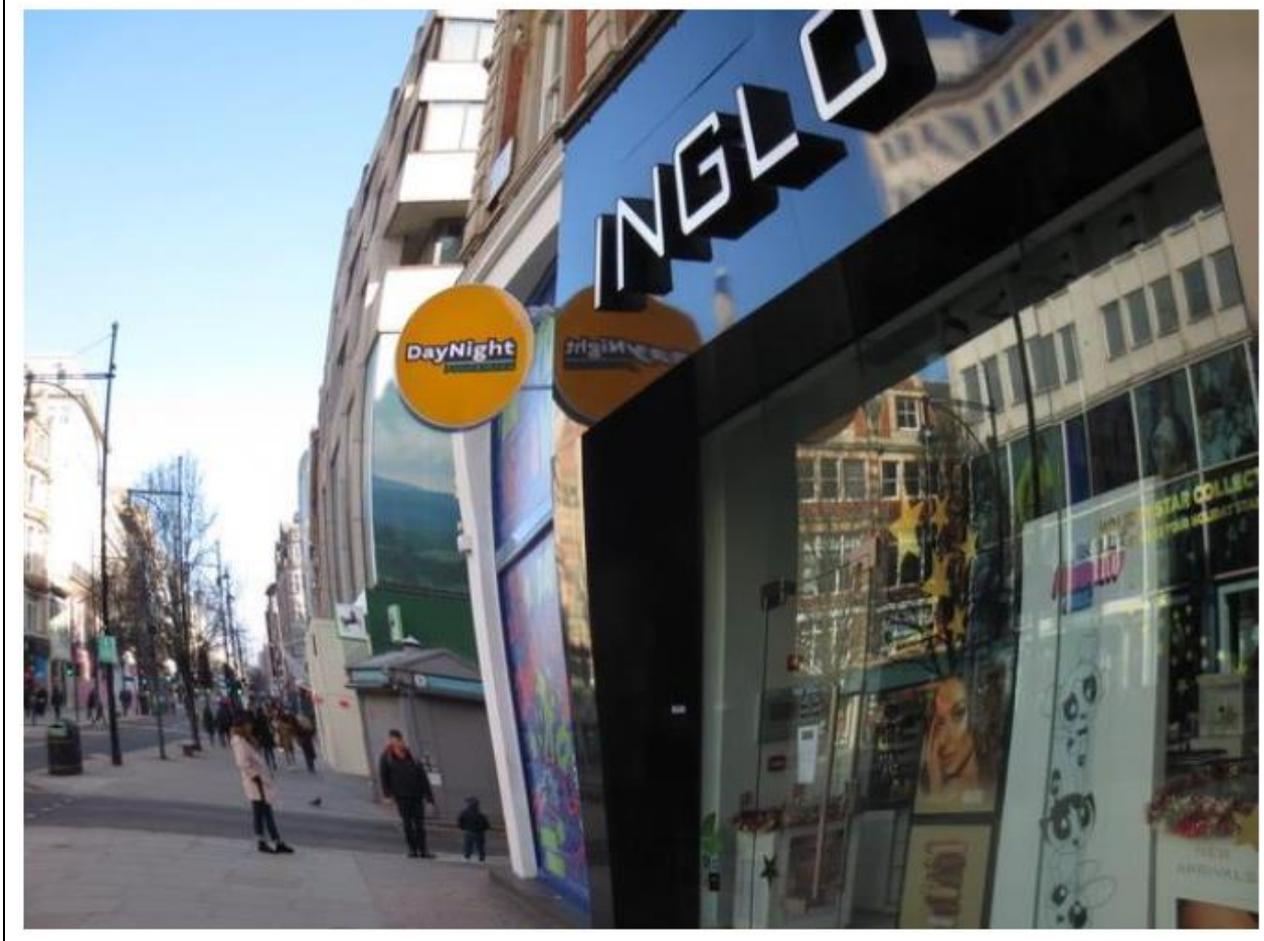
08 February 2021

Further to my earlier comments of 28/11 would add:-
 I referred to possibility of nuisance so for sake of clarification I am thinking of street-drinking and pre-loading.
 I would also like to expand on the point about the surrounding vicinity being residential. There is significant residential density in nearby streets like Binney, gilbert, Duke and Brown Hart Gardens.
 No indication is given on the plans of areas set aside for sale of alcohol and observation from outside indicates that the present shelf area (presumably covered by TENs) is much more than 50%.
 I believe that the arguments are strongly against the licence on grounds of public nuisance but if you are minded to grant then conditions are required regarding :-
 opening hours limiting shelf space for sale of alcohol and ban on super strength alcohol.

02 March 2021

Could you please add these photos to my objection. They emphasise the drink offer with the graphics and worryingly there is reference to " 24 H" presumably 24 hour. Not easy to see but is in red in a red box above "Beer" in bottom right.





Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	30 January 2021		
<p>I strongly object to the grant of this license. The property is very close to residential blocks of flats, in a locality that already has more than enough off-sales provision. This location has (outside lockdown) ongoing problems as it is an attractor for people, including some members of illegal street gangs and pedicab operators, who cause considerable noise and other nuisance to residents.</p> <p>8th March 2021 I objected to this licence application on 30/01/2021 at 3:14 PM. [REDACTED] has forwarded your letter and attachments to me. Although nobody has asked me – the proposed conditions do not address my concerns in any way. Indeed, I am shocked that the Pride march should have been singled out for restrictions on alcohol sales, and that the Environmental Health Department and Metropolitan Police might have agreed to this condition (it is not clear in your letter whether or not they agreed to it). I have lived just off Oxford Street, close to Selfridges and to the shop that wants a license, for over twenty years, and in central London for longer than that. I have often watched the Pride march, and have never seen any problems with drunkenness or antisocial behaviour, from either people taking part or people watching or passing by. Have there been problems with alcohol-fuelled anti-gay demonstrators on Oxford Street at recent Pride marches? Do other premises in the neighbourhood have this license condition? If not, what is the justification for allowing a discriminatory license condition like this one? Is it even legal? Secondly, still there are no conditions covering deliveries, servicing, and waste & recycling collections. To protect residents from noise and other nuisance, deliveries, servicing, waste & recycling collections should all take place from Oxford Street itself, not in the residential side street (Binney Street). If WCC turns Binney Street into a cul-de-sac, these services should park outside the store and the adjoining premises on Oxford Street, not opposite the end of Binney Street (as this would send both noise and air pollution into residential properties and accommodation in Binney Street). Deliveries, servicing and private contractor waste & recycling collections should not take place between 8am and 8pm, so as to prevent nuisance to residents. If the store uses WCC/Veolia services, the collections will be on the Oxford Street collections routes (& times), so there will be no additional extra waste & recycling behemoth visits to the locality. Thirdly, this area already suffers from alcohol-fuelled noise & antisocial behaviour nuisance. The police do not have the resources to deal with this nightly problem (nightly other than during full pandemic lockdown). Most residents rarely bother to phone the police unless violence is taking place, as they are not really resourced for dealing with drunks roaring and shouting. The council street management team do not deal with drunks shouting on the streets, and the community police are not on duty at night. So the last thing this neighbourhood needs is an off-license selling alcohol during the evenings and late evenings. The local grocery shop is at least down the side street further away from Oxford Street and not really visible to the passing boozers. Whereas this store is right on Oxford Street, where pre- and post-clubbers pass by all evening and half the night. Oxford Street risks becoming a no-go area for residents. This premises does not need to be licensed at all, but if it must have a license, then the permitted alcohol sales hours should end at 8pm at the latest.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	6 February 2021		
This is a densely populated part of North Mayfair and there is already a high concentration of licenced premises in the area.			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	6 February 2021		
There are too many residential neighbours in the vicinity of this premises. We already suffer from the intrusive actions of pedicabs, and amplified buskers and this would only make matters worse.			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	12 February 2021		
Firstly, the application states that " there are very few residential properties near the shop". This isn't true. The area on Binney Street is almost entirely residential. Secondly, residents have suffered for years from noise and alcohol related anti-social incidents from a licensed establishment until it was shut down on the corner of Binney and Oxford Street. We had /violent/antisocial behaviour on Binny Street as well as in the gardens from intoxicated revelers on New Year's eve this year, a shop selling alcohol will only bring trouble for residents who live here and who are entitled to peace and quiet and safety.			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	16 February 2021		
I would like to object to this application to sell alcohol on behalf of the residents of the Grosvenor Mayfair Peabody Estate which makes up around 43 percent of the North Mayfair electorate. This is a totally unnecessary addition to our neighbourhood with the strongest possibility of bringing yet more anti social behaviour to our neighbourhood. We do not need an off-licence adjacent to one of the main streets containing four residential blocks of flats containing many older, vulnerable and young children. If the residents require alcohol for their personal consumption they can purchase it from one of the supermarkets in the			

area which close at a decent hour and are carefully monitored as to who can actually buy alcohol.

We already have been subjected to anti social behaviour during all of the lockdowns, with a takeaway business on Binney Street being at the epicentre of this bad behaviour with people jumping over railings into out gardens and courtyard to eat and drink their purchase littering our area at will. These people have been deeply unpleasant and threatening when challenged by residents so the last thing we need is yet more people having easy access to alcohol on Oxford Street. No good can come from this. Again on New Year's Eve we had around 60 people turn up on our streets for an impromptu New Year's Eve party with their own alcohol. In spite of the police trying to move them on the last of these people didn't leave until almost 8am on New Years Day so I would ask that you do not make Binney Street, Gilbert Street and Weighhouse Street a destination for bad behaviour by granting this license. We are already surrounded by restaurants and cafes so would ask that you take this into consideration and not grant an alcohol license in this instance, in a highly residential area

On behalf of the GMRA
Grosvenor Mayfair Residents Association

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	22 February 2021		

Dear Sir or Madam

Re. licence application reference 21/00020/LIPN which is connected to 407 Oxford Street junction of Binney Street W1 and relates to a shop called Day & Night, the licence is for the sale of groceries and alcohol.

The applicant wrongly states that there is very few residential properties in the vicinity of the premises, there are about 150 flats in Binney Street some flats housing 2 or 3 residents, there are a lot more flats in other streets close to the shop. The residential properties do house residents of differing ages including school children, there are shift workers including front line workers who have different sleep requirements. Moore Flats which is less than a 1 minute walk from the shop has two blocks of flats with a private garden between them and surrounded by metal railing fence. The gardens are for the use of Moore Flats residents but often have none residents climbing the fence and misusing the gardens causing a disturbance and leaving behind rubbish which residents clear from the gardens first thing in the morning and early evening. The applicant states there will be litter and crowd control patrols, the shop has been operating under T.E.N. s but no litter or crowd control patrols have been seen, how do we know if the patrols will be used if the full licence is granted.

The shop is not very big it has not got a lot of room for customers to move about in, I think that 8-10 customers at one time would see the shop packed and would breach any covid19 social distancing rules. There is the risk of customers waiting outside to enter the shop this would cause the pavement on a busy road junction to be blocked.

There is only one doorway in/out of the shop any deliveries or collections would have to be done through this door which is also used by customers, this will pose a safety threat to other shop users. With the proposed trading hours being 7am to 11pm any collections/deliveries done outside of these hours would cause a disturbance to nearby residents.

On these grounds I object very strongly to the licence being granted.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	22 February 2021		
<p>Good morning,</p> <p>It has come to my attention that the new convenience store on the corner of Oxford street and Binney street W1 has applied for a permanent alcohol licence The license no is 21/00020/LIPN. They already have a permanent sign advertising food and wine and promise the same in their window 'night and day'.</p> <p>I would like to object to this store selling alcohol on the corner of a street (Binney) which has many residential flats. These sales are unlikely to be for the benefit of residents nor shoppers on Oxford street who have M&S and J Lewis food hall as well as Selfridges selling alcohol within quite late shop hours.</p> <p>This proposed alcohol licence is more likely to be for the benefit of late night revellers who come to clubs in the area and for those wishing to continue drinking after pubs are closed...on the street...our street, as it is usually these smaller residential streets which attract small (and sometimes not so small...80 locally on New years eve) crowds of revellers for extended street partying.</p> <p>We already have a convenience store which sells alcohol on Duke street which is open until late, for residents as needed. There is no need for any other store selling alcohol to drink off the premises in this area.</p> <p>I trust you will consider the needs of us local residents ...elderly, babies, children and the rest of us(!) and decline to grant this alcohol licence.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	23 February 2021		
<p>Dear Madam</p> <p>Alcohol Licensing Application</p> <p>Ref: 21/00020/LIPN - Applicant Freaknaughty Ltd</p> <p>I object to the application based on the following concerns.</p> <p>The location is extremely close to Residential Housing.</p> <p>Where Alcohol is concerned the possibility for inappropriate behaviour is increased, the residents of Moore Buildings have experienced YEARS of anti social behaviour fuelled by alcohol from the patrons of a now closed wine bar in Binney St and many others.</p> <p>People like to hang out in Binney St which has a Cathedral and beautiful trees in the Garden of Moore Buildings. Although the gates to the gardens are locked it dosen't stop people from climbing into the garden to urinate, make a lot of noise and be very abusive when asked to leave seven times out of ten they are inebriated. Confrontations like these are very unsettling late at night.</p> <p>In view of the above I would urge the Licensing Authority to refuse the Application</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	23 February 2021		
Late night noise, disturbance for residents, rubbish in our garden.			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	23 February 2021		



CITY OF WESTMINSTER
 LICENSING TEAM
 PUBLIC PROTECTION & LICENSING
 4th FLOOR EAST
 60 VICTORIA STREET.
 LONDON SW1E 6QP

18/2/21.

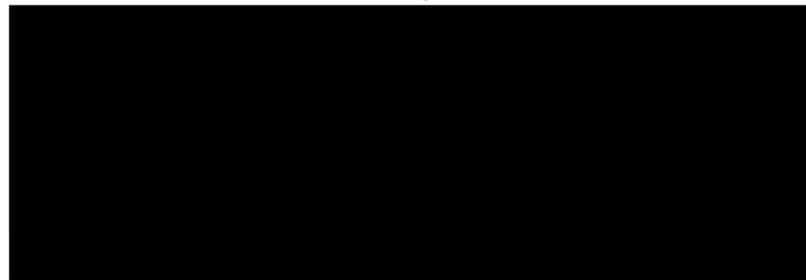
APPLICATION LICENCE 21/00020/LIPN
 RE FREAKNAUGHTY LTD, 487 OXFORD STREET.
 W1C 2PA

Dear Sirs,
 I am writing concerning the premises licence for above applicant regarding sales of alcohol and opening hours. I live in a flat in the block adjacent to the premises and although it is somewhat quiet at present due to Covid lockdown we are still disturbed at weekends by 'order and collect' customers in cars to the lobster restaurant next door to Day & Night premises. We experience lots of noise and rubbish from the street and thrown into our

Garden including cans and bottles purchased from day/night. Once lockdown is lifted I am concerned the noise will increase and people will be drinking into our private garden to consume their drinks.

Our range of residents are babies to elderly and noise disturbance can be intolerable and frightening seeing strangers in our garden.

I cannot understand why a alcohol premise would be allowed to open in a highly residential area where there are already restaurants who have to comply with reasonable opening hours. The area could become anti social in time once it is known there is late access to alcohol.



3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>4. Off licences Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p>
Policy OS1 applies	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. <p>C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).</p>

4. Equality Implications

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

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

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

5. Appendices

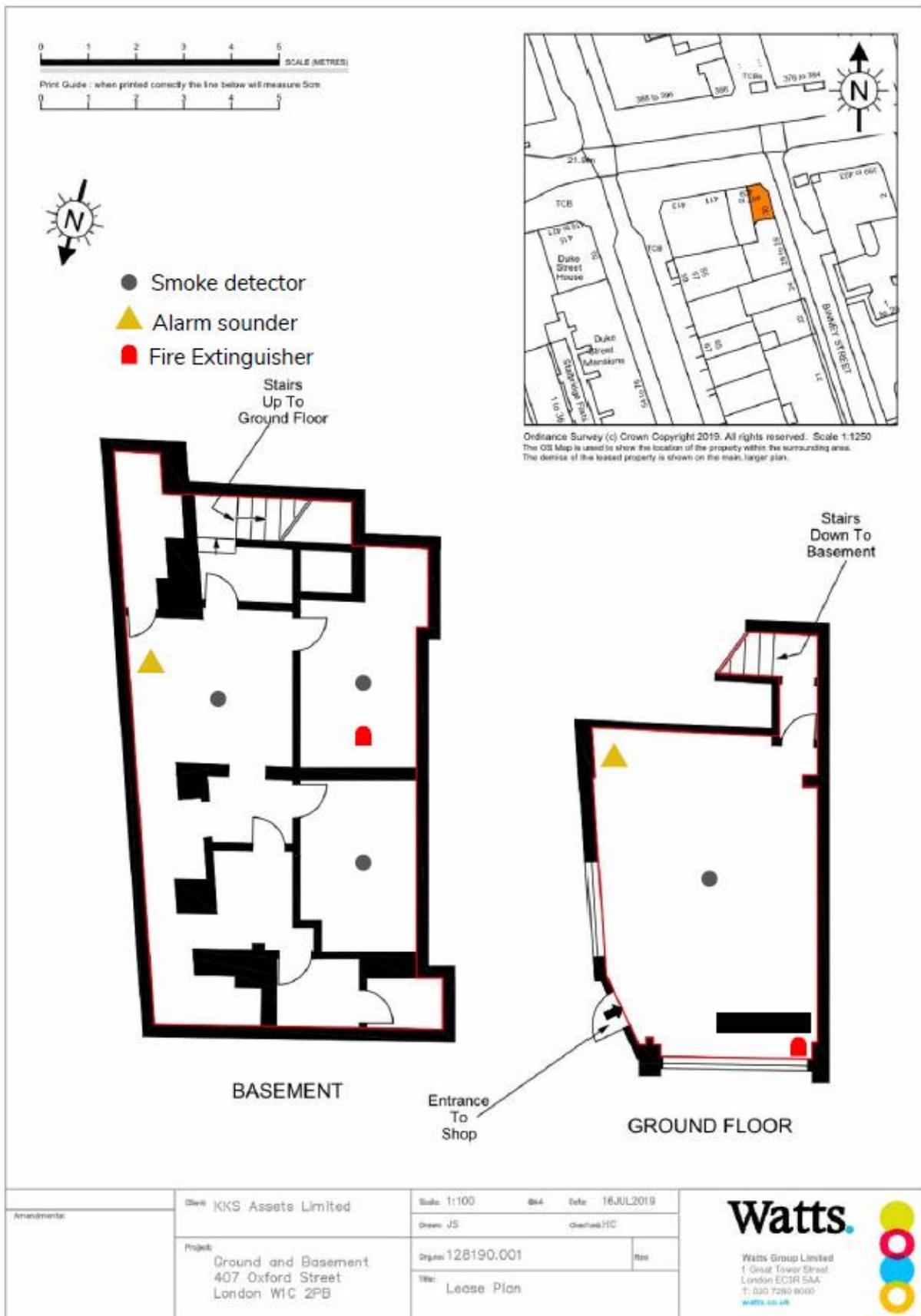
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	15 th February 2021
5	Metropolitan Police Service	16 th February 2021
6	Representation Comment 1	28 th January 2021
7	Representation Comment 2	30 th January 2021
8	Representation Comment 3	6 th February 2021
9	Representation Comment 4	6 th February 2021
10	Representation Comment 5	12 th February 2021
11	Representation Comment 6	16 th February 2021
12	Representation Comment 7	22 nd February 2021
13	Representation Comment 8	22 nd February 2021
14	Representation Comment 9	23 rd February 2021
15	Representation Comment 10	23 rd February 2021
16	Representation Comment 11	23 rd February 2021



Applicant Supporting Documents

Appendix 2

None provided

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

None proposed

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

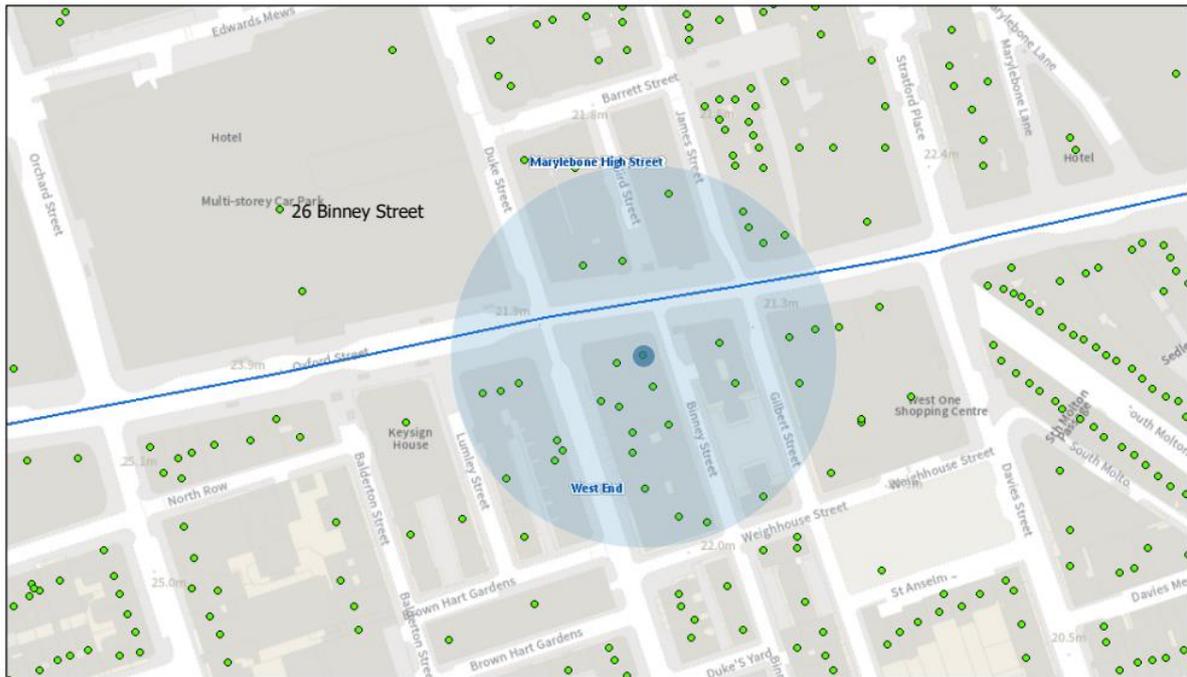
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
12. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
13. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system,
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
16. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
17. On the Day of London Pride:-
 - i. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
 - ii. The premises will not externally advertise local promotions of alcohol.
 - iii. No sales of alcohol in bottles or glass containers are made during this period.

iv. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.

Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the operating schedule.

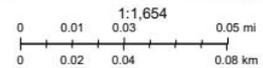
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
19. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles
20. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol
21. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV
22. 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
23. 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.
24. All windows and external doors shall be kept closed after **21:00** hours except for the immediate access and egress of persons
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. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
28. 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
29. No licensable activities shall take place at the premises until the premises have 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.

407 Oxford Street, London



05/05/2021, 11:35:28

- Property Mailing List
- Ward Labels
- Stress Areas
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries
- Special Consideration Zones



Resident Count = 177

Licensed premises within 75 metres of 18-20 Weighhouse Street

Licence Number	Trading Name	Address	Premises Type	Time Period
18/00636/LIPDPS	Burger & Lobster	Maranda House 26 - 28 Binney Street London W1K 5BN	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
18/11804/LIPT	Jigsaw	55 Duke Street London W1K 5NR	Restaurant	Saturday; 10:00 - 21:00 Sunday; 12:00 - 21:00 Monday to Friday; 09:30 - 21:00
18/12644/LIPDPS	Spaghetti House	76 Duke Street London W1K 6JZ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30

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