



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 8th June, 2023**, This meeting will be held virtually via MS TEAMS..

Members Present: Councillors Maggie Carman (Chair), Judith Southern and Tim Mitchell

Also Present: Councillor Patrick Lilley, Ward Councillor for the West End)

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. BLACKWOOD, UNIT B, 21-23 SHAFTESBURY AVENUE, W1D 7EF

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2 ("The Committee")

Thursday 8 June 2023

Membership: Councillor Maggie Carman (Chair) Councillor Judith Southern and Councillor Tim Mitchell.

Officer Support: Legal Adviser: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Karyn Abbott

Other Parties: Alun Thomas (Solicitor, Thomas and Thomas), Jack Spiegler (Solicitor, Thomas and Thomas), Gareth Hughes (Solicitor (Keystone Law), Mark Warne (Applicant, Landsec), George Copeman (Applicant), Adrian Studd (Consultant), Richard Vivian (Acoustic Consultant), PC Dave Morgan (Metropolitan Police Force), PC Steve Muldoon (Metropolitan Police Force), Anil Drayan (Environmental Health Service), Kevin Jackaman (Licensing Authority), Mr Richard Brown (Solicitor, Westminster's

Citizens Advice representing The Soho Society), Marina Tempia (The Soho Society) and Jane Doyle (The Soho Society) and Councillor Patrick Lilley (Ward Councillor for the West End Ward and Witness for the Soho Society)

Application for a New Premises Licence in respect of Blackwood Unit B 21-23 Shaftesbury Avenue London W1D 7EF 23/01459/LIPN

Full Decision

Premises

Blackwood
Unit B 21-23 Shaftesbury Avenue
London
W1D 7EF

Applicant

Ls 1 Sherwood Street Ltd and Maven Premium Sports Bar Ltd

Ward

West End

Cumulative Impact Zone

West End Cumulative Impact Zone ("West End CIZ")

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by Retail of Alcohol (Indoors)

Monday to Thursday 10:00 to 23:30 hours
Friday to Saturday 10:00 to 00:00 hours
Sunday 12:00 to 22:30 hours

Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Late Night Refreshment (Indoors)

Monday to Thursday 23:00 to 23:30
Friday and Saturday 23:00 to 00:00

Seasonal Variations: From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day

Exhibition of Films

Monday to Thursday 10:00 to 23:30
Friday and Saturday 10:00 to 00:00
Sunday 12:00 to 22:30

Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Live Music

Monday to Thursday 10:00 to 23:30
Friday and Saturday 10:00 to 00:00
Sunday 12:00 to 22:30

Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Recorded Music

Monday to Thursday 10:00 to 23:30
Friday and Saturday 10:00 to 00:00
Sunday 12:00 to 22:30

Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Anything of a similar description to Live music or recorded music

Monday to Thursday 10:00 to 23:30
Friday and Saturday 10:00 to 00:00
Sunday 12:00 to 22:30

Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Opening Hours of the Premises:

Monday to Thursday 10:00 to 12:00 hours
Friday to Saturday 10:00 to 00:30 hours
Sunday 12:00 to 23:00 hours

Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises proposes to operate as a bar with a substantial food offer. The Applicant obtained pre-application advice from the Council's Environmental Health Service. The Premises are located within both within the West End Ward and West End Cumulative Impact Zone. There is a resident count of 45.

Should the application be granted the Applicant proposes within their submissions to surrender the following existing premises licence:-

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
- Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.

Copies of the above Premises Licences can be found at **Appendix 4** of the agenda report.

In addition, two historical Premises Licences were in place within 19 Shaftesbury Avenue W1D 7ED, being Jamie Oliver's Diner and the Japan Centre.

The Applicant has provided the following submissions which can be found at **Appendix 3** of the agenda report.

- Report of observations dated 24/04/2023 (Adrian Studd).
- Report of observations dated 25/04/2023 (Adrian Studd).
- Letter of support from the landlord of the Premises (LandSec).
- Letter to The Licensing Authority.
- Schedule of Existing Premises Licences v Proposed
- Noise report.
- Pre application advice report.
- Brochure page.

Representations Received

- The Metropolitan Police Service (Oppose)
- Environmental Health Service (Oppose)
- The Licensing Authority (Oppose)
- The Soho Society (Oppose)
- The Soho Business Alliance (support)

- Allied Promotion Ltd (Support)
- Shaftesbury Capital (support)

Those objections in support cite improvements and additions to the area whereas those against cite public nuisance and crime and disorder issues.

Summary of objections

- *Paragraph D11 of the Council Statement of Licensing policy states “The Cumulative Impact Policy provides a presumption to refuse pubs and bars, music and dance venues and fast food premises. This policy is intended to be strict and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.”*
- *It is noted that the applicant is proposing to surrender two unrelated premises licences should this application be granted however it will be for the applicant to demonstrate that the surrendering of these licenses will be a genuine exception to policy and it will be for the Members to determine this application.*
- *The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact Zone, in accordance with policy CIP1*
- *The EHS state that representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.*
- *The MPS stated that Pubs and Bar Policy PB1 applies for this application, and as per the policy, there is a presumption to refuse any new applications within the Cumulative Impact Zone unless they can demonstrate exceptional circumstances. We are also concerned that a large proportion of the venue is set aside for vertical drinking and as the venue sits within the Westminster Cumulative impact Zone, the Police are concerned that the venue will add to the cumulative impact in an already very demanding area. It therefore may be a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy. Further submissions will be made in due course. Additional submissions were received from the Metropolitan Police Service on 30th May 2023 and can be found at Appendix 2.*
- *The Soho Business Alliance stated that Piccadilly Circus is a defining London landmark, and it warrants a local hospitality offering befitting that status. While visitors rightly flock to the square to absorb the visuals, and the atmosphere, it remains an area to be passed through, with the Piccadilly Lights serving as a signpost to the joys of Soho and the West End beyond. The Lucent development will change that, and help the junction evolve into something more than just an iconic thoroughfare – with these four new licensed premises sitting at its heart. Reinvention like this is not just desirable; it is necessary to ensure Westminster maintains its rightful place as London’s epicentre for hospitality, culture and tourism. The balanced bar and restaurant use across the four venues has evidently been carefully thought through, to complement one another, and the area.*
- *Unit A, The Devonshire Arms and Blackwood will hugely diversify the leisure offering at street level, enlivening frontages and improving security later at*

night, all within core hours. The hours for the Rooftop, meanwhile, are measured and appropriate to the proposed use. They will allow visitors and residents to soak in the vibrancy of the area into the evening in a spectacular new setting atop the Lights, without encroaching on residential amenity. They are also in line with the hours under the old licence – which was a far cry from the upmarket destination restaurant we can expect here. Given the nature of the proposed operations across the four venues, safeguarded as they are by a comprehensive schedule of model licensing conditions in each case, the Soho Business Alliance are confident that the applicants will promote the Licensing Objectives without adding to Cumulative Impact. This is so without even taking account of the two existing licenses being surrendered – but the fact that they are should weigh even more heavily in favour of grant, as should the broad range of employment opportunities that will be created by these new ventures.

- *Local residents stated that the Lucent development is a much-anticipated revival of an iconic building in the West End. We welcome the well-thought-out renovation which will provide a new home for a multitude of various businesses in the West End, including new licensed premises. The historical building had become tired and in much need of revitalisation. In particular the previous licensed premises seem no longer appropriate and in need of updating. Our business therefore welcomes businesses like Blackwood to the development site. Introducing popular and professional managed businesses like Blackwood contributes to the attractiveness of the local area for shoppers, new office workers, local people and visitors alike. We very much hope that Westminster signals their support for Blackwood and the Lucent development by granting the licence. We have every confidence that the new businesses can be managed without having any adverse impact in Soho and a positive addition to Westminster as a whole.*
- *Shaftesbury Capital stated that as a close neighbour of the Lucent development site, we have been made aware of Landsec's aspiration to partner with ETM Group on Unit B at Lucent from our contact at Landsec and Landsec's consultation letter. As you may be aware Shaftesbury Capital (following the recent merger of Shaftesbury and Capital & Counties) are the freeholders of over 670 freehold buildings across the West End, located principally in Carnaby, Soho, Covent Garden, Chinatown and Fitzrovia. Our Soho holdings include properties clustered along the northern frontage of Denman Street, immediately opposite the Lucent scheme. We know ETM Group well, they have been successful Shaftesbury tenants in the past and we remain in open dialogue with them on other opportunities across our portfolio. We are delighted to hear that Landsec are partnering with this family owned and led business who are a respected operator in the hospitality industry with well-developed operations and management policies in place.*
- *Reading details in the consultation letter on the bespoke operational plan to be included in this application and confirmation servicing will be through Lucent's approved servicing strategy within the loading bay. We are encouraged that this tenant and proposed change of use will be a positive addition to the area with reliable management practices. We would therefore like to note our support of the licencing application ref 23/01459/LIPN on this location to support the ETM partnership.*

- *The Soho Society stated that as this application is for a new bar in the West End Cumulative Impact Zone, any increase in the number of licensed premises and people in the area will fail to promote the licensing objectives and increase cumulative impact.*

Policy Considerations

Policies CIP1 and PB1 apply under the City Council's Statement of Licensing Policy ("SLP").

Policy CIP1

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy HRS1 applies A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

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 are expected to be covered by Temporary Event Notices or variation applications.

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

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 11pm.

Policy PB1

A. Applications outside the West End Cumulative Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.

2. The hours for licensable activities being within the council's Core Hours Policy HRS1.

3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.

2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
2. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue

SUBMISSIONS AND REASONS

1. With the agreement of all parties present the Sub-Committee decided to hear all four applications in the round for the Development Site at Piccadilly lights encompassing Shaftesbury Avenue, Denman Street, Sherwood Street and Glasshouse Street simultaneously but agreed that each application would have their own separate written Decision. Each application was debated and presented accordingly so that all the parties gave their submissions, were afforded adequate time in making those submissions and therefore were not prejudiced in the process.
2. The Presenting Officer Ms Karyn Abbott summarised the application to the Sub-Committee. She advised that the EHS, MPS, the Licensing Authority and the Soho Society had maintained their representation against the application and that Shaftesbury Capital and the Soho Business Alliance were in support of the application. She advised that the Premises are located within both the West End Ward and West End CIZ. She explained that additional submissions had been received from the Applicant and the Soho Society and confirmed that these had been circulated to all the relevant parties.
3. Mr Alun Thomas Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that he was unhappy with the late evidence of case law submitted by the MPS just before the hearing. He stated that it should have been circulated by the deadline of noon on the Monday before the hearing and that it was procedurally unfair to expect anyone to deal with such things submitted so late. Mr Thomas then referred to the dead letter that Mr Brown (Solicitor representing the Soho Society) had raised in his additional submissions on Monday and stated that neither Mr Brown and/or the MPS had raised it in their initial representations. He advised that the Licensing Act and the Hearing Regulations were clear and quite specific that all parties should state their case up front. He added it was arguably admissible to raise a point of evidence like this so late.
4. Mr Thomas further advised that he had only received notice yesterday morning that Councillor Lilley was being called as a witness by The Soho Society and not the advance notice of 5 working days as set out in the

Hearing Regulations. He requested therefore, the Licensing Sub Committee consider the prejudice caused to the Applicant by these points not being raised in their representations along with the late evidence and how much weight should be given to this new evidence.

5. Mr Richard Brown appearing on behalf of the Soho Society advised that the Hearing Regulations were not set in stone in terms of time limits and that in the interest of justice any party should be entitled to call a witness. He emphasised that it would be very unfortunate if the Lead Member for the West End were prevented from addressing the Sub Committee. He added that the suggestion that the case law was submitted late and therefore impossible for Mr Thomas to deal with was ludicrous as this case would have already been considered by the Applicant and Mr Thomas when submitting their applications. Mr Brown then referred to the late evidence that the Applicant had submitted such as the expert noise report and indicated that this report could have been submitted with the applications. Mr Brown concluded by stating there had been no prejudice caused to the Applicant.
6. The Sub Committee adjourned to consider the points raised by Mr Thomas and Mr Brown for five minutes. Upon returning the Sub Committee advised Mr Thomas that the hearing could be adjourned for 30 minutes to give him time to consider the case law so that the Applicant was not prejudiced.
7. The Sub Committee added that it had been the practice of past Licensing Sub Committees to allow witnesses to be called by a party and, therefore, would allow Councillor Lilley to be called as a witness by the Soho Society. At this point Mr Thomas confirmed that he did not require the thirty minute adjournment.
8. Mr Alun Thomas outlined the application before the Sub-Committee. He advised that the Applicant had submitted four applications for new Premises Licences (the "Applications") for a balanced range of uses in the iconic Piccadilly Lights building. These are highlighted as follows:
 1. Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.
 2. The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.
 3. The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – an 01:00 restaurant with ancillary bar and terrace.
 4. Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.
9. Mr Thomas advised that over £1 billion had been spent on the development and that the renovation of the building would bring substantial improvements and benefits to the environment and community. He set out that the building was located right on the cusp and boundary of the West End CIZ.
10. Mr Thomas advised that the following existing Premises Licences would be offered for surrender if (and only if) all of the above Applications were granted.

He highlighted that the pre-application advice from EHS recognised that these surrenders demonstrated that the Applications could be granted as an exception under the SLP because the proposals represented an improvement and a positive impact in the West End CIZ.

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT. The premises are a nightclub with vertical drinking and regulated entertainment to 01:00 with a 500 capacity.
 - Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT). The premises are a restaurant with a bar area that has core hours with a 440 capacity.
11. Mr Thomas stated that no representations had been made against the application from individual residents and there was no significant residential use in close proximity. He highlighted that the Applicant had intentionally proposed food-focused uses within the Council's Core Hours Policy with the only exception being the rooftop restaurant. He further highlighted the support from the Soho Business Alliance and two other Stakeholder Businesses who recognised the value of the proposal for the area.
 12. He advised that the Responsible Authorities and the Soho Society had expressed concern regarding the proposed bar uses and the location in the West End CIZ whereas the Applicant considered that the balanced use spread out over the development rather than one targeted or destination Premises would be beneficial for the area. He set out how the local community and stakeholders had been consulted on the development.
 13. Mr Thomas outlined how the Council's Policies PB1 and CIPI applied to these applications and highlighted that Policy CIP1 was only a (rebuttable) presumption that the Licensing Authority should refuse applications for pubs, bars, fast food Premises and that it might be overridden in "exceptional circumstances". He added that the Licensing Authority must "always consider the individual circumstances of applications; even where an application was made for a proposal that was apparently contrary to policy."
 14. Mr Thomas referred to paragraph D15 and D17 of the SLP and emphasised the exceptional circumstances to grant the four applications. He read out 'that the transfer of an existing operation from one Premises to another, where the size and location of the second Premises is likely to cause less detrimental impact will promote the licensing objectives and that the measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for cumulative impact.'
 15. Mr Thomas emphasised that the proposals to surrender the two existing Premises Licences, the reduction in vertical drinking and the introduction of restaurant use within the Council's Core Hours Policy was at the heart of the SLP and would reduce drunkenness, public nuisance and crime and disorder in the area.

16. Mr Thomas referred to the pre-application advice sought from the EHS and emphasised that the EHS considered that distributing patrons across four businesses with three out of four of them being restaurants operating within the Council's Core Hours Policy promoted the licensing objectives and reduced (not added to) the West End Cumulative Impact Area. He added there would also be a total elimination of Regulated Entertainment, Live Music and Dancing after Core Hours, which was another advantage of these applications, as they would help reduce the number of people seeking out fast food to soak up alcohol in the early hours of the morning with the reduction in patrons leaving the development at the latest 01:30 hours.

Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.

17. Mr Thomas introduced Mr Gareth Hughes, Counsel representing the Blackwood development. Mr Hughes gave a background to Blackwood Sports Bar and Kitchen and urged the Sub-Committee to consider the pedigree and experience that the Applicant had in managing these types of establishments. He referred to two of the Applicant's existing establishments: Wagtail which was a rooftop restaurant near the Shad and Greenwood located near Victoria Station which were both well- managed establishments as confirmed by PC Morgan in the Agenda Pack.
18. Mr Hughes emphasised that both the Transport Police and the Metropolitan Police Service had positive relationships with the company and had indicated that there had never been issues with their customers leaving the Premises after watching sporting events because every event was individually risk assessed.
19. Mr Hughes referred to page 119 of the additional bundle which sets out the substantial food offering of the Applicant's existing Premises and how food was ordered by way of QR codes located on both tables for seated and standing customers. He outlined that the majority of sporting events shown were ongoing sporting events such as golf, tennis, cricket and rugby league where customers came for a meal and a drink with colleagues after work to watch an evening sporting event. He emphasised that all football matches shown at the sports bars were risk assessed and only pre-booking arrangements were available. Customers were prevented from walking in off the street. He outlined to the Sub-Committee the security arrangements at the Premises.
20. Mr Hughes echoed the points that Mr Thomas had made regarding the surrender of the existing Premises Licences, that the Applicant was only seeking core hours and that the capacity for vertical drinking overall would decline by 129 patrons. He highlighted the last paragraph of the EHS's letter that stated: *'that it considered it is an acceptable approach in terms of policy taking into account the likely reduction in cumulative impact arising from the replacement of the former Premises for the new operations.'* He concluded that there could be no doubt that this new application was far more preferable than a large 500-person capacity venue.

21. Mr Hughes handed back to Mr Thomas who continued to assert the exceptional circumstances of the four applications to the Sub Committee. He advised that no individual resident had opposed the applications but instead there were two individual residents supporting the Devonshire Arms application. He highlighted the high specification of the CCTV system and that the whole building would be operated and looked after by one company with comprehensive estate management controls and internal servicing which would reduce public nuisance on the streets. He added that the dispersal plan directed patrons away from the West End CIZ.
22. Mr Thomas then emphasised the employment opportunities that the new development would bring to Westminster and how the Applicant would work with the University of Westminster and Westminster Kingsway to recruit local young people. The Applicant aimed to employ at least 33% of people who lived locally within the four Premises.
23. Mr Thomas highlighted that the Lord Justice Dawson advised that licensing decisions did not just involve the obvious things but that it was about weighing up the variety of competing considerations and benefits. He emphasised the excellent travel network (trains, tubes and road) around the area. He referred to the modernisation of the conditions that would be attached to the four Premises Licences which were a vast improvement from what was included in the two old Premises Licences.
24. Mr Thomas introduced Mr Adrian Studd (Licensing Consultant) who advised that he had been working as a Licensing Consultant for the past 11 years in London and across the country. He considered that Piccadilly Circus was the perfect location for the four Premises because of the excellent transport links and because the capacity for vertical drinking would be reduced. He advised that in his experience patrons tended to go home after having a restaurant meal or watching a sporting event in a sports bar instead of going on to another venue to continue drinking. He considered that the grant of these four applications would not lead to a potential increase in the amount of intoxicated people in the West End because the Premises were food led establishments operating up to Core Hours with the exception of the roof top restaurant which would operate until 01:30 hours.
25. He referred to the Police's Crime Statistics included in the Agenda Pack and advised that crime and anti-social behaviour were down significantly compared to 2020. He agreed that the main cluster of crime was surrounding Greek Street and Berwick Street and that there was much less clustering of crime around Piccadilly Circus.
26. Mr Thomas referred to case of *Novus Leisure v Westminster Magistrates Court* that the Police had circulated that morning. He gave the background to the case in that Novus had come along and convinced the Crown Estate to grant them a lease for something like 3 months which they could then transfer to another venue. He advised that once this case got to appeal the original venue had been demolished/flattened, however, this was most certainly not the case here as the building was very much standing. He outlined that these applications were different in that the Applicant was asking for Premises

Licences on the same development for up to Core Hours with restaurant conditions and the site had not been demolished.

27. He emphasised that both existing Premises Licences remain with their full value in use because they remained in the hands of the developers who could, if they so wished, reopen both venues using the existing two Premises Licences.
28. Mr Thomas referred to Mr Brown's submission that listed other applications that had been granted in the West End CIZ and indicated that if the Sub Committee granted the four applications it would increase the number of people to 1970 in the immediate vicinity until 03:00 hours compared to 2019. Mr Thomas stated that this was incorrect because that predication was on the assumption that new people would be coming into the area and not people who would be going on a night out anyway. He advised that people did not go to the same restaurant/venue all the time so it did not mean that by granting these Premises Licences more people would be coming into the West End.
29. Mr Thomas advised that the four applications before the Sub Committee would certainly have less detrimental impact than the existing two Premises Licences. The proposals reduced vertical drinking and reduced the capacity beyond core hours hence reducing the impact in the cumulative impact in the area. He added that the four Premises also brought diversity to the West End. He reminded the Sub Committee of the EHS pre-application advice who considered it an acceptable approach in terms of policy considering the reduction in Cumulative Impact in the West End area.

The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.

30. Mr Thomas introduced Mr Charlie Carroll (Applicant) to the Sub Committee who already operated three venues within the West End. He advised that he was a big fan of the flat iron concept as it was affordable, excellent quality and value. He referred to the plans of the Devonshire Arms and advised that the basement was back of house (kitchen, toilets etc) and the ground floor would be a traditional pub with excellent food.
31. He outlined that patrons could enter just for a pint however food would very much be part of the offer. He emphasised that the bar use on the ground floor was ancillary to the overall use of the Premises and therefore increased the benefit of the surrender of the Jewel Premises Licence. He added that there would be seating for 120 persons available throughout the whole of the ground floor. He pointed out the external area which was outlined in black on the Plans was subject to a table and chairs licence and could be used under the existing arrangements until midnight. He referred to the first floor with a capacity of 60 persons (which would be confirmed on the completion of the works) which would be a sit-down table service restaurant.
32. Mr Carroll advised the Sub Committee why the project was intensely personal to him and how he had been working on it full-time for over a year. He confirmed that the Premises included one floor which would operate as a pub

with available food whilst the three other floors would operate as sit down restaurants. He outlined that 80% of the Premises sales would be food and that the concept was to welcome a traditional pub back into Soho which is why it was important that the Premises was not just a restaurant but that it's offer was a traditional pub as well. He advised that he intended to offer employment to over 80 full and part time staff and outlined how flexible the employment opportunities were in his establishments. He emphasised his focus was on training and development of staff which meant that staff retention was incredibly good in all his venues.

33. Mr Carroll advised that his vision for the Premises was that people would visit the venue, have a drink in the bustling welcoming pub, then go to the restaurant and have a three-course meal and then conceivably have a drink afterward and then make their way home. He considered that it was not going to be the type of Premises that people then went onto another venue to partake in a night-time of drunkenness. He emphasised that this Premises would be a high-quality destination restaurant and pub where people came for the whole evening.
34. Mr Thomas introduced Mr Brian Hannon, Shareholder/investor in the Devonshire Arms Project and Chair of the Soho Business Alliance. Mr Hannon his business interests within the West End and how he considered this development a superb one for the area. He advised that the Soho Business Alliance considered that this development would contribute positively to the word beating hospitality and night-time economy of the West End.
35. He set out how the offering would add to the culture of Soho which was recognised by the Licensing Authority as hugely important especially in respect of independent restaurants that attracted many visitors to Westminster each year. He emphasised that Soho Business Alliance fully supported the change of the two Premises licences for the four Premises Licences and in particular the bringing back of the Devonshire Arms pub.
36. Mr Thomas introduced Mr Paddy Renouf, local resident, in support of the application who considered the development a positive enhancement to the area as the operator had a good reputation for serving good quality food and drink.
37. In response to questions from the Sub Committee, Mr Thomas advised that people did not consider the Piccadilly area part of Soho, so in policy terms even through the development was on the cusp of the West End CIZ the Applicant did not see themselves as part of Soho. He outlined that customers would not migrate towards Soho after having a meal in the Devonshire Arms but would head home on the 24 hour tube located right next to the development.

The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – a 1.00am restaurant with ancillary bar and terrace

38. Mr Thomas introduced Mr Mark Warner, Development Director for Lucent, and Mr Ben Matthews, potential tenant of the Premises. Mr Matthew advised that the Rooftop restaurant would be very much a food led establishment offering breakfast brunch, lunch, afternoon tea and evening meals. Mr Thomas then referred to the Premises Plans of the Rooftop restaurant and indicated that a lift needed to be taken to reach the restaurant which was important for two reasons: one there was no direct access off the street to the Premises and secondly the roof top restaurant was set back from any residential buildings on the busiest thoroughfares in London. He referred to the noise report that clearly set out that there was no chance of noise escape and highlighted that the area where customers could drink without a meal was restricted to no more than 20% of the total Premises capacity of 259 patrons.
39. Mr Thomas advised that he did not believe that the Applicant needed to prove an exception to policy PB1 because the predominant use was still ancillary to the restaurant. He advised, however, that if the Sub Committee did consider that an exception was needed, the exception would be the reduction in capacity, the operating hours and vertical drinking.
40. Mr Thomas set out that six floors would be used as office space and how the residents would form part of the wider Lucent scheme. He highlighted that the building would be owned and operated by one company 24/7 who would remain in control of the building so they could choose their tenants. He confirmed that the leases would be on a long-term basis for between 15 and 20 years.

Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.

41. Mr Thomas advised that this Premises would become a restaurant operating within the Council's Core Hours Policy so it would not add to cumulative impact within the West End CIZ.
42. In response to questions from the Sub Committee, Mr Thomas advised that negotiations were being had regarding the leasing of all four Premises and would be finalised on the outcome of the hearing today. He outlined that the ground floor of the Devonshire Arms would be a traditional 'pop in for a pint' pub with good quality beer and food available for all. He advised that there would be sausages on a stick behind the bar for £2.50, the pork coming from pigs butchered from organically kept pigs and that drinking water would be available at all times.
43. Mr Steve Kirby, Chief Operations Director, advised that the Blackwood Premises would be operated as an all-day dining style of operation which was very much in line with how the brand had been evolving over the years. He highlighted that all their venues were currently operating a much more complex food offering and with Blackwood the company were looking to operate breakfast, lunch and dinner sittings along with the offer of watching sporting events.

44. Mr Thomas advised that the Coqbull had recently closed and the Jewel had closed just before COVID, and that both Premises could be reopened at any time as the building had not been demolished. He advised that the hospitality sector was seeing a strong recovery in terms of recruitment as the industry as a whole had been dynamic and engaging in educational programmes to encourage graduates to enter into the hospitality industry. He added that the Applicant was keen to train, develop and retain people, especially local people, with the ambitious for them to move up the professional ladder to senior managerial positions.
45. Councillor Patrick Lilley, representing the West End Ward, addressed the Sub Committee as a witness for The Soho Society. He advised that he had some 40 years of experience in the hospitality industry as a club promoter and DJ and frequently visited bars, clubs and restaurants within the West End. He stated that he had witnessed vast change in Soho since 1978 and most worrying was the rise in crime and disorder in the West End area. He advised that he was the Lead Member for Soho and the LGBT champion and he had spoken to a huge number of people living in Soho who considered that these proposals were terrible for the area.
46. Councillor Lilley advised that it was all 'smoke and mirrors' regarding the surrender of these two Premises Licences because currently neither of the two venues were in operation and one had been permanently closed since 2020, so there was not actually going to be an increase in customers. He added that good venues usually turn over twice as many customers because they had two sittings per evening so granting these four Premises Licence would increase the number of people coming into the West End by nearly 4000 persons; all eating, drinking and causing public nuisance in the area.
47. Councillor Lilley highlighted the terrible issue the West End suffered regarding urination on the streets and how expensive portaloos were to bring into the area. He further highlighted that the development was located within the West End CIZ and the presumption to refuse was the starting point of the conversation. He emphasised that the Sub Committee must consider the lifelong impact on the granting of these Premises Licences and the effect they would have on thousands of drinkers and diners who would come into Soho and experience anti-social behaviour and crime and disorder first hand. He added that as a gay man he did not feel comfortable in or around sport bars as large numbers of people congregated outside of these venues. He requested that the Sub Committee refuse these applications.
48. Mr Anil Drayan, representing the EHS advised that representation had been maintained to give the Sub Committee a chance to look at these applications as a whole and individually because these Premises were located in the West End CIZ. He confirmed that the EHS were satisfied with the proposed conditions that had been agreed with the Applicant and highlighted that the Premises would not be able to open until the EHS had revisited the Premises to inspect the public safety aspects of the building, escape route(s) and toilet facilities. He further confirmed that the EHS was satisfied with the noise reports that had been submitted which indicated that there would be no

impact on public nuisance from within the Premises and that the dispersal plan would help mitigate against people leaving in big crowds and/or all at once.

49. PC Morgan, representing the MPS stated that representation had been maintained because the Premises were located within the West End CIZ. He advised that both the Blackwood Sport Bar and the Rooftop Restaurant applications were contrary to the SLP. He highlighted that these venues would have a detrimental effect on the West End CIZ and would cause additional work and require additional resources from the MPS and the other emergency services. He confirmed that the Jewel Nightclub had not been in operation for numerous years and that the internal structure of this building had now been reconfigured so it would never reopen as a nightclub. He referred to the Sports Bar and advised that it would be a drink led establishment within the West End CIZ with a large area being set aside for vertical drinking which was against policy.
50. PC Morgan advised that the West End CIZ was already saturated with licensed premises which took its toll on Police resources. He referred to the crime figures attached to the Agenda Pack and advised that crime levels were now higher than pre COVID levels. He highlighted that sports fans leaving Blackwood Sports Bar could potentially cause more issues than customers leaving a nightclub. He further considered that not all people would automatically go home after attending one of these four Premises and it was highly likely that they would head into Soho and carry on their evening in one of the many bars where upon leaving (and being intoxicated) could fall victim of crime. He outlined that there was literally not enough police officers on the ground and especially at night and the Police already struggled to manage the amount of emergency calls that they received regarding incidents within this area. He requested that the applications be refused because the Applicant wished to operate beyond the Council's Core Hours Policy.
51. In response to questions from the Sub Committee, PC Morgan advised that he had been working in the West End for over 22 years and how increasingly more people were being drawn to the West End. He highlighted that he had never seen the West End as busy as it was now especially on Thursday, Friday and Saturday evenings and that it was a different place to when he had joined the Police Force. He emphasised that there were many gangs in the West End and lots of crime was taking place. He considered that sport bars were much more enticing for groups of males and were not like traditional pubs where people went for a quiet pint. He confirmed that the Police had no issue with the Greenwood venue located in Victoria, however, the Victoria area was nowhere near as busy as the West End.
52. PC Steve Muldoon, representing the Metropolitan Police Service, advised that the West End was extremely busy and that if these four applications were granted the area would have four additional Premises that did not exist six months ago. He referred to the crime statistics which indicated that there was less crime in the Piccadilly area, however, he wondered how many 'hot spots' of crime there needed to be before the MPS were taken seriously regarding their limited resources to deal with every incident. He highlighted how the

West End Stress Area was changing and if more Premises kept opening the area would turn into a giant crime hotspot which would be extremely difficult for the Police to maintain and deal with effectively.

53. Mr Kevin Jackaman, representing the Licensing Authority advised that he would deal with each application separately as the policy considerations were different for each one. He outlined that the Licensing Authority had maintained their representation regarding the Premises Blackwood (sports bar) due to its location in the West End Stress Area and that this particular Premises needed to be assessed under Policy CIP1 because the Premises was proposing to trade as a bar with a substantial food offering, although there were no conditions proposed which required alcohol to be ancillary to food. He highlighted that, therefore, at present there was a presumption to refuse the application and for the Applicant to demonstrate an exception to the Policy.
54. Mr Jackaman advised that the Licensing Authority noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was therefore for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy. He added that the Licensing Authority have no reason to believe that the Premises would not be operated well, however that in itself was not an exception to the Licensing Policy as all Licence holders were expected to operate their Premises well as outlined in D14 of the Licensing Policy.
55. Mr Jackaman referred to the application for Glass House and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End CIZ. He advised that the Premises was proposing to trade as a restaurant and the Applicant had agreed that the Council's restaurant model conditions MC66 be added to the Premises Licence. He set out that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there was no presumption to refuse this application as the hours sought were within the Council's Core Hours Policy.
56. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1 (the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact). He added that the Licensing Authority again noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy.
57. Mr Jackaman referred to the application for the Devonshire Arms and advised that the Licensing Authority had maintained their representation due the location of the Premises within the West End CIZ. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would only apply to the first, second and third floors with the ground floor operating as a bar and hence the Licensing Authority were concerned about the potential for vertical

drinking. He stated that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application and as the hours sought were within the Council's Core Hours Policy. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1; the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact in the West End Stress Area.

58. Mr Jackaman referred to the Rooftop Restaurant and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End Cumulative Impact Area. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would not apply to the 20% of the area used for bar use only and hence the Licensing Authority were concerned about the potential for vertical drinking. He added that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application, however, Members needed to be satisfied that the granting of this application would not add to the cumulative impact in the area.
59. Mr Jackaman advised that all four applications were part of a wider development for the Piccadilly area and it was therefore the Licensing Authority's view that it was for the Members to determine whether the Applicant had demonstrated the exception where necessary and similarly that the applications would not add to Cumulative Impact in the West End Stress Area. He emphasised that it was the location of the four Premises within the West End Cumulative Impact Area that was causing concern for the Licensing Authority.
60. Mr Richard Brown appearing on behalf of the Soho Society, advised that the Soho Society was made up of residents who had cumulatively lived in Soho for many decades so their perspective and assessment of Soho should be taken seriously by Members. He advised that there was simply not enough Police to manage the problems that occurred regularly in Soho and that if Members were minded granting these applications, they should be for Core Hours and restaurant use only with no independent bars at all. He outlined that three out of the four applications had applied for 30 minutes beyond the core hours albeit licensable activities would cease at core hours, however dispersal would not take place until midnight during the week and at 00:30 hours during the weekend.
61. Mr Brown referred to the Jewel and Coqbull Premises Licences that were being offered for surrender if the four applications were granted and which Mr Thomas had advised the Sub Committee would be an improvement to the area and promote the licensing objectives. He advised that the Coqbull Premises Licence appeared to cover the same footprint as the Devonshire Arms application and had been operating much more recently than the 'Jewel' Premises Licence. He outlined that the Coqbull Premises Licence was subject to the Council's model restaurant condition MC66 and although there was some limited provision for bar use, this was not an independent bar, so

with the Devonshire Arms application theoretical there would be a lot more drinking.

62. Mr Brown emphasised that the Jewel night club had not been in operation for years and that the Sub Committee had heard from the Police that the internal layout had now been changed so it could simply not be used again for a nightclub. He added that he had made reference to the Novus Leisure case because it was the leading case which deals with a situation where an Applicant seeks to surrender a Premises Licence in return for a grant of a Premises Licence elsewhere. He added, however, the situation today was not quite the same, as the proposal was to transfer the Jewel Premises Licence to another part of the Premises.
63. Mr Brown advised that the Jewel nightclub closed in 2019 so the crime figures for last year did not include the operation of Jewel and indeed when Jewel was operating the crime rates were much lower than they were now. He highlighted that Jewel had a last entry condition attached to its Premises Licence that no one could enter the Premises after midnight and therefore perhaps there was not the 'hard exit' described by Mr Studd and the EHS. He added that an analysis of the MPS evidence suggests that the total capacities at or around midnight were at least as important to crime rates as a later terminal hour.
64. Mr Brown referred to his analysis of recent Premises Licences granted in the immediate area which demonstrated that the cumulative impact of licenced premises in the area would (or would soon be) greater than existed in 2019. He added that although the submissions made by Mr Thomas may seem superficially attractive in terms of decreasing the hours and bar use the proposals were actually increasing the capacity with a reduction of just one hour opening time. He highlighted that more people were visiting the West End earlier in the evening and the Police's crime statistics indicated that crime figures were overall higher now than in May 2022 to May 2023 and any year since 2018/2019 and that the timings of when crime reached its peak were now lower than between 01:00 hours and 02:00 hours.
65. Mr Brown strongly emphasised that it was simply not the case that the Applicant could surrender these two Premises Licences under the Licensing Policy D15 and D17 because these two Premises Licence were not currently being used: so the granting of these four new Premises Licences would bring additional people into the already packed West End Stress Area where crime was at an all-time high.
66. Mr Brown referred to the application for Blackwood and advised that this application was not for Core Hours but for 30 minutes beyond Core Hours and there was no last entry condition proposed which there had been on Jewel's Premises Licence. He advised therefore that this meant there would be a hard dispersal up to 00:00 hours during the week and 00:30 hours during the weekends. He highlighted that the Premises would not be food led and there would be significant vertical drinking (281 people) which would by its very nature risk harming the Licensing Objectives.

67. Mr Brown referred to the Devonshire Arms and respectfully disagreed that this would be a restaurant led Premises as the whole of the ground floor would be operated as a pub where alcohol was not ancillary to food. He referred to an application made in 2012 that had turned this Premises into a restaurant over four floors for a higher capacity. The Applicant was now requesting to return to vertical drinking with a lower capacity than was previously allowed but still a higher capacity than it did have then in 2012.
68. Mr Brown referred to the Glass Street restaurant which was a straightforward restaurant application and advised that if the application was seeking core hours, not core hours plus 30 minutes the Soho Society would not have any objections regarding this application. He added, however, this proposal was clearly more favourable than the Jewel Premises Licence.
69. Mr Brown referred to the Rooftop Bar and restaurant which the Sub Committee were asked to grant to 01:30 hours. He advised that the bar use was fairly significant at 20% of its capacity and there was no good reason for the Premises to operate beyond the Council's Core Hours Policy.
70. Mr Brown requested that the Sub Committee turn to page 47 of the Agenda Pack which contained the table listing the existing Premises Licences and Proposed Premises Licences. He emphasised that all these Premises were beyond Core Hours and dispersal was the most problematic concern for the Soho Society because of the problems with crime and disorder and anti-social behaviour which all occurred when people left licensed Premises.
71. Mr Brown advised that the importance of building maintenance/security to residents was raised and the Soho Society requested that the servicing hours be amended from 07:00 hour to 08:00 hours and that all four applications have a condition which reflects model condition 57 regarding patrons temporarily leaving the Premises to smoke or make phone calls. He further submitted that the Applicant could not be 100% sure that patrons would go home after visiting these Premises and that a certain number would indeed head into Soho to continue their evening in a different bar/restaurant and therefore would add to the cumulative impact area.
72. Ms Marina Tempia, representing the Soho Society, advised that the Soho Society were concerned about the vertical drinking proposed within these four applications and the request to operate beyond Core Hours for three out of the four applications along with the proposal that the rooftop restaurant trades until 01:00 hours with bar use included within the restaurant.
73. Ms Tempia highlighted the number of Premises Licences, currently 478, operating in Soho and why as a community they were concerned about the ever-increasing growth in licensed premises and the impact that they were having on the residents. She emphasised that any new Premises Licence was now a concern for the Soho Society because it added to the cumulative impact in the area. She outlined that since COVID thirty new Premises Licences had been granted outside of Core Hours which the Soho Society had found very disappointing as the anti-social behaviour, crime and disorder and crowds of people were increasing daily in the West End area.

74. Ms Tempia advised that the Soho Society was concerned about the closing time of 00:30 hours because many people leaving these Premises would wander around the streets and 'hang out' and some would become victims of crime. She added Soho had a booming night-time economy which fuels cumulative impact and crime rates. She considered that the area was now becoming unsafe for residents at night.
75. She strongly advised that the surrender of the two Premises Licence were not exceptional circumstances, especially Jewel, as the night club had not been in operation since before COVID, so although the building was not a hole in the ground the Premises Licence did not exist anymore and was just being used and resurrected as a way of attempting to justify the cost benefit of these four new Premises. She emphasised that the restaurant policy was clear in that the Premises should operate as a restaurant only and that there should be no bar use. She considered that the Applicant was trying to create some sort of hybrid (bar and restaurant use) however this was not part of the Licensing Policy.
76. Ms Tempia advised that the Soho Society did not object to Premises having a holding bar but they did object to them having a drinking area where patrons could drink without having to eat during the evening. She briefly outlined that the residential flats next door to the Devonshire Arms were already located there and had just been demolished during the development process so there would be residents living next to this Premises.
77. She requested further information regarding the outside drinking area marked on the plans especially as this part of Soho was the main thoroughfare to Piccadilly Circus Underground Station. She added that this tube station was very heavily used and the pavement was very narrow in places. She echoed Councillor Lilley's words regarding the terrible issue with street urination and emphasised the disturbance to residents from taxis', pedicabs and people screaming and shouting late at night.
78. Ms Tempia advised strongly that the Soho Society did not want any new Premises that offered vertical drinking to be granted within the West End area and that going forward all Premises should be granted with the Model restaurant condition MC66 attached to its Premises Licence and within the Council's Core Hours Policy.
79. Mr Horatio Chance, Legal Advisor to the Sub Committee, proceeded to go through each application in turn referring to the proposed conditions to be attached to each Premises Licence. Mr Thomas confirmed that the Applicant had agreed to all the proposed conditions. The Responsible Authorities further agreed that they had also agreed with all the proposed conditions.
80. Mr Chance suggested that the model condition MC24, the telephone condition, the model condition MC99, regarding dispersal and the model condition MC57 be attached to all the Premises Licences. All parties confirmed that these conditions should be attached to the Premises Licences. Mr Thomas further confirmed that he agreed to the serving condition being

amended from 07:00 hours to 08:00 hours. Mr Brown advised that the Interested Parties could not agree on the closing time of the external area on the assumption that vertical drinkers would congregate outside of the Devonshire Arms.

Summing up of the Parties submissions

81. During the summing up, the Responsible Authorities confirmed that they had nothing further to add to their submissions.
82. During his summing up, Mr Brown advised that Section 4 of the Act states that the Licensing Authority must carry out its functions under this Act with a view to promoting the Licensing Objectives and that in terms of the case law that was what the judge was setting out that everything comes back to the promotion of the licensing objectives. He outlined that he did not completely agree with the EHS's pre-application advice particularly regarding where they stated that the replacement of a large capacity venue with these four Premises beyond Core Hours would be an improvement for the area. He advised that he hoped that he had demonstrated that the Jewel Premises Licence was not as it was presented along with the closing times of the four proposed new Premises. He considered that the capacity, particularly the vertical drinking capacity, was not sufficiently reduced in light of the Crime and Disorder statistics. He concluded that a £1 billion development would not stand or fall on the grant/refusal of these applications and that the Sub Committee should not determine these applications with such 'a gun held to their head'.
83. During his summing up, Mr Thomas clarified that the Devonshire Arms external area was dealt with as in 'off' sales and that the area would close at 23:00 hours as stated in the condition offered in the application. He added that any external area was going to be seasonal however to give the Soho Society some comfort the Applicant had offered a capacity for the internal ground floor area of 120 so this was a massive decrease in vertical drinking from what was currently allowed. He outlined that the Applicant had taken issue with Councillor Lilley's statement that Blackwood (the sports bar) was unwelcoming to people of minority groups and wished to add that the bar was "inclusive" to all and positively encouraged and welcomed everyone to their bar. He added that women represented a significant percentage of the customers that visited Greenwood in Victoria Street.
84. Mr Thomas emphasised that the fact that the Premises had not been in operation since COVID did not matter because the Premises was still there and could still be used. He advised that crime statistics would always increase/decrease and the suggestion that the crime figures had reduced since the closure of Jewel was simply speculation because there was no evidence to come to that conclusion.
85. He disagreed with the Police's evidence that cumulative impact within the West End had drastically changed since COVID. He referred to the hot spots of crime and disorder in the West End which was marked on the Police's Crime Statistics and advised that the hot spots were where venues were open

beyond Core Hours. He emphasised that the Applicant was reducing the opening hours of the existing Premises Licences by up to four hours. He highlighted that Westminster was full of tourists and surely it was good for Westminster that tourists were attracted back to the West End since COVID. He added there was simply no evidence to suggest that more people were now visiting the West End.

86. Mr Hughes referred to how busy the Victoria area was because there were literally thousands of people visiting Buckingham Palace and Westminster Abbey which were located remarkably close to Greenwood venue. He emphasised that residents also lived close to the Greenwood venue and there had never been a single complaint made by a resident or their landlords.
87. Mr Thomas emphasised that the Applicant had demonstrated exceptional circumstances in a number of different areas: reduction in capacity, operating hours and vertical drinking and would provide employment for hundreds of local people. He added that the Sub Committee could either grant the extra 30 minutes to add to dispersal in the area or could grant to Core Hours for licensable activities. He confirmed that the Applicant would prefer to be granted the extra 30 minutes. He emphasised again that the four applications would promote the four licensing objectives in a way that hopefully would protect the cumulative impact area rather than making it worse and that the conditions attached to all four Premises Licences would alleviate The Soho Society's concerns.

Conclusion

88. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. The Premises proposes to operate as a bar with food offering within the West End CIZ and so there is an automatic policy presumption to refuse this type of application. Therefore, it is down to the Applicant to prove exceptionality.
89. In reaching their decision, the Sub-Committee took into account all the committee papers, supplementary submissions made by the Applicant, and the oral evidence given by all parties during the hearing in its determination of the matter. It welcomed that the Applicant obtained pre-application advice from the Council's Environmental Health Service.
90. Notwithstanding the opposition to the application by those parties who had objected the Sub-Committee was satisfied that the Applicant had provided exceptional reasons under the terms of the City Council's SLP, was in accordance with the Act, the s.182 Home Office Guidance and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.
91. In reaching its decision, the Sub-Committee noted that the Applicant had demonstrated that the Premises would not add to cumulative impact in the West End CIZ, had provided exceptional reasons (recognised under the City Council's SLP not necessarily to be an exhaustive list) but included matters such as the reduction in capacity, operating hours, reduced vertical drinking,

providing employment opportunities for hundreds of local people thereby boosting the local economy, together with the surrender of both the Jewell Piccadilly and Coqbull premises licences all accepted and considered by the Sub-Committee to form part of those very valid exceptional circumstances and summarised below:-

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
- Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.

92. The Sub-Committee took into consideration that conditions had been agreed with all the Responsible Authorities and the Environmental Health Service who were generally satisfied with the application. The Sub-Committee further noted that the Applicant had agreed to include Model Condition MC24 on the Premises Licence, requiring a direct telephone number to be provided for the manager of the Premises.
93. In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate and mitigate the concerns of residents' who had objected to the application which were considered appropriate and would have the desired effect of promoting the licencing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission **for Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:00
Seasonal Variations: From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
2. To grant permission **for the Exhibition of Films** Monday to Thursday 10:00 to 23:30 Friday and Saturday 10:00 to 00:00 Sunday 12:00 to 22:30
Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
3. To grant permission **for Live Music** Monday to Thursday 10:00 to 23:30 Friday and Saturday 10:00 to 00:00 Sunday 12:00 to 22:30
Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

4. **To grant permission for Recorded Music** Monday to Thursday 10:00 to 23:30 Friday and Saturday 10:00 to 00:00 Sunday 12:00 to 22:30
Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
5. **To grant permission for Anything of a similar description to Live music or recorded music** Monday to Thursday 10:00 to 23:30 Friday and Saturday 10:00 to 00:00 Sunday 12:00 to 22:30.
Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
6. To grant permission for the **Sale by Retail of Alcohol (Indoors)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours. **Seasonal Variations:** Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
7. To grant permission for the **Opening Hours of the Premises** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours **Seasonal Variations:** Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
8. That the Licence is subject to any relevant mandatory conditions.
9. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant.

10. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.
11. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 18:00hrs until 30 minutes after closing when it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.
12. A noise limiting device located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of officers from the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet

shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

13. No alteration or modification to any existing sound system(s) should be effected without the prior knowledge of an authorised officer of the Environmental Health Service.
14. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
15. No speakers shall be located near the entrance lobby area.
16. The Exhibition of Films is restricted to films not involving the use of real film (e.g. video) where exhibition are incidental or subsidiary to the main use of the premises.
17. CCTV: (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
18. 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.
19. 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.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times, except for waste collected within the internal servicing yard.

22. 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.
23. 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.
24. 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.
25. 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, except for collections taking place within the internal servicing yard.
26. A 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.
27. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
28. 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.
29. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day, except for deliveries taking place within the internal servicing yard.
30. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.

31. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
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. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.
36. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 439 persons subject to the final capacity of the premises being agreed 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.
37. No licensable activities shall take place at the premises until premises licences reference 20/01636/LIPT and 23/00820/LIPT (or such other number subsequently issued for the premises) have been surrendered.
38. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses.
39. A copy of the premises dispersal policy shall be made available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
8 June 2023**

2. THE DEVONSHIRE ARMS, UNIT 1, 5-6 SHERWOOD STREET, W1F 7BW & 18-19 DENMAN STREET, W1D 7HW

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2
("The Committee")

Thursday 8 June 2023

Membership: Councillor Maggie Carman (Chair) Councillor Judith Southern and Councillor Tim Mitchell.

Officer Support: Legal Adviser: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Karyn Abbott

Other Parties: Alun Thomas (Solicitor, Thomas and Thomas), Jack Spiegler (Solicitor, Thomas and Thomas), Gareth Hughes (Solicitor (Keystone Law), Mark Warne (Applicant, Landsec), George Copeman (Applicant), Adrian Studd (Consultant), Richard Vivian (Acoustic Consultant), PC Dave Morgan (Metropolitan Police Force), PC Steve Muldoon (Metropolitan Police Force), Anil Drayan (Environmental Health Service), Kevin Jackaman (Licensing Authority), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing The Soho Society), Marina Tempia (The Soho Society) and Jane Doyle (The Soho Society) and Councillor Patrick Lilley (Ward Councillor for the West End Ward and Witness for the Soho Society)

Application for a New Premises Licence in respect of The Devonshire Arms Unit 1 5/6 Sherwood Street London W1F 7BW and 18/19 Denman Street W1D 7HW 23/01460/LIPN

Full Decision

Premises

The Devonshire Arms
Unit 1, 5/6 Sherwood
Street W1F 7BW and
18/19 Denman Street
W1D 7HW

Applicant

Ls 1 Sherwood Street Ltd and Carroll And Rogers Ltd

Ward

West End

Cumulative Impact Zone

West End Cumulative Impact Zone (“West End CIZ”)

Special Consideration Zone

N/A

Activities and Hours applied for

Recorded Music

Monday to Thursday 10:00 to 23:30

Friday and Saturday 10:00 to 00:00

Sunday 10:00 to 22:30

Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.

Late Night Refreshment (Indoors)

Monday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:00

Sunday N/A

Seasonal Variations: From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day

Sale by Retail of Alcohol (Indoors and Outdoors)

Monday to Thursday 10:00 to 23:30 hours

Friday to Saturday 10:00 to 00:00 hours

Sunday 12:00 to 22:30 hours

Seasonal Variations: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.

Opening Hours of the Premises:

Monday to Thursday 09:00 to 00:00 hours

Friday to Saturday 09:00 to 00:30 hours

Sunday 09:00 to 23:00 hours

Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premise proposes to operate as a core hours restaurant and ancillary bar with external area. The Applicant obtained pre-application advice from the Council's Environmental Health Service. The Premises are located within both within the West End Ward and West End Cumulative Impact Zone. There is a resident count of 55.

Should the application be granted the Applicant proposes within their submissions to surrender the following existing premises licence:-

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
- Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.

Copies of the above Premises Licences can be found at **Appendix 3**.

In addition, two historical Premises Licences were in place within 19 Shaftesbury Avenue W1D 7ED, being Jamie Oliver's Diner and the Japan Centre.

This application follows pre-application advice. The applicant has provided the following submissions which can be found at **Appendix 3**.

The applicant has submitted further submissions in respect of the application which include:

- Letter to The Licensing Authority.
- Schedule of Existing Premises Licences vs Proposed.
- Observations by Adrian Studd.
- Noise report.
- Brochure.
- Pre-application advice report

These appear at **Appendix 2** of the agenda report.

Representations Received

- The Metropolitan Police Service (Oppose)
- Environmental Health Service (Oppose)
- The Licensing Authority (Oppose)
- The Soho Society (Oppose)
- Two Local Residents (Support)
- Soho Business Alliance (Support)

-

Those objections in support cite improvements and additions to the area whereas those against cite public nuisance and crime and disorder issues.

Summary of objections

- *Paragraph F112 of Westminster's Licensing Policy states: The Licensing Authority is particularly concerned that restaurant premises within the West End Cumulative Impact Zone do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening. Submission has been made that not every individual in a group may wish to eat but should not be prevented from accompanying diners and having a drink. The Licensing Authority, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal. However, it will prioritise its enforcement efforts at preventing a change of character of the premises towards bar use.*
- *The applicant has applied for the sale by retail of alcohol both on and off the premises. The Licensing Authority would encourage the applicant to provide further submissions as to the proposed operation of the 'off sales' from the premises, and how this is intended to be operated and controlled to ensure that there is no adverse impact within the West End Cumulative Impact Area.*
- *Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety*
- *I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are objecting to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder. The venue sits within the Westminster Cumulative impact Zone, the Police are concerned that the venue will add to the cumulative impact in an already very demanding area. It therefore may be a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.*
- *Piccadilly Circus is a defining London landmark, and it warrants a local hospitality offering befitting that status. While visitors rightly flock to the square to absorb the visuals, and the atmosphere, it remains an area to be passed through, with the Piccadilly Lights serving as a signpost to the joys of Soho and the West End beyond. The Lucent development will change that, and help the junction evolve into something more than just an iconic thoroughfare – with these four new licensed premises sitting at its heart. Reinvention like this is not just desirable; it is necessary to ensure Westminster maintains its rightful place as London's epicentre for hospitality, culture and tourism. The balanced bar and restaurant use across the four venues has evidently been carefully thought through, to complement one another, and the area. Unit A, The Devonshire Arms and Blackwood will hugely diversify the leisure offering at street level, enlivening frontages and improving security later at night, all within core hours. The hours for the Rooftop, meanwhile, are measured and appropriate to the proposed use. They will allow visitors and residents to soak in the vibrancy of the area into the evening in a spectacular new setting atop the Lights, without encroaching on residential amenity. They are also in line with the hours under the old licence – which was a far cry from the upmarket*

destination restaurant we can expect here. Given the nature of the proposed operations across the four venues, safeguarded as they are by a comprehensive schedule of model licensing conditions in each case, the Soho Business Alliance are confident that the applicants will promote the Licensing Objectives without adding to Cumulative Impact. This is so without even taking account of the two existing licenses being surrendered – but the fact that they are should weigh even more heavily in favour of grant, as should the broad range of employment opportunities that will be created by these new ventures.

- I would like to give my support to the Lucent premises licence applications, in particular the Devonshire Arms proposal in the former Coqbull site. I am aware of the ongoing development works in the Piccadilly Lights building. This is a gateway to our community in Soho and has been in need of care and attention for many years. The community are excited about the careful restoration of the building and approve of the current proposals.*
- The site formerly hosted Coqbull and the Jewel nightclub until 1.00 am. The new licence applications are much more appropriate and thoughtfully positioned across the building. In particular I am very happy to see the Devonshire Arms application in the Coqbull site. Replacing a low quality night club and a neon clad burger restaurant with the restoration of a welcoming traditional pub on ground floor with a restaurant on the upper floors being led by a multi Michelin chef feels like a great improvement. There has been a pub on that site since 1793, it would be great to see it restored to that original use at ground floor. I have every confidence that the operators of the Devonshire Arms will bring about an attractive change to our neighbourhood that will be sympathetically managed and promote the licensing objectives. I urge Westminster to grant the Devonshire Arms and wider applications.*
- I would like to give my support to the Lucent premises licence applications, in particular the Devonshire Arms proposal in the former Coqbull site. I am aware of the ongoing development works in the Piccadilly Lights building. This is a gateway to our community in Soho and has been in need of care and attention for many years. The community are excited about the careful restoration of the building and approve of the current proposals. The site formerly hosted Coqbull and the Jewel nightclub until 1.00 am. The new licence applications are much more appropriate and thoughtfully positioned across the building. In particular I am very happy to see the Devonshire Arms application in the Coqbull site. Replacing a low quality night club and a neon clad burger restaurant with the restoration of a welcoming traditional pub on ground floor with a restaurant on the upper floors being led by a multi Michelin chef feels like a great improvement. There has been a pub on that site since 1793, it would be great to see it restored to that original use at ground floor.*
- This is an application for a restaurant and bar in the West End Cumulative Impact Zone, any increase in the number of licensed premises and people in the area will fail to promote the licensing objectives and increase cumulative impact.*

Policy Considerations

Policies CIP1 and RNT1 (B) apply under the City Council's Statement of Licensing Policy ("SLP").

Policy CIP1

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy HRS1 applies A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

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

are expected to be covered by Temporary Event Notices or variation applications.

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

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 11pm.

RNT1 (B)

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.

2. The hours for licensable activities being within the council's Core Hours Policy HRS1.

3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.

2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.

3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.

4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided

always that the consumption of alcohol by such persons is ancillary to taking such meals.

5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

SUBMISSIONS AND REASONS

1. With the agreement of all parties present the Sub-Committee decided to hear all four applications in the round for the Development Site at Piccadilly lights encompassing Shaftesbury Avenue, Denman Street, Sherwood Street and Glasshouse Street simultaneously but agreed that each application would have their own separate written Decision. Each application was debated and presented accordingly so that all the parties gave their submissions, were afforded adequate time in making those submissions and therefore were not prejudiced in the process.
2. The Presenting Officer Ms Karyn Abbott summarised the application to the Sub-Committee. She advised that the Premise proposes to operate as a core hours restaurant and ancillary bar with external area. She advised that the EHS, MPS, the Licensing Authority and the Soho Society had maintained their representation against the application and that Shaftesbury Capital and the Soho Business Alliance were in support of the application. She advised that the Premises are located within both the West End Ward and West End CIZ. She explained that additional submissions had been received from the Applicant and the Soho Society and confirmed that these had been circulated to all the relevant parties.
3. Mr Alun Thomas Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that he was unhappy with the late evidence of case law submitted by the MPS just before the hearing. He stated that it should have been circulated by the deadline of noon on the Monday before the hearing and that it was procedurally unfair to expect anyone to deal with such things submitted so late. Mr Thomas then referred to the dead letter that Mr Brown (Solicitor representing the Soho Society) had raised in his additional submissions on Monday and stated that neither Mr Brown and/or the MPS had raised it in their initial representations. He advised that the Licensing Act and the Hearing Regulations were clear and quite specific that all parties should state their case up front. He added it was arguably admissible to raise a point of evidence like this so late.
4. Mr Thomas further advised that he had only received notice yesterday morning that Councillor Lilley was being called as a witness by The Soho Society and not the advance notice of 5 working days as set out in the Hearing Regulations. He requested therefore, the Licensing Sub Committee consider the prejudice caused to the Applicant by these points not being raised in their representations along with the late evidence and how much weight should be given to this new evidence.
5. Mr Richard Brown appearing on behalf of the Soho Society advised that the Hearing Regulations were not set in stone in terms of time limits and that in

the interest of justice any party should be entitled to call a witness. He emphasised that it would be very unfortunate if the Lead Member for the West End were prevented from addressing the Sub Committee. He added that the suggestion that the case law was submitted late and therefore impossible for Mr Thomas to deal with was ludicrous as this case would have already been considered by the Applicant and Mr Thomas when submitting their applications. Mr Brown then referred to the late evidence that the Applicant had submitted such as the expert noise report and indicated that this report could have been submitted with the applications. Mr Brown concluded by stating there had been no prejudice caused to the Applicant.

6. The Sub Committee adjourned to consider the points raised by Mr Thomas and Mr Brown for five minutes. Upon returning the Sub Committee advised Mr Thomas that the hearing could be adjourned for 30 minutes to give him time to consider the case law so that the Applicant was not prejudiced.
7. The Sub Committee added that it had been the practice of past Licensing Sub Committees to allow witnesses to be called by a party and, therefore, would allow Councillor Lilley to be called as a witness by the Soho Society. At this point Mr Thomas confirmed that he did not require the thirty minute adjournment.
8. Mr Alun Thomas outlined the application before the Sub-Committee. He advised that the Applicant had submitted four applications for new Premises Licences (the “Applications”) for a balanced range of uses in the iconic Piccadilly Lights building. These are highlighted as follows:
 1. Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.
 2. The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.
 3. The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – an 01:00 restaurant with ancillary bar and terrace.
 4. Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.
9. Mr Thomas advised that over £1 billion had been spent on the development and that the renovation of the building would bring substantial improvements and benefits to the environment and community. He set out that the building was located right on the cusp and boundary of the West End CIZ.
10. Mr Thomas advised that the following existing Premises Licences would be offered for surrender if (and only if) all of the above Applications were granted. He highlighted that the pre-application advice from EHS recognised that these surrenders demonstrated that the Applications could be granted as an exception under the SLP because the proposals represented an improvement and a positive impact in the West End CIZ.

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT. The premises are a nightclub with vertical drinking and regulated entertainment to 01:00 with a 500 capacity.
 - Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT). The premises are a restaurant with a bar area that has core hours with a 440 capacity.
11. Mr Thomas stated that no representations had been made against the application from individual residents and there was no significant residential use in close proximity. He highlighted that the Applicant had intentionally proposed food-focused uses within the Council's Core Hours Policy with the only exception being the rooftop restaurant. He further highlighted the support from the Soho Business Alliance and two other Stakeholder Businesses who recognised the value of the proposal for the area.
 12. He advised that the Responsible Authorities and the Soho Society had expressed concern regarding the proposed bar uses and the location in the West End CIZ whereas the Applicant considered that the balanced use spread out over the development rather than one targeted or destination Premises would be beneficial for the area. He set out how the local community and stakeholders had been consulted on the development.
 13. Mr Thomas outlined how the Council's Policies PB1 and CIP1 applied to these applications and highlighted that Policy CIP1 was only a (rebuttable) presumption that the Licensing Authority should refuse applications for pubs, bars, fast food Premises and that it might be overridden in "exceptional circumstances". He added that the Licensing Authority must "always consider the individual circumstances of applications; even where an application was made for a proposal that was apparently contrary to policy.'
 14. Mr Thomas referred to paragraph D15 and D17 of the SLP and emphasised the exceptional circumstances to grant the four applications. He read out 'that the transfer of an existing operation from one Premises to another, where the size and location of the second Premises is likely to cause less detrimental impact will promote the licensing objectives and that the measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for cumulative impact.'
 15. Mr Thomas emphasised that the proposals to surrender the two existing Premises Licences, the reduction in vertical drinking and the introduction of restaurant use within the Council's Core Hours Policy was at the heart of the SLP and would reduce drunkenness, public nuisance and crime and disorder in the area.
 16. Mr Thomas referred to the pre-application advice sought from the EHS and emphasised that the EHS considered that distributing patrons across four businesses with three out of four of them being restaurants operating within the Council's Core Hours Policy promoted the licensing objectives and reduced (not added to) the West End Cumulative Impact Area. He added there would also be a total elimination of Regulated Entertainment, Live Music

and Dancing after Core Hours, which was another advantage of these applications, as they would help reduce the number of people seeking out fast food to soak up alcohol in the early hours of the morning with the reduction in patrons leaving the development at the latest 01:30 hours.

Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.

17. Mr Thomas introduced Mr Gareth Hughes, Counsel representing the Blackwood development. Mr Hughes gave a background to Blackwood Sports Bar and Kitchen and urged the Sub-Committee to consider the pedigree and experience that the Applicant had in managing these types of establishments. He referred to two of the Applicant's existing establishments: Wagtail which was a rooftop restaurant near the Shad and Greenwood located near Victoria Station which were both well- managed establishments as confirmed by PC Morgan in the Agenda Pack.
18. Mr Hughes emphasised that both the Transport Police and the Metropolitan Police Service had positive relationships with the company and had indicated that there had never been issues with their customers leaving the Premises after watching sporting events because every event was individually risk assessed.
19. Mr Hughes referred to page 119 of the additional bundle which sets out the substantial food offering of the Applicant's existing Premises and how food was ordered by way of QR codes located on both tables for seated and standing customers. He outlined that the majority of sporting events shown were ongoing sporting events such as golf, tennis, cricket and rugby league where customers came for a meal and a drink with colleagues after work to watch an evening sporting event. He emphasised that all football matches shown at the sports bars were risk assessed and only pre-booking arrangements were available. Customers were prevented from walking in off the street. He outlined to the Sub-Committee the security arrangements at the Premises.
20. Mr Hughes echoed the points that Mr Thomas had made regarding the surrender of the existing Premises Licences, that the Applicant was only seeking core hours and that the capacity for vertical drinking overall would decline by 129 patrons. He highlighted the last paragraph of the EHS's letter that stated: *'that it considered it is an acceptable approach in terms of policy taking into account the likely reduction in cumulative impact arising from the replacement of the former Premises for the new operations.'* He concluded that there could be no doubt that this new application was far more preferable than a large 500-person capacity venue.
21. Mr Hughes handed back to Mr Thomas who continued to assert the exceptional circumstances of the four applications to the Sub Committee. He advised that no individual resident had opposed the applications but instead there were two individual residents supporting the Devonshire Arms application. He highlighted the high specification of the CCTV system and that the whole building would be operated and looked after by one company with

comprehensive estate management controls and internal servicing which would reduce public nuisance on the streets. He added that the dispersal plan directed patrons away from the West End CIZ.

22. Mr Thomas then emphasised the employment opportunities that the new development would bring to Westminster and how the Applicant would work with the University of Westminster and Westminster Kingsway to recruit local young people. The Applicant aimed to employ at least 33% of people who lived locally within the four Premises.
23. Mr Thomas highlighted that the Lord Justice Dawson advised that licensing decisions did not just involve the obvious things but that it was about weighing up the variety of competing considerations and benefits. He emphasised the excellent travel network (trains, tubes and road) around the area. He referred to the modernisation of the conditions that would be attached to the four Premises Licences which were a vast improvement from what was included in the two old Premises Licences.
24. Mr Thomas introduced Mr Adrian Studd (Licensing Consultant) who advised that he had been working as a Licensing Consultant for the past 11 years in London and across the country. He considered that Piccadilly Circus was the perfect location for the four Premises because of the excellent transport links and because the capacity for vertical drinking would be reduced. He advised that in his experience patrons tended to go home after having a restaurant meal or watching a sporting event in a sports bar instead of going on to another venue to continue drinking. He considered that the grant of these four applications would not lead to a potential increase in the amount of intoxicated people in the West End because the Premises were food led establishments operating up to Core Hours with the exception of the roof top restaurant which would operate until 01:30 hours.
25. He referred to the Police's Crime Statistics included in the Agenda Pack and advised that crime and anti-social behaviour were down significantly compared to 2020. He agreed that the main cluster of crime was surrounding Greek Street and Berwick Street and that there was much less clustering of crime around Piccadilly Circus.
26. Mr Thomas referred to case of *Novus Leisure v Westminster Magistrates Court* that the Police had circulated that morning. He gave the background to the case in that Novus had come along and convinced the Crown Estate to grant them a lease for something like 3 months which they could then transfer to another venue. He advised that once this case got to appeal the original venue had been demolished/flattened, however, this was most certainly not the case here as the building was very much standing. He outlined that these applications were different in that the Applicant was asking for Premises Licences on the same development for up to Core Hours with restaurant conditions and the site had not been demolished.
27. He emphasised that both existing Premises Licences remain with their full value in use because they remained in the hands of the developers who

could, if they so wished, reopen both venues using the existing two Premises Licences.

28. Mr Thomas referred to Mr Brown's submission that listed other applications that had been granted in the West End CIZ and indicated that if the Sub Committee granted the four applications it would increase the number of people to 1970 in the immediate vicinity until 03:00 hours compared to 2019. Mr Thomas stated that this was incorrect because that predication was on the assumption that new people would be coming into the area and not people who would be going on a night out anyway. He advised that people did not go to the same restaurant/venue all the time so it did not mean that by granting these Premises Licences more people would be coming into the West End.
29. Mr Thomas advised that the four applications before the Sub Committee would certainly have less detrimental impact than the existing two Premises Licences. The proposals reduced vertical drinking and reduced the capacity beyond core hours hence reducing the impact in the cumulative impact in the area. He added that the four Premises also brought diversity to the West End. He reminded the Sub Committee of the EHS pre-application advice who considered it an acceptable approach in terms of policy considering the reduction in Cumulative Impact in the West End area.

The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.

30. Mr Thomas introduced Mr Charlie Carroll (Applicant) to the Sub Committee who already operated three venues within the West End. He advised that he was a big fan of the flat iron concept as it was affordable, excellent quality and value. He referred to the plans of the Devonshire Arms and advised that the basement was back of house (kitchen, toilets etc) and the ground floor would be a traditional pub with excellent food.
31. He outlined that patrons could enter just for a pint however food would very much be part of the offer. He emphasised that the bar use on the ground floor was ancillary to the overall use of the Premises and therefore increased the benefit of the surrender of the Jewel Premises Licence. He added that there would be seating for 120 persons available throughout the whole of the ground floor. He pointed out the external area which was outlined in black on the Plans was subject to a table and chairs licence and could be used under the existing arrangements until midnight. He referred to the first floor with a capacity of 60 persons (which would be confirmed on the completion of the works) which would be a sit-down table service restaurant.
32. Mr Carroll advised the Sub Committee why the project was intensely personal to him and how he had been working on it full-time for over a year. He confirmed that the Premises included one floor which would operate as a pub with available food whilst the three other floors would operate as sit down restaurants. He outlined that 80% of the Premises sales would be food and that the concept was to welcome a traditional pub back into Soho which is why it was important that the Premises was not just a restaurant but that it's offer was a traditional pub as well. He advised that he intended to offer

employment to over 80 full and part time staff and outlined how flexible the employment opportunities were in his establishments. He emphasised his focus was on training and development of staff which meant that staff retention was incredibly good in all his venues.

33. Mr Carroll advised that his vision for the Premises was that people would visit the venue, have a drink in the bustling welcoming pub, then go to the restaurant and have a three-course meal and then conceivably have a drink afterward and then make their way home. He considered that it was not going to be the type of Premises that people then went onto another venue to partake in a night-time of drunkenness. He emphasised that this Premises would be a high-quality destination restaurant and pub where people came for the whole evening.
34. Mr Thomas introduced Mr Brian Hannon, Shareholder/investor in the Devonshire Arms Project and Chair of the Soho Business Alliance. Mr Hannon his business interests within the West End and how he considered this development a superb one for the area. He advised that the Soho Business Alliance considered that this development would contribute positively to the word beating hospitality and night-time economy of the West End.
35. He set out how the offering would add to the culture of Soho which was recognised by the Licensing Authority as hugely important especially in respect of independent restaurants that attracted many visitors to Westminster each year. He emphasised that Soho Business Alliance fully supported the change of the two Premises licences for the four Premises Licences and in particular the bringing back of the Devonshire Arms pub.
36. Mr Thomas introduced Mr Paddy Renouf, local resident, in support of the application who considered the development a positive enhancement to the area as the operator had a good reputation for serving good quality food and drink.
37. In response to questions from the Sub Committee, Mr Thomas advised that people did not consider the Piccadilly area part of Soho, so in policy terms even through the development was on the cusp of the West End CIZ the Applicant did not see themselves as part of Soho. He outlined that customers would not migrate towards Soho after having a meal in the Devonshire Arms but would head home on the 24 hour tube located right next to the development.

The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – a 1.00am restaurant with ancillary bar and terrace

38. Mr Thomas introduced Mr Mark Warner, Development Director for Lucent, and Mr Ben Matthews, potential tenant of the Premises. Mr Matthew advised that the Rooftop restaurant would be very much a food led establishment offering breakfast brunch, lunch, afternoon tea and evening meals. Mr Thomas then referred to the Premises Plans of the Rooftop restaurant and indicated that a lift needed to be taken to reach the restaurant which was

important for two reasons: one there was no direct access off the street to the Premises and secondly the roof top restaurant was set back from any residential buildings on the busiest thoroughfares in London. He referred to the noise report that clearly set out that there was no chance of noise escape and highlighted that the area where customers could drink without a meal was restricted to no more than 20% of the total Premises capacity of 259 patrons.

39. Mr Thomas advised that he did not believe that the Applicant needed to prove an exception to policy PB1 because the predominant use was still ancillary to the restaurant. He advised, however, that if the Sub Committee did consider that an exception was needed, the exception would be the reduction in capacity, the operating hours and vertical drinking.
40. Mr Thomas set out that six floors would be used as office space and how the residents would form part of the wider Lucent scheme. He highlighted that the building would be owned and operated by one company 24/7 who would remain in control of the building so they could choose their tenants. He confirmed that the leases would be on a long-term basis for between 15 and 20 years.

Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.

41. Mr Thomas advised that this Premises would become a restaurant operating within the Council's Core Hours Policy so it would not add to cumulative impact within the West End CIZ.
42. In response to questions from the Sub Committee, Mr Thomas advised that negotiations were being had regarding the leasing of all four Premises and would be finalised on the outcome of the hearing today. He outlined that the ground floor of the Devonshire Arms would be a traditional 'pop in for a pint' pub with good quality beer and food available for all. He advised that there would be sausages on a stick behind the bar for £2.50, the pork coming from pigs butchered from organically kept pigs and that drinking water would be available at all times.
43. Mr Steve Kirby, Chief Operations Director, advised that the Blackwood Premises would be operated as an all-day dining style of operation which was very much in line with how the brand had been evolving over the years. He highlighted that all their venues were currently operating a much more complex food offering and with Blackwood the company were looking to operate breakfast, lunch and dinner sittings along with the offer of watching sporting events.
44. Mr Thomas advised that the Coqbull had recently closed and the Jewel had closed just before COVID, and that both Premises could be reopened at any time as the building had not been demolished. He advised that the hospitality sector was seeing a strong recovery in terms of recruitment as the industry as a whole had been dynamic and engaging in educational programmes to encourage graduates to enter into the hospitality industry. He added that the Applicant was keen to train, develop and retain people, especially local

people, with the ambitious for them to move up the professional ladder to senior managerial positions.

45. Councillor Patrick Lilley, representing the West End Ward, addressed the Sub Committee as a witness for The Soho Society. He advised that he had some 40 years of experience in the hospitality industry as a club promoter and DJ and frequently visited bars, clubs and restaurants within the West End. He stated that he had witnessed vast change in Soho since 1978 and most worrying was the rise in crime and disorder in the West End area. He advised that he was the Lead Member for Soho and the LGBT champion and he had spoken to a huge number of people living in Soho who considered that these proposals were terrible for the area.
46. Councillor Lilley advised that it was all 'smoke and mirrors' regarding the surrender of these two Premises Licences because currently neither of the two venues were in operation and one had been permanently closed since 2020, so there was not actually going to be an increase in customers. He added that good venues usually turn over twice as many customers because they had two sittings per evening so granting these four Premises Licence would increase the number of people coming into the West End by nearly 4000 persons; all eating, drinking and causing public nuisance in the area.
47. Councillor Lilley highlighted the terrible issue the West End suffered regarding urination on the streets and how expensive portaloos were to bring into the area. He further highlighted that the development was located within the West End CIZ and the presumption to refuse was the starting point of the conversation. He emphasised that the Sub Committee must consider the lifelong impact on the granting of these Premises Licences and the effect they would have on thousands of drinkers and diners who would come into Soho and experience anti-social behaviour and crime and disorder first hand. He added that as a gay man he did not feel comfortable in or around sport bars as large numbers of people congregated outside of these venues. He requested that the Sub Committee refuse these applications.
48. Mr Anil Drayan, representing the EHS advised that representation had been maintained to give the Sub Committee a chance to look at these applications as a whole and individually because these Premises were located in the West End CIZ. He confirmed that the EHS were satisfied with the proposed conditions that had been agreed with the Applicant and highlighted that the Premises would not be able to open until the EHS had revisited the Premises to inspect the public safety aspects of the building, escape route(s) and toilet facilities. He further confirmed that the EHS was satisfied with the noise reports that had been submitted which indicated that there would be no impact on public nuisance from within the Premises and that the dispersal plan would help mitigate against people leaving in big crowds and/or all at once.
49. PC Morgan, representing the MPS stated that representation had been maintained because the Premises were located within the West End CIZ. He advised that both the Blackwood Sport Bar and the Rooftop Restaurant applications were contrary to the SLP. He highlighted that these venues would

have a detrimental effect on the West End CIZ and would cause additional work and require additional resources from the MPS and the other emergency services. He confirmed that the Jewel Nightclub had not been in operation for numerous years and that the internal structure of this building had now been reconfigured so it would never reopen as a nightclub. He referred to the Sports Bar and advised that it would be a drink led establishment within the West End CIZ with a large area being set aside for vertical drinking which was against policy.

50. PC Morgan advised that the West End CIZ was already saturated with licensed premises which took its toll on Police resources. He referred to the crime figures attached to the Agenda Pack and advised that crime levels were now higher than pre COVID levels. He highlighted that sports fans leaving Blackwood Sports Bar could potentially cause more issues than customers leaving a nightclub. He further considered that not all people would automatically go home after attending one of these four Premises and it was highly likely that they would head into Soho and carry on their evening in one of the many bars where upon leaving (and being intoxicated) could fall victim of crime. He outlined that there was literally not enough police officers on the ground and especially at night and the Police already struggled to manage the amount of emergency calls that they received regarding incidents within this area. He requested that the applications be refused because the Applicant wished to operate beyond the Council's Core Hours Policy.
51. In response to questions from the Sub Committee, PC Morgan advised that he had been working in the West End for over 22 years and how increasingly more people were being drawn to the West End. He highlighted that he had never seen the West End as busy as it was now especially on Thursday, Friday and Saturday evenings and that it was a different place to when he had joined the Police Force. He emphasised that there were many gangs in the West End and lots of crime was taking place. He considered that sport bars were much more enticing for groups of males and were not like traditional pubs where people went for a quiet pint. He confirmed that the Police had no issue with the Greenwood venue located in Victoria, however, the Victoria area was nowhere near as busy as the West End.
52. PC Steve Muldoon, representing the Metropolitan Police Service, advised that the West End was extremely busy and that if these four applications were granted the area would have four additional Premises that did not exist six months ago. He referred to the crime statistics which indicated that there was less crime in the Piccadilly area, however, he wondered how many 'hot spots' of crime there needed to be before the MPS were taken seriously regarding their limited resources to deal with every incident. He highlighted how the West End Stress Area was changing and if more Premises kept opening the area would turn into a giant crime hotspot which would be extremely difficult for the Police to maintain and deal with effectively.
53. Mr Kevin Jackaman, representing the Licensing Authority advised that he would deal with each application separately as the policy considerations were different for each one. He outlined that the Licensing Authority had maintained their representation regarding the Premises Blackwood (sports

bar) due to its location in the West End Stress Area and that this particular Premises needed to be assessed under Policy CIP1 because the Premises was proposing to trade as a bar with a substantial food offering, although there were no conditions proposed which required alcohol to be ancillary to food. He highlighted that, therefore, at present there was a presumption to refuse the application and for the Applicant to demonstrate an exception to the Policy.

54. Mr Jackaman advised that the Licensing Authority noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was therefore for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy. He added that the Licensing Authority have no reason to believe that the Premises would not be operated well, however that in itself was not an exception to the Licensing Policy as all Licence holders were expected to operate their Premises well as outlined in D14 of the Licensing Policy.
55. Mr Jackaman referred to the application for Glass House and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End CIZ. He advised that the Premises was proposing to trade as a restaurant and the Applicant had agreed that the Council's restaurant model conditions MC66 be added to the Premises Licence. He set out that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there was no presumption to refuse this application as the hours sought were within the Council's Core Hours Policy.
56. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1 (the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact). He added that the Licensing Authority again noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy.
57. Mr Jackaman referred to the application for the Devonshire Arms and advised that the Licensing Authority had maintained their representation due the location of the Premises within the West End CIZ. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would only apply to the first, second and third floors with the ground floor operating as a bar and hence the Licensing Authority were concerned about the potential for vertical drinking. He stated that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application and as the hours sought were within the Council's Core Hours Policy. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1; the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact in the West End Stress Area.

58. Mr Jackaman referred to the Rooftop Restaurant and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End Cumulative Impact Area. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would not apply to the 20% of the area used for bar use only and hence the Licensing Authority were concerned about the potential for vertical drinking. He added that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application, however, Members needed to be satisfied that the granting of this application would not add to the cumulative impact in the area.
59. Mr Jackaman advised that all four applications were part of a wider development for the Piccadilly area and it was therefore the Licensing Authority's view that it was for the Members to determine whether the Applicant had demonstrated the exception where necessary and similarly that the applications would not add to Cumulative Impact in the West End Stress Area. He emphasised that it was the location of the four Premises within the West End Cumulative Impact Area that was causing concern for the Licensing Authority.
60. Mr Richard Brown appearing on behalf of the Soho Society, advised that the Soho Society was made up of residents who had cumulatively lived in Soho for many decades so their perspective and assessment of Soho should be taken seriously by Members. He advised that there was simply not enough Police to manage the problems that occurred regularly in Soho and that if Members were minded granting these applications, they should be for Core Hours and restaurant use only with no independent bars at all. He outlined that three out of the four applications had applied for 30 minutes beyond the core hours albeit licensable activities would cease at core hours, however dispersal would not take place until midnight during the week and at 00:30 hours during the weekend.
61. Mr Brown referred to the Jewel and Coqbull Premises Licences that were being offered for surrender if the four applications were granted and which Mr Thomas had advised the Sub Committee would be an improvement to the area and promote the licensing objectives. He advised that the Coqbull Premises Licence appeared to cover the same footprint as the Devonshire Arms application and had been operating much more recently than the 'Jewel' Premises Licence. He outlined that the Coqbull Premises Licence was subject to the Council's model restaurant condition MC66 and although there was some limited provision for bar use, this was not an independent bar, so with the Devonshire Arms application theoretical there would be a lot more drinking.
62. Mr Brown emphasised that the Jewel night club had not been in operation for years and that the Sub Committee had heard from the Police that the internal layout had now been changed so it could simply not be used again for a nightclub. He added that he had made reference to the Novus Leisure case because it was the leading case which deals with a situation where an

Applicant seeks to surrender a Premises Licence in return for a grant of a Premises Licence elsewhere. He added, however, the situation today was not quite the same, as the proposal was to transfer the Jewel Premises Licence to another part of the Premises.

63. Mr Brown advised that the Jewel nightclub closed in 2019 so the crime figures for last year did not include the operation of Jewel and indeed when Jewel was operating the crime rates were much lower than they were now. He highlighted that Jewel had a last entry condition attached to its Premises Licence that no one could enter the Premises after midnight and therefore perhaps there was not the 'hard exit' described by Mr Studd and the EHS. He added that an analysis of the MPS evidence suggests that the total capacities at or around midnight were at least as important to crime rates as a later terminal hour.
64. Mr Brown referred to his analysis of recent Premises Licences granted in the immediate area which demonstrated that the cumulative impact of licenced premises in the area would (or would soon be) greater than existed in 2019. He added that although the submissions made by Mr Thomas may seem superficially attractive in terms of decreasing the hours and bar use the proposals were actually increasing the capacity with a reduction of just one hour opening time. He highlighted that more people were visiting the West End earlier in the evening and the Police's crime statistics indicated that crime figures were overall higher now than in May 2022 to May 2023 and any year since 2018/2019 and that the timings of when crime reached its peak were now lower than between 01:00 hours and 02:00 hours.
65. Mr Brown strongly emphasised that it was simply not the case that the Applicant could surrender these two Premises Licences under the Licensing Policy D15 and D17 because these two Premises Licence were not currently being used: so the granting of these four new Premises Licences would bring additional people into the already packed West End Stress Area where crime was at an all-time high.
66. Mr Brown referred to the application for Blackwood and advised that this application was not for Core Hours but for 30 minutes beyond Core Hours and there was no last entry condition proposed which there had been on Jewel's Premises Licence. He advised therefore that this meant there would be a hard dispersal up to 00:00 hours during the week and 00:30 hours during the weekends. He highlighted that the Premises would not be food led and there would be significant vertical drinking (281 people) which would by its very nature risk harming the Licensing Objectives.
67. Mr Brown referred to the Devonshire Arms and respectfully disagreed that this would be a restaurant led Premises as the whole of the ground floor would be operated as a pub where alcohol was not ancillary to food. He referred to an application made in 2012 that had turned this Premises into a restaurant over four floors for a higher capacity. The Applicant was now requesting to return to vertical drinking with a lower capacity than was previously allowed but still a higher capacity than it did have then in 2012.

68. Mr Brown referred to the Glass Street restaurant which was a straightforward restaurant application and advised that if the application was seeking core hours, not core hours plus 30 minutes the Soho Society would not have any objections regarding this application. He added, however, this proposal was clearly more favourable than the Jewel Premises Licence.
69. Mr Brown referred to the Rooftop Bar and restaurant which the Sub Committee were asked to grant to 01:30 hours. He advised that the bar use was fairly significant at 20% of its capacity and there was no good reason for the Premises to operate beyond the Council's Core Hours Policy.
70. Mr Brown requested that the Sub Committee turn to page 47 of the Agenda Pack which contained the table listing the existing Premises Licences and Proposed Premises Licences. He emphasised that all these Premises were beyond Core Hours and dispersal was the most problematic concern for the Soho Society because of the problems with crime and disorder and anti-social behaviour which all occurred when people left licensed Premises.
71. Mr Brown advised that the importance of building maintenance/security to residents was raised and the Soho Society requested that the servicing hours be amended from 07:00 hour to 08:00 hours and that all four applications have a condition which reflects model condition 57 regarding patrons temporarily leaving the Premises to smoke or make phone calls. He further submitted that the Applicant could not be 100% sure that patrons would go home after visiting these Premises and that a certain number would indeed head into Soho to continue their evening in a different bar/restaurant and therefore would add to the cumulative impact area.
72. Ms Marina Tempia, representing the Soho Society, advised that the Soho Society were concerned about the vertical drinking proposed within these four applications and the request to operate beyond Core Hours for three out of the four applications along with the proposal that the rooftop restaurant trades until 01:00 hours with bar use included within the restaurant.
73. Ms Tempia highlighted the number of Premises Licences, currently 478, operating in Soho and why as a community they were concerned about the ever-increasing growth in licensed premises and the impact that they were having on the residents. She emphasised that any new Premises Licence was now a concern for the Soho Society because it added to the cumulative impact in the area. She outlined that since COVID thirty new Premises Licences had been granted outside of Core Hours which the Soho Society had found very disappointing as the anti-social behaviour, crime and disorder and crowds of people were increasing daily in the West End area.
74. Ms Tempia advised that the Soho Society was concerned about the closing time of 00:30 hours because many people leaving these Premises would wander around the streets and 'hang out' and some would become victims of crime. She added Soho had a booming night-time economy which fuels cumulative impact and crime rates. She considered that the area was now becoming unsafe for residents at night.

75. She strongly advised that the surrender of the two Premises Licence were not exceptional circumstances, especially Jewel, as the night club had not been in operation since before COVID, so although the building was not a hole in the ground the Premises Licence did not exist anymore and was just being used and resurrected as a way of attempting to justify the cost benefit of these four new Premises. She emphasised that the restaurant policy was clear in that the Premises should operate as a restaurant only and that there should be no bar use. She considered that the Applicant was trying to create some sort of hybrid (bar and restaurant use) however this was not part of the Licensing Policy.
76. Ms Tempia advised that the Soho Society did not object to Premises having a holding bar but they did object to them having a drinking area where patrons could drink without having to eat during the evening. She briefly outlined that the residential flats next door to the Devonshire Arms were already located there and had just been demolished during the development process so there would be residents living next to this Premises.
77. She requested further information regarding the outside drinking area marked on the plans especially as this part of Soho was the main thoroughfare to Piccadilly Circus Underground Station. She added that this tube station was very heavily used and the pavement was very narrow in places. She echoed Councillor Lilley's words regarding the terrible issue with street urination and emphasised the disturbance to residents from taxis', pedicabs and people screaming and shouting late at night.
78. Ms Tempia advised strongly that the Soho Society did not want any new Premises that offered vertical drinking to be granted within the West End area and that going forward all Premises should be granted with the Model restaurant condition MC66 attached to its Premises Licence and within the Council's Core Hours Policy.
79. Mr Horatio Chance, Legal Advisor to the Sub Committee, proceeded to go through each application in turn referring to the proposed conditions to be attached to each Premises Licence. Mr Thomas confirmed that the Applicant had agreed to all the proposed conditions. The Responsible Authorities further agreed that they had also agreed with all the proposed conditions.
80. Mr Chance suggested that the model condition MC24, the telephone condition, the model condition MC99, regarding dispersal and the model condition MC57 be attached to all the Premises Licences. All parties confirmed that these conditions should be attached to the Premises Licences. Mr Thomas further confirmed that he agreed to the serving condition being amended from 07:00 hours to 08:00 hours. Mr Brown advised that the Interested Parties could not agree on the closing time of the external area on the assumption that vertical drinkers would congregate outside of the Devonshire Arms.

Summing up of the Parties submissions

81. During the summing up, the Responsible Authorities confirmed that they had nothing further to add to their submissions.
82. During his summing up, Mr Brown advised that Section 4 of the Act states that the Licensing Authority must carry out its functions under this Act with a view to promoting the Licensing Objectives and that in terms of the case law that was what the judge was setting out that everything comes back to the promotion of the licensing objectives. He outlined that he did not completely agree with the EHS's pre-application advice particularly regarding where they stated that the replacement of a large capacity venue with these four Premises beyond Core Hours would be an improvement for the area. He advised that he hoped that he had demonstrated that the Jewel Premises Licence was not as it was presented along with the closing times of the four proposed new Premises. He considered that the capacity, particularly the vertical drinking capacity, was not sufficiently reduced in light of the Crime and Disorder statistics. He concluded that a £1 billion development would not stand or fall on the grant/refusal of these applications and that the Sub Committee should not determine these applications with such 'a gun held to their head'.
83. During his summing up, Mr Thomas clarified that the Devonshire Arms external area was dealt with as in 'off' sales and that the area would close at 23:00 hours as stated in the condition offered in the application. He added that any external area was going to be seasonal however to give the Soho Society some comfort the Applicant had offered a capacity for the internal ground floor area of 120 so this was a massive decrease in vertical drinking from what was currently allowed. He outlined that the Applicant had taken issue with Councillor Lilley's statement that Blackwood (the sports bar) was unwelcoming to people of minority groups and wished to add that the bar was "inclusive" to all and positively encouraged and welcomed everyone to their bar. He added that women represented a significant percentage of the customers that visited Greenwood in Victoria Street.
84. Mr Thomas emphasised that the fact that the Premises had not been in operation since COVID did not matter because the Premises was still there and could still be used. He advised that crime statistics would always increase/decrease and the suggestion that the crime figures had reduced since the closure of Jewel was simply speculation because there was no evidence to come to that conclusion.
85. He disagreed with the Police's evidence that cumulative impact within the West End had drastically changed since COVID. He referred to the hot spots of crime and disorder in the West End which was marked on the Police's Crime Statistics and advised that the hot spots were where venues were open beyond Core Hours. He emphasised that the Applicant was reducing the opening hours of the existing Premises Licences by up to four hours. He highlighted that Westminster was full of tourists and surely it was good for Westminster that tourists were attracted back to the West End since COVID.

He added there was simply no evidence to suggest that more people were now visiting the West End.

86. Mr Hughes referred to how busy the Victoria area was because there were literally thousands of people visiting Buckingham Palace and Westminster Abbey which were located remarkably close to Greenwood venue. He emphasised that residents also lived close to the Greenwood venue and there had never been a single complaint made by a resident or their landlords.
87. Mr Thomas emphasised that the Applicant had demonstrated exceptional circumstances in a number of different areas: reduction in capacity, operating hours and vertical drinking and would provide employment for hundreds of local people. He added that the Sub Committee could either grant the extra 30 minutes to add to dispersal in the area or could grant to Core Hours for licensable activities. He confirmed that the Applicant would prefer to be granted the extra 30 minutes. He emphasised again that the four applications would promote the four licensing objectives in a way that hopefully would protect the cumulative impact area rather than making it worse and that the conditions attached to all four Premises Licences would alleviate The Soho Society's concerns.

Conclusion

88. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. The Premise proposes to operate as a core hours restaurant and ancillary bar with external area within the West End CIZ and so there is an automatic policy presumption to refuse this type of application purely on the bar aspect but not with the restaurant use part of the Premises, which is to operate on the first, second and third floors provided there is no negative cumulative impact. Therefore, it is down to the Applicant to prove exceptionality regarding the former.
89. In reaching their decision, the Sub-Committee took into account all the committee papers, supplementary submissions made by the Applicant, and the oral evidence given by all parties during the hearing in its determination of the matter. It welcomed that the Applicant obtained pre-application advice from the Council's Environmental Health Service.
90. Notwithstanding the opposition to the application by those parties who had objected the Sub-Committee was satisfied that the Applicant had provided exceptional reasons under the terms of the City Council's SLP, was in accordance with the Act, the s.182 Home Office Guidance and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.
91. In reaching its decision, the Sub-Committee noted that the Applicant had demonstrated that the Premises would not add to cumulative impact in the West End CIZ, had provided exceptional reasons (recognised under the City Council's SLP not necessarily to be an exhaustive list) but included matters such as the reduction in capacity, operating hours, reduced vertical drinking, providing employment opportunities for hundreds of local people thereby

boosting the local economy, together with the surrender of both the Jewell Piccadilly and Coqbull premises licences all accepted and considered by the Sub-Committee to form part of those very valid exceptional circumstances and summarised below:-

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
 - Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.
92. The Sub-Committee took into consideration that conditions had been agreed with all the Responsible Authorities and the Environmental Health Service who were generally satisfied with the application. The Sub-Committee further noted that the Applicant had agreed to include Model Condition MC24 on the Premises Licence, requiring a direct telephone number to be provided for the manager of the Premises, Model Restaurant Condition MC66 to apply to the first, second and third floors of the Premises meaning that part of the Premises can only operate as a restaurant where the sale of alcohol is sold subject to customers having a substantial table meal and waiter service, along with the requirement of a dispersal policy to ensure that the public nuisance licensing objective is promoted particularly when customers leave the Premises at the terminal hour so as not to cause a nuisance.
93. In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate and mitigate the concerns of residents' who had objected to the application which were considered appropriate and would have the desired effect of promoting the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission **for Recorded Music** Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 10:00 to 22:30 **Seasonal Variations:** Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
2. To grant permission **for Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday N/A **Seasonal Variations:** These hours extended: From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
3. To grant permission **for the Sale by Retail of Alcohol (Indoors and Outdoors)** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday

09:00 to 00:00 hours Sunday 09:00 to 22:30 hours **Seasonal Variations:**
These hours extended: From: 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

4. To grant permission **for the Opening Hours of the Premises** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours **Seasonal Variations:** These hours extended: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant.

7. The first, second and third floors of the premises shall operate as a restaurant:
 - (a) in which customers are shown to their table or the customer will select a table themselves,
 - (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,
 - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (e) 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.

For the purposes of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

8.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the

premises and will include the external area immediately outside the premises entrance.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

9. 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.
10. 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.
11. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, except for in the designated external areas.
13. The designated external areas shall not be used by customers after 23:00 save for customers temporarily leaving the premises to smoke.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave 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, except for waste collected within the internal servicing yard.
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. 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.
18. 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.

19. 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, except for collections taking place within the internal servicing yard.
20. A 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.
21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
22. 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.
23. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day, except for deliveries taking place within the internal servicing yard.
24. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.
25. 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.
26. 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.
27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the

reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.

29. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 300 persons subject to the final capacity of the premises being agreed 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.
30. No licensable activities shall take place at the premises until premises licences reference 20/01636/LIPT and 23/00820/LIPT (or such other number subsequently issued for the premises) have been surrendered.
31. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses.
32. A copy of the premises dispersal policy shall be made available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
8 June 2023**

3. UNIT A, 4 GLASSHOUSE STREET, W1B 5DQ

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2
("The Committee")

Thursday 8 June 2023

Membership: Councillor Maggie Carman (Chair) Councillor Judith Southern and Councillor Tim Mitchell.

Officer Support: Legal Adviser: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Karyn Abbott

Other Parties: Alun Thomas (Solicitor, Thomas and Thomas), Jack Spiegler (Solicitor, Thomas and Thomas), Gareth Hughes (Solicitor (Keystone Law), Mark Warne (Applicant, Landsec), George Copeman (Applicant), Adrian Studd (Consultant), Richard Vivian (Acoustic Consultant), PC Dave Morgan (Metropolitan Police Force), PC Steve Muldoon (Metropolitan Police Force), Anil

Drayan (Environmental Health Service), Kevin Jackaman (Licensing Authority), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing The Soho Society), Marina Tempia (The Soho Society) and Jane Doyle (The Soho Society) and Councillor Patrick Lilley (Ward Councillor for the West End Ward and Witness for the Soho Society)

Application for a New Premises Licence in respect of Unit A 4 Glasshouse Street London W1B 5DQ 23/01451/LIPN

Full Decision

Premises

Unit A
4 Glasshouse Street
London
W1B 5DQ

Applicant

Ls 1 Sherwood Street Ltd

Ward

West End

Cumulative Impact Zone

West End Cumulative Impact Zone ("West End CIZ")

Special Consideration Zone

N/A

Activities and Hours applied for

Late Night Refreshment (Indoors)

Monday to Thursday 23:00 to 23:30
Friday and Saturday 23:00 to 00:00
Sunday N/A

Seasonal Variations: These hours extended: From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day

Sale by Retail of Alcohol (Indoors and Outdoors)

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

Seasonal Variations: These hours extended: From: 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Opening Hours of the Premises:

Monday to Thursday 09:00 to 00:00 hours

Friday to Saturday 09:00 to 00:30 hours

Sunday 09:00 to 23:00 hours

Seasonal Variations: These hours extended: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premise proposes to operate as a core hours restaurant. The Applicant obtained pre-application advice from the Council's Environmental Health Service. The Premises are located within both within the West End Ward and West End Cumulative Impact Zone. There is a resident count of 14.

Should the application be granted the Applicant proposes within their submissions to surrender the following existing premises licence:-

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
- Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.

Copies of the above Premises Licences can be found at **Appendix 2** of the agenda report.

The Applicant has provided the following submissions which can be found at **Appendix 2**.

- Letter to The Licensing Authority.
- Schedule of Existing Premises Licences v Proposed.
- Report of observations dated 24/04/2023 (Adrian Studd).
- Acoustic report.
- Brochure.
- Pre-application advice report.

Representations Received

- The Metropolitan Police Service (Oppose)
- Environmental Health Service (Oppose)
- The Licensing Authority (Oppose)
- The Soho Society (Oppose)
- Soho Business Alliance (Support)

Those objections in support cite improvements and additions to the area whereas those against cite public nuisance and crime and disorder issues.

Summary of objections

- *It is noted that the applicant is proposing to surrender two unrelated premises licences should this application be granted. The first licence is a nightclub with a capacity of 500 until 01:00 and the second licence is restaurant with a bar within core hours with a capacity of 440.*
- *Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.*
- *With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are objecting to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder. the venue sits within the Westminster Cumulative impact Zone, the Police are concerned that the venue will add to the cumulative impact in an already very demanding area. It therefore may be a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy. Further submissions will be made in due course.*
- *Piccadilly Circus is a defining London landmark, and it warrants a local hospitality offering befitting that status. While visitors rightly flock to the square to absorb the visuals, and the atmosphere, it remains an area to be passed through, with the Piccadilly Lights serving as a signpost to the joys of Soho and the West End beyond. The Lucent development will change that, and help the junction evolve into something more than just an iconic thoroughfare – with these four new licensed premises sitting at its heart. Reinvention like this is not just desirable; it is necessary to ensure Westminster maintains its rightful place as London's epicentre for hospitality, culture and tourism. The balanced bar and restaurant use across the four venues has evidently been carefully thought through, to complement one another, and the area. Unit A, The Devonshire Arms and Blackwood will hugely diversify the leisure offering at street level, enlivening frontages and improving security later at night, all within core hours. The hours for the Rooftop, meanwhile, are measured and appropriate to the proposed use. They will allow visitors and residents to soak in the vibrancy of the area into the evening in a spectacular new setting atop the Lights, without encroaching on residential amenity. They are also in line with the hours under the old licence – which was a far cry from the upmarket destination restaurant we can expect here. Given the nature of the proposed operations across the four venues, safeguarded as they are by a comprehensive schedule of model licensing conditions in each case, the Soho*

Business Alliance are confident that the applicants will promote the Licensing Objectives without adding to Cumulative Impact. This is so without even taking account of the two existing licenses being surrendered – but the fact that they are should weigh even more heavily in favour of grant, as should the broad range of employment opportunities that will be created by these new ventures.

- *This is an application for a restaurant and bar in the West End Cumulative Impact Zone, any increase in the number of licensed premises and people in the area will fail to promote the licensing objectives and increase cumulative impact.*

Policy Considerations

Policies CIP1 and RNT1 (B) apply under the City Council's Statement of Licensing Policy ("SLP").

Policy CIP1

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy HRS1 applies A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

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 are expected to be covered by Temporary Event Notices or variation applications.
6. Pubs and bars, Fast Food and Music and Dance venues
- Monday to Thursday: 10am to 11.30pm.
 Friday and Saturday: 10am to Midnight.
 Sunday: Midday to 10.30pm.
 Sundays immediately prior to a bank holiday: Midday to Midnight.
- D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
- 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 11pm.

RNT1 (B)

- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:
1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
 3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

SUBMISSIONS AND REASONS

1. With the agreement of all parties present the Sub-Committee decided to hear all four applications in the round for the Development Site at Piccadilly lights encompassing Shaftesbury Avenue, Denman Street, Sherwood Street and Glasshouse Street simultaneously but agreed that each application would have their own separate written Decision. Each application was debated and presented accordingly so that all the parties gave their submissions, were afforded adequate time in making those submissions and therefore were not prejudiced in the process.
2. The Presenting Officer Ms Karyn Abbott summarised the application to the Sub-Committee. She advised that the Premise proposes to operate as a core hours restaurant. She advised that the EHS, MPS, the Licensing Authority and the Soho Society had maintained their representation against the application and that Shaftesbury Capital and the Soho Business Alliance were in support of the application. She advised that the Premises are located within both the West End Ward and West End CIZ. She explained that additional submissions had been received from the Applicant and the Soho Society and confirmed that these had been circulated to all the relevant parties.
3. Mr Alun Thomas Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that he was unhappy with the late evidence of case law submitted by the MPS just before the hearing. He stated that it should have been circulated by the deadline of noon on the Monday before the hearing and that it was procedurally unfair to expect anyone to deal with such things submitted so late. Mr Thomas then referred to the dead letter that Mr Brown (Solicitor representing the Soho Society) had raised in his additional submissions on Monday and stated that neither Mr Brown and/or the MPS had raised it in their initial representations. He advised that the Licensing Act and the Hearing Regulations were clear and quite specific that all parties should state their case up front. He added it was arguably admissible to raise a point of evidence like this so late.

4. Mr Thomas further advised that he had only received notice yesterday morning that Councillor Lilley was being called as a witness by The Soho Society and not the advance notice of 5 working days as set out in the Hearing Regulations. He requested therefore, the Licensing Sub Committee consider the prejudice caused to the Applicant by these points not being raised in their representations along with the late evidence and how much weight should be given to this new evidence.
5. Mr Richard Brown appearing on behalf of the Soho Society advised that the Hearing Regulations were not set in stone in terms of time limits and that in the interest of justice any party should be entitled to call a witness. He emphasised that it would be very unfortunate if the Lead Member for the West End were prevented from addressing the Sub Committee. He added that the suggestion that the case law was submitted late and therefore impossible for Mr Thomas to deal with was ludicrous as this case would have already been considered by the Applicant and Mr Thomas when submitting their applications. Mr Brown then referred to the late evidence that the Applicant had submitted such as the expert noise report and indicated that this report could have been submitted with the applications. Mr Brown concluded by stating there had been no prejudice caused to the Applicant.
6. The Sub Committee adjourned to consider the points raised by Mr Thomas and Mr Brown for five minutes. Upon returning the Sub Committee advised Mr Thomas that the hearing could be adjourned for 30 minutes to give him time to consider the case law so that the Applicant was not prejudiced.
7. The Sub Committee added that it had been the practice of past Licensing Sub Committees to allow witnesses to be called by a party and, therefore, would allow Councillor Lilley to be called as a witness by the Soho Society. At this point Mr Thomas confirmed that he did not require the thirty minute adjournment.
8. Mr Alun Thomas outlined the application before the Sub-Committee. He advised that the Applicant had submitted four applications for new Premises Licences (the "Applications") for a balanced range of uses in the iconic Piccadilly Lights building. These are highlighted as follows:
 1. Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.
 2. The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.
 3. The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – an 01:00 restaurant with ancillary bar and terrace.
 4. Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.
9. Mr Thomas advised that over £1 billion had been spent on the development and that the renovation of the building would bring substantial improvements and benefits to the environment and community. He set out that the building was located right on the cusp and boundary of the West End CIZ.

10. Mr Thomas advised that the following existing Premises Licences would be offered for surrender if (and only if) all of the above Applications were granted. He highlighted that the pre-application advice from EHS recognised that these surrenders demonstrated that the Applications could be granted as an exception under the SLP because the proposals represented an improvement and a positive impact in the West End CIZ.
 - Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT. The premises are a nightclub with vertical drinking and regulated entertainment to 01:00 with a 500 capacity.
 - Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT). The premises are a restaurant with a bar area that has core hours with a 440 capacity.
11. Mr Thomas stated that no representations had been made against the application from individual residents and there was no significant residential use in close proximity. He highlighted that the Applicant had intentionally proposed food-focused uses within the Council's Core Hours Policy with the only exception being the rooftop restaurant. He further highlighted the support from the Soho Business Alliance and two other Stakeholder Businesses who recognised the value of the proposal for the area.
12. He advised that the Responsible Authorities and the Soho Society had expressed concern regarding the proposed bar uses and the location in the West End CIZ whereas the Applicant considered that the balanced use spread out over the development rather than one targeted or destination Premises would be beneficial for the area. He set out how the local community and stakeholders had been consulted on the development.
13. Mr Thomas outlined how the Council's Policies PB1 and CIPI applied to these applications and highlighted that Policy CIP1 was only a (rebuttable) presumption that the Licensing Authority should refuse applications for pubs, bars, fast food Premises and that it might be overridden in "exceptional circumstances". He added that the Licensing Authority must "always consider the individual circumstances of applications; even where an application was made for a proposal that was apparently contrary to policy."
14. Mr Thomas referred to paragraph D15 and D17 of the SLP and emphasised the exceptional circumstances to grant the four applications. He read out 'that the transfer of an existing operation from one Premises to another, where the size and location of the second Premises is likely to cause less detrimental impact will promote the licensing objectives and that the measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for cumulative impact.'
15. Mr Thomas emphasised that the proposals to surrender the two existing Premises Licences, the reduction in vertical drinking and the introduction of restaurant use within the Council's Core Hours Policy was at the heart of the

SLP and would reduce drunkenness, public nuisance and crime and disorder in the area.

16. Mr Thomas referred to the pre-application advice sought from the EHS and emphasised that the EHS considered that distributing patrons across four businesses with three out of four of them being restaurants operating within the Council's Core Hours Policy promoted the licensing objectives and reduced (not added to) the West End Cumulative Impact Area. He added there would also be a total elimination of Regulated Entertainment, Live Music and Dancing after Core Hours, which was another advantage of these applications, as they would help reduce the number of people seeking out fast food to soak up alcohol in the early hours of the morning with the reduction in patrons leaving the development at the latest 01:30 hours.

Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.

17. Mr Thomas introduced Mr Gareth Hughes, Counsel representing the Blackwood development. Mr Hughes gave a background to Blackwood Sports Bar and Kitchen and urged the Sub-Committee to consider the pedigree and experience that the Applicant had in managing these types of establishments. He referred to two of the Applicant's existing establishments: Wagtail which was a rooftop restaurant near the Shad and Greenwood located near Victoria Station which were both well- managed establishments as confirmed by PC Morgan in the Agenda Pack.
18. Mr Hughes emphasised that both the Transport Police and the Metropolitan Police Service had positive relationships with the company and had indicated that there had never been issues with their customers leaving the Premises after watching sporting events because every event was individually risk assessed.
19. Mr Hughes referred to page 119 of the additional bundle which sets out the substantial food offering of the Applicant's existing Premises and how food was ordered by way of QR codes located on both tables for seated and standing customers. He outlined that the majority of sporting events shown were ongoing sporting events such as golf, tennis, cricket and rugby league where customers came for a meal and a drink with colleagues after work to watch an evening sporting event. He emphasised that all football matches shown at the sports bars were risk assessed and only pre-booking arrangements were available. Customers were prevented from walking in off the street. He outlined to the Sub-Committee the security arrangements at the Premises.
20. Mr Hughes echoed the points that Mr Thomas had made regarding the surrender of the existing Premises Licences, that the Applicant was only seeking core hours and that the capacity for vertical drinking overall would decline by 129 patrons. He highlighted the last paragraph of the EHS's letter that stated: *'that it considered it is an acceptable approach in terms of policy taking into account the likely reduction in cumulative impact arising from the replacement of the former Premises for the new operations.'* He concluded

that there could be no doubt that this new application was far more preferable than a large 500-person capacity venue.

21. Mr Hughes handed back to Mr Thomas who continued to assert the exceptional circumstances of the four applications to the Sub Committee. He advised that no individual resident had opposed the applications but instead there were two individual residents supporting the Devonshire Arms application. He highlighted the high specification of the CCTV system and that the whole building would be operated and looked after by one company with comprehensive estate management controls and internal servicing which would reduce public nuisance on the streets. He added that the dispersal plan directed patrons away from the West End CIZ.
22. Mr Thomas then emphasised the employment opportunities that the new development would bring to Westminster and how the Applicant would work with the University of Westminster and Westminster Kingsway to recruit local young people. The Applicant aimed to employ at least 33% of people who lived locally within the four Premises.
23. Mr Thomas highlighted that the Lord Justice Dawson advised that licensing decisions did not just involve the obvious things but that it was about weighing up the variety of competing considerations and benefits. He emphasised the excellent travel network (trains, tubes and road) around the area. He referred to the modernisation of the conditions that would be attached to the four Premises Licences which were a vast improvement from what was included in the two old Premises Licences.
24. Mr Thomas introduced Mr Adrian Studd (Licensing Consultant) who advised that he had been working as a Licensing Consultant for the past 11 years in London and across the country. He considered that Piccadilly Circus was the perfect location for the four Premises because of the excellent transport links and because the capacity for vertical drinking would be reduced. He advised that in his experience patrons tended to go home after having a restaurant meal or watching a sporting event in a sports bar instead of going on to another venue to continue drinking. He considered that the grant of these four applications would not lead to a potential increase in the amount of intoxicated people in the West End because the Premises were food led establishments operating up to Core Hours with the exception of the roof top restaurant which would operate until 01:30 hours.
25. He referred to the Police's Crime Statistics included in the Agenda Pack and advised that crime and anti-social behaviour were down significantly compared to 2020. He agreed that the main cluster of crime was surrounding Greek Street and Berwick Street and that there was much less clustering of crime around Piccadilly Circus.
26. Mr Thomas referred to case of *Novus Leisure v Westminster Magistrates Court* that the Police had circulated that morning. He gave the background to the case in that Novus had come along and convinced the Crown Estate to grant them a lease for something like 3 months which they could then transfer to another venue. He advised that once this case got to appeal the original

venue had been demolished/flattened, however, this was most certainly not the case here as the building was very much standing. He outlined that these applications were different in that the Applicant was asking for Premises Licences on the same development for up to Core Hours with restaurant conditions and the site had not been demolished.

27. He emphasised that both existing Premises Licences remain with their full value in use because they remained in the hands of the developers who could, if they so wished, reopen both venues using the existing two Premises Licences.
28. Mr Thomas referred to Mr Brown's submission that listed other applications that had been granted in the West End CIZ and indicated that if the Sub Committee granted the four applications it would increase the number of people to 1970 in the immediate vicinity until 03:00 hours compared to 2019. Mr Thomas stated that this was incorrect because that predication was on the assumption that new people would be coming into the area and not people who would be going on a night out anyway. He advised that people did not go to the same restaurant/venue all the time so it did not mean that by granting these Premises Licences more people would be coming into the West End.
29. Mr Thomas advised that the four applications before the Sub Committee would certainly have less detrimental impact than the existing two Premises Licences. The proposals reduced vertical drinking and reduced the capacity beyond core hours hence reducing the impact in the cumulative impact in the area. He added that the four Premises also brought diversity to the West End. He reminded the Sub Committee of the EHS pre-application advice who considered it an acceptable approach in terms of policy considering the reduction in Cumulative Impact in the West End area.

The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.

30. Mr Thomas introduced Mr Charlie Carroll (Applicant) to the Sub Committee who already operated three venues within the West End. He advised that he was a big fan of the flat iron concept as it was affordable, excellent quality and value. He referred to the plans of the Devonshire Arms and advised that the basement was back of house (kitchen, toilets etc) and the ground floor would be a traditional pub with excellent food.
31. He outlined that patrons could enter just for a pint however food would very much be part of the offer. He emphasised that the bar use on the ground floor was ancillary to the overall use of the Premises and therefore increased the benefit of the surrender of the Jewel Premises Licence. He added that there would be seating for 120 persons available throughout the whole of the ground floor. He pointed out the external area which was outlined in black on the Plans was subject to a table and chairs licence and could be used under the existing arrangements until midnight. He referred to the first floor with a capacity of 60 persons (which would be confirmed on the completion of the works) which would be a sit-down table service restaurant.

32. Mr Carroll advised the Sub Committee why the project was intensely personal to him and how he had been working on it full-time for over a year. He confirmed that the Premises included one floor which would operate as a pub with available food whilst the three other floors would operate as sit down restaurants. He outlined that 80% of the Premises sales would be food and that the concept was to welcome a traditional pub back into Soho which is why it was important that the Premises was not just a restaurant but that it's offer was a traditional pub as well. He advised that he intended to offer employment to over 80 full and part time staff and outlined how flexible the employment opportunities were in his establishments. He emphasised his focus was on training and development of staff which meant that staff retention was incredibly good in all his venues.
33. Mr Carroll advised that his vision for the Premises was that people would visit the venue, have a drink in the bustling welcoming pub, then go to the restaurant and have a three-course meal and then conceivably have a drink afterward and then make their way home. He considered that it was not going to be the type of Premises that people then went onto another venue to partake in a night-time of drunkenness. He emphasised that this Premises would be a high-quality destination restaurant and pub where people came for the whole evening.
34. Mr Thomas introduced Mr Brian Hannon, Shareholder/investor in the Devonshire Arms Project and Chair of the Soho Business Alliance. Mr Hannon his business interests within the West End and how he considered this development a superb one for the area. He advised that the Soho Business Alliance considered that this development would contribute positively to the word beating hospitality and night-time economy of the West End.
35. He set out how the offering would add to the culture of Soho which was recognised by the Licensing Authority as hugely important especially in respect of independent restaurants that attracted many visitors to Westminster each year. He emphasised that Soho Business Alliance fully supported the change of the two Premises licences for the four Premises Licences and in particular the bringing back of the Devonshire Arms pub.
36. Mr Thomas introduced Mr Paddy Renouf, local resident, in support of the application who considered the development a positive enhancement to the area as the operator had a good reputation for serving good quality food and drink.
37. In response to questions from the Sub Committee, Mr Thomas advised that people did not consider the Piccadilly area part of Soho, so in policy terms even though the development was on the cusp of the West End CIZ the Applicant did not see themselves as part of Soho. He outlined that customers would not migrate towards Soho after having a meal in the Devonshire Arms but would head home on the 24 hour tube located right next to the development.

The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – a 1.00am restaurant with ancillary bar and terrace

38. Mr Thomas introduced Mr Mark Warner, Development Director for Lucent, and Mr Ben Matthews, potential tenant of the Premises. Mr Matthew advised that the Rooftop restaurant would be very much a food led establishment offering breakfast brunch, lunch, afternoon tea and evening meals. Mr Thomas then referred to the Premises Plans of the Rooftop restaurant and indicated that a lift needed to be taken to reach the restaurant which was important for two reasons: one there was no direct access off the street to the Premises and secondly the roof top restaurant was set back from any residential buildings on the busiest thoroughfares in London. He referred to the noise report that clearly set out that there was no chance of noise escape and highlighted that the area where customers could drink without a meal was restricted to no more than 20% of the total Premises capacity of 259 patrons.
39. Mr Thomas advised that he did not believe that the Applicant needed to prove an exception to policy PB1 because the predominant use was still ancillary to the restaurant. He advised, however, that if the Sub Committee did consider that an exception was needed, the exception would be the reduction in capacity, the operating hours and vertical drinking.
40. Mr Thomas set out that six floors would be used as office space and how the residents would form part of the wider Lucent scheme. He highlighted that the building would be owned and operated by one company 24/7 who would remain in control of the building so they could choose their tenants. He confirmed that the leases would be on a long-term basis for between 15 and 20 years.

Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.

41. Mr Thomas advised that this Premises would become a restaurant operating within the Council's Core Hours Policy so it would not add to cumulative impact within the West End CIZ.
42. In response to questions from the Sub Committee, Mr Thomas advised that negotiations were being had regarding the leasing of all four Premises and would be finalised on the outcome of the hearing today. He outlined that the ground floor of the Devonshire Arms would be a traditional 'pop in for a pint' pub with good quality beer and food available for all. He advised that there would be sausages on a stick behind the bar for £2.50, the pork coming from pigs butchered from organically kept pigs and that drinking water would be available at all times.
43. Mr Steve Kirby, Chief Operations Director, advised that the Blackwood Premises would be operated as an all-day dining style of operation which was very much in line with how the brand had been evolving over the years. He highlighted that all their venues were currently operating a much more complex food offering and with Blackwood the company were looking to operate breakfast, lunch and dinner sittings along with the offer of watching sporting events.

44. Mr Thomas advised that the Coqbull had recently closed and the Jewel had closed just before COVID, and that both Premises could be reopened at any time as the building had not been demolished. He advised that the hospitality sector was seeing a strong recovery in terms of recruitment as the industry as a whole had been dynamic and engaging in educational programmes to encourage graduates to enter into the hospitality industry. He added that the Applicant was keen to train, develop and retain people, especially local people, with the ambitious for them to move up the professional ladder to senior managerial positions.
45. Councillor Patrick Lilley, representing the West End Ward, addressed the Sub Committee as a witness for The Soho Society. He advised that he had some 40 years of experience in the hospitality industry as a club promoter and DJ and frequently visited bars, clubs and restaurants within the West End. He stated that he had witnessed vast change in Soho since 1978 and most worrying was the rise in crime and disorder in the West End area. He advised that he was the Lead Member for Soho and the LGBT champion and he had spoken to a huge number of people living in Soho who considered that these proposals were terrible for the area.
46. Councillor Lilley advised that it was all 'smoke and mirrors' regarding the surrender of these two Premises Licences because currently neither of the two venues were in operation and one had been permanently closed since 2020, so there was not actually going to be an increase in customers. He added that good venues usually turn over twice as many customers because they had two sittings per evening so granting these four Premises Licence would increase the number of people coming into the West End by nearly 4000 persons; all eating, drinking and causing public nuisance in the area.
47. Councillor Lilley highlighted the terrible issue the West End suffered regarding urination on the streets and how expensive portaloos were to bring into the area. He further highlighted that the development was located within the West End CIZ and the presumption to refuse was the starting point of the conversation. He emphasised that the Sub Committee must consider the lifelong impact on the granting of these Premises Licences and the effect they would have on thousands of drinkers and diners who would come into Soho and experience anti-social behaviour and crime and disorder first hand. He added that as a gay man he did not feel comfortable in or around sport bars as large numbers of people congregated outside of these venues. He requested that the Sub Committee refuse these applications.
48. Mr Anil Drayan, representing the EHS advised that representation had been maintained to give the Sub Committee a chance to look at these applications as a whole and individually because these Premises were located in the West End CIZ. He confirmed that the EHS were satisfied with the proposed conditions that had been agreed with the Applicant and highlighted that the Premises would not be able to open until the EHS had revisited the Premises to inspect the public safety aspects of the building, escape route(s) and toilet facilities. He further confirmed that the EHS was satisfied with the noise reports that had been submitted which indicated that there would be no

impact on public nuisance from within the Premises and that the dispersal plan would help mitigate against people leaving in big crowds and/or all at once.

49. PC Morgan, representing the MPS stated that representation had been maintained because the Premises were located within the West End CIZ. He advised that both the Blackwood Sport Bar and the Rooftop Restaurant applications were contrary to the SLP. He highlighted that these venues would have a detrimental effect on the West End CIZ and would cause additional work and require additional resources from the MPS and the other emergency services. He confirmed that the Jewel Nightclub had not been in operation for numerous years and that the internal structure of this building had now been reconfigured so it would never reopen as a nightclub. He referred to the Sports Bar and advised that it would be a drink led establishment within the West End CIZ with a large area being set aside for vertical drinking which was against policy.
50. PC Morgan advised that the West End CIZ was already saturated with licensed premises which took its toll on Police resources. He referred to the crime figures attached to the Agenda Pack and advised that crime levels were now higher than pre COVID levels. He highlighted that sports fans leaving Blackwood Sports Bar could potentially cause more issues than customers leaving a nightclub. He further considered that not all people would automatically go home after attending one of these four Premises and it was highly likely that they would head into Soho and carry on their evening in one of the many bars where upon leaving (and being intoxicated) could fall victim of crime. He outlined that there was literally not enough police officers on the ground and especially at night and the Police already struggled to manage the amount of emergency calls that they received regarding incidents within this area. He requested that the applications be refused because the Applicant wished to operate beyond the Council's Core Hours Policy.
51. In response to questions from the Sub Committee, PC Morgan advised that he had been working in the West End for over 22 years and how increasingly more people were being drawn to the West End. He highlighted that he had never seen the West End as busy as it was now especially on Thursday, Friday and Saturday evenings and that it was a different place to when he had joined the Police Force. He emphasised that there were many gangs in the West End and lots of crime was taking place. He considered that sport bars were much more enticing for groups of males and were not like traditional pubs where people went for a quiet pint. He confirmed that the Police had no issue with the Greenwood venue located in Victoria, however, the Victoria area was nowhere near as busy as the West End.
52. PC Steve Muldoon, representing the Metropolitan Police Service, advised that the West End was extremely busy and that if these four applications were granted the area would have four additional Premises that did not exist six months ago. He referred to the crime statistics which indicated that there was less crime in the Piccadilly area, however, he wondered how many 'hot spots' of crime there needed to be before the MPS were taken seriously regarding their limited resources to deal with every incident. He highlighted how the

West End Stress Area was changing and if more Premises kept opening the area would turn into a giant crime hotspot which would be extremely difficult for the Police to maintain and deal with effectively.

53. Mr Kevin Jackaman, representing the Licensing Authority advised that he would deal with each application separately as the policy considerations were different for each one. He outlined that the Licensing Authority had maintained their representation regarding the Premises Blackwood (sports bar) due to its location in the West End Stress Area and that this particular Premises needed to be assessed under Policy CIP1 because the Premises was proposing to trade as a bar with a substantial food offering, although there were no conditions proposed which required alcohol to be ancillary to food. He highlighted that, therefore, at present there was a presumption to refuse the application and for the Applicant to demonstrate an exception to the Policy.
54. Mr Jackaman advised that the Licensing Authority noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was therefore for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy. He added that the Licensing Authority have no reason to believe that the Premises would not be operated well, however that in itself was not an exception to the Licensing Policy as all Licence holders were expected to operate their Premises well as outlined in D14 of the Licensing Policy.
55. Mr Jackaman referred to the application for Glass House and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End CIZ. He advised that the Premises was proposing to trade as a restaurant and the Applicant had agreed that the Council's restaurant model conditions MC66 be added to the Premises Licence. He set out that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there was no presumption to refuse this application as the hours sought were within the Council's Core Hours Policy.
56. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1 (the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact). He added that the Licensing Authority again noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy.
57. Mr Jackaman referred to the application for the Devonshire Arms and advised that the Licensing Authority had maintained their representation due the location of the Premises within the West End CIZ. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would only apply to the first, second and third floors with the ground floor operating as a bar and hence the Licensing Authority were concerned about the potential for vertical

drinking. He stated that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application and as the hours sought were within the Council's Core Hours Policy. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1; the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact in the West End Stress Area.

58. Mr Jackaman referred to the Rooftop Restaurant and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End Cumulative Impact Area. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would not apply to the 20% of the area used for bar use only and hence the Licensing Authority were concerned about the potential for vertical drinking. He added that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application, however, Members needed to be satisfied that the granting of this application would not add to the cumulative impact in the area.
59. Mr Jackaman advised that all four applications were part of a wider development for the Piccadilly area and it was therefore the Licensing Authority's view that it was for the Members to determine whether the Applicant had demonstrated the exception where necessary and similarly that the applications would not add to Cumulative Impact in the West End Stress Area. He emphasised that it was the location of the four Premises within the West End Cumulative Impact Area that was causing concern for the Licensing Authority.
60. Mr Richard Brown appearing on behalf of the Soho Society, advised that the Soho Society was made up of residents who had cumulatively lived in Soho for many decades so their perspective and assessment of Soho should be taken seriously by Members. He advised that there was simply not enough Police to manage the problems that occurred regularly in Soho and that if Members were minded granting these applications, they should be for Core Hours and restaurant use only with no independent bars at all. He outlined that three out of the four applications had applied for 30 minutes beyond the core hours albeit licensable activities would cease at core hours, however dispersal would not take place until midnight during the week and at 00:30 hours during the weekend.
61. Mr Brown referred to the Jewel and Coqbull Premises Licences that were being offered for surrender if the four applications were granted and which Mr Thomas had advised the Sub Committee would be an improvement to the area and promote the licensing objectives. He advised that the Coqbull Premises Licence appeared to cover the same footprint as the Devonshire Arms application and had been operating much more recently than the 'Jewel' Premises Licence. He outlined that the Coqbull Premises Licence was subject to the Council's model restaurant condition MC66 and although there was some limited provision for bar use, this was not an independent bar, so

with the Devonshire Arms application theoretical there would be a lot more drinking.

62. Mr Brown emphasised that the Jewel night club had not been in operation for years and that the Sub Committee had heard from the Police that the internal layout had now been changed so it could simply not be used again for a nightclub. He added that he had made reference to the Novus Leisure case because it was the leading case which deals with a situation where an Applicant seeks to surrender a Premises Licence in return for a grant of a Premises Licence elsewhere. He added, however, the situation today was not quite the same, as the proposal was to transfer the Jewel Premises Licence to another part of the Premises.
63. Mr Brown advised that the Jewel nightclub closed in 2019 so the crime figures for last year did not include the operation of Jewel and indeed when Jewel was operating the crime rates were much lower than they were now. He highlighted that Jewel had a last entry condition attached to its Premises Licence that no one could enter the Premises after midnight and therefore perhaps there was not the 'hard exit' described by Mr Studd and the EHS. He added that an analysis of the MPS evidence suggests that the total capacities at or around midnight were at least as important to crime rates as a later terminal hour.
64. Mr Brown referred to his analysis of recent Premises Licences granted in the immediate area which demonstrated that the cumulative impact of licenced premises in the area would (or would soon be) greater than existed in 2019. He added that although the submissions made by Mr Thomas may seem superficially attractive in terms of decreasing the hours and bar use the proposals were actually increasing the capacity with a reduction of just one hour opening time. He highlighted that more people were visiting the West End earlier in the evening and the Police's crime statistics indicated that crime figures were overall higher now than in May 2022 to May 2023 and any year since 2018/2019 and that the timings of when crime reached its peak were now lower than between 01:00 hours and 02:00 hours.
65. Mr Brown strongly emphasised that it was simply not the case that the Applicant could surrender these two Premises Licences under the Licensing Policy D15 and D17 because these two Premises Licence were not currently being used: so the granting of these four new Premises Licences would bring additional people into the already packed West End Stress Area where crime was at an all-time high.
66. Mr Brown referred to the application for Blackwood and advised that this application was not for Core Hours but for 30 minutes beyond Core Hours and there was no last entry condition proposed which there had been on Jewel's Premises Licence. He advised therefore that this meant there would be a hard dispersal up to 00:00 hours during the week and 00:30 hours during the weekends. He highlighted that the Premises would not be food led and there would be significant vertical drinking (281 people) which would by its very nature risk harming the Licensing Objectives.

67. Mr Brown referred to the Devonshire Arms and respectfully disagreed that this would be a restaurant led Premises as the whole of the ground floor would be operated as a pub where alcohol was not ancillary to food. He referred to an application made in 2012 that had turned this Premises into a restaurant over four floors for a higher capacity. The Applicant was now requesting to return to vertical drinking with a lower capacity than was previously allowed but still a higher capacity than it did have then in 2012.
68. Mr Brown referred to the Glass Street restaurant which was a straightforward restaurant application and advised that if the application was seeking core hours, not core hours plus 30 minutes the Soho Society would not have any objections regarding this application. He added, however, this proposal was clearly more favourable than the Jewel Premises Licence.
69. Mr Brown referred to the Rooftop Bar and restaurant which the Sub Committee were asked to grant to 01:30 hours. He advised that the bar use was fairly significant at 20% of its capacity and there was no good reason for the Premises to operate beyond the Council's Core Hours Policy.
70. Mr Brown requested that the Sub Committee turn to page 47 of the Agenda Pack which contained the table listing the existing Premises Licences and Proposed Premises Licences. He emphasised that all these Premises were beyond Core Hours and dispersal was the most problematic concern for the Soho Society because of the problems with crime and disorder and anti-social behaviour which all occurred when people left licensed Premises.
71. Mr Brown advised that the importance of building maintenance/security to residents was raised and the Soho Society requested that the servicing hours be amended from 07:00 hour to 08:00 hours and that all four applications have a condition which reflects model condition 57 regarding patrons temporarily leaving the Premises to smoke or make phone calls. He further submitted that the Applicant could not be 100% sure that patrons would go home after visiting these Premises and that a certain number would indeed head into Soho to continue their evening in a different bar/restaurant and therefore would add to the cumulative impact area.
72. Ms Marina Tempia, representing the Soho Society, advised that the Soho Society were concerned about the vertical drinking proposed within these four applications and the request to operate beyond Core Hours for three out of the four applications along with the proposal that the rooftop restaurant trades until 01:00 hours with bar use included within the restaurant.
73. Ms Tempia highlighted the number of Premises Licences, currently 478, operating in Soho and why as a community they were concerned about the ever-increasing growth in licensed premises and the impact that they were having on the residents. She emphasised that any new Premises Licence was now a concern for the Soho Society because it added to the cumulative impact in the area. She outlined that since COVID thirty new Premises Licences had been granted outside of Core Hours which the Soho Society had found very disappointing as the anti-social behaviour, crime and disorder and crowds of people were increasing daily in the West End area.

74. Ms Tempia advised that the Soho Society was concerned about the closing time of 00:30 hours because many people leaving these Premises would wander around the streets and 'hang out' and some would become victims of crime. She added Soho had a booming night-time economy which fuels cumulative impact and crime rates. She considered that the area was now becoming unsafe for residents at night.
75. She strongly advised that the surrender of the two Premises Licence were not exceptional circumstances, especially Jewel, as the night club had not been in operation since before COVID, so although the building was not a hole in the ground the Premises Licence did not exist anymore and was just being used and resurrected as a way of attempting to justify the cost benefit of these four new Premises. She emphasised that the restaurant policy was clear in that the Premises should operate as a restaurant only and that there should be no bar use. She considered that the Applicant was trying to create some sort of hybrid (bar and restaurant use) however this was not part of the Licensing Policy.
76. Ms Tempia advised that the Soho Society did not object to Premises having a holding bar but they did object to them having a drinking area where patrons could drink without having to eat during the evening. She briefly outlined that the residential flats next door to the Devonshire Arms were already located there and had just been demolished during the development process so there would be residents living next to this Premises.
77. She requested further information regarding the outside drinking area marked on the plans especially as this part of Soho was the main thoroughfare to Piccadilly Circus Underground Station. She added that this tube station was very heavily used and the pavement was very narrow in places. She echoed Councillor Lilley's words regarding the terrible issue with street urination and emphasised the disturbance to residents from taxis', pedicabs and people screaming and shouting late at night.
78. Ms Tempia advised strongly that the Soho Society did not want any new Premises that offered vertical drinking to be granted within the West End area and that going forward all Premises should be granted with the Model restaurant condition MC66 attached to its Premises Licence and within the Council's Core Hours Policy.
79. Mr Horatio Chance, Legal Advisor to the Sub Committee, proceeded to go through each application in turn referring to the proposed conditions to be attached to each Premises Licence. Mr Thomas confirmed that the Applicant had agreed to all the proposed conditions. The Responsible Authorities further agreed that they had also agreed with all the proposed conditions.
80. Mr Chance suggested that the model condition MC24, the telephone condition, the model condition MC99, regarding dispersal and the model condition MC57 be attached to all the Premises Licences. All parties confirmed that these conditions should be attached to the Premises Licences. Mr Thomas further confirmed that he agreed to the serving condition being

amended from 07:00 hours to 08:00 hours. Mr Brown advised that the Interested Parties could not agree on the closing time of the external area on the assumption that vertical drinkers would congregate outside of the Devonshire Arms.

Summing up of the Parties submissions

81. During the summing up, the Responsible Authorities confirmed that they had nothing further to add to their submissions.
82. During his summing up, Mr Brown advised that Section 4 of the Act states that the Licensing Authority must carry out its functions under this Act with a view to promoting the Licensing Objectives and that in terms of the case law that was what the judge was setting out that everything comes back to the promotion of the licensing objectives. He outlined that he did not completely agree with the EHS's pre-application advice particularly regarding where they stated that the replacement of a large capacity venue with these four Premises beyond Core Hours would be an improvement for the area. He advised that he hoped that he had demonstrated that the Jewel Premises Licence was not as it was presented along with the closing times of the four proposed new Premises. He considered that the capacity, particularly the vertical drinking capacity, was not sufficiently reduced in light of the Crime and Disorder statistics. He concluded that a £1 billion development would not stand or fall on the grant/refusal of these applications and that the Sub Committee should not determine these applications with such 'a gun held to their head'.
83. During his summing up, Mr Thomas clarified that the Devonshire Arms external area was dealt with as in 'off' sales and that the area would close at 23:00 hours as stated in the condition offered in the application. He added that any external area was going to be seasonal however to give the Soho Society some comfort the Applicant had offered a capacity for the internal ground floor area of 120 so this was a massive decrease in vertical drinking from what was currently allowed. He outlined that the Applicant had taken issue with Councillor Lilley's statement that Blackwood (the sports bar) was unwelcoming to people of minority groups and wished to add that the bar was "inclusive" to all and positively encouraged and welcomed everyone to their bar. He added that women represented a significant percentage of the customers that visited Greenwood in Victoria Street.
84. Mr Thomas emphasised that the fact that the Premises had not been in operation since COVID did not matter because the Premises was still there and could still be used. He advised that crime statistics would always increase/decrease and the suggestion that the crime figures had reduced since the closure of Jewel was simply speculation because there was no evidence to come to that conclusion.
85. He disagreed with the Police's evidence that cumulative impact within the West End had drastically changed since COVID. He referred to the hot spots of crime and disorder in the West End which was marked on the Police's Crime Statistics and advised that the hot spots were where venues were open

beyond Core Hours. He emphasised that the Applicant was reducing the opening hours of the existing Premises Licences by up to four hours. He highlighted that Westminster was full of tourists and surely it was good for Westminster that tourists were attracted back to the West End since COVID. He added there was simply no evidence to suggest that more people were now visiting the West End.

86. Mr Hughes referred to how busy the Victoria area was because there were literally thousands of people visiting Buckingham Palace and Westminster Abbey which were located remarkably close to Greenwood venue. He emphasised that residents also lived close to the Greenwood venue and there had never been a single complaint made by a resident or their landlords.
87. Mr Thomas emphasised that the Applicant had demonstrated exceptional circumstances in a number of different areas: reduction in capacity, operating hours and vertical drinking and would provide employment for hundreds of local people. He added that the Sub Committee could either grant the extra 30 minutes to add to dispersal in the area or could grant to Core Hours for licensable activities. He confirmed that the Applicant would prefer to be granted the extra 30 minutes. He emphasised again that the four applications would promote the four licensing objectives in a way that hopefully would protect the cumulative impact area rather than making it worse and that the conditions attached to all four Premises Licences would alleviate The Soho Society's concerns.

Conclusion

88. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. The Premise proposes to operate as a core hours restaurant within the West End CIZ and so there no policy presumption to refuse this type of application provided there is no negative cumulative impact. Therefore, it is down to the Applicant to demonstrate there will not be added cumulative impact in the West End CIZ.
89. In reaching their decision, the Sub-Committee took into account all the committee papers, supplementary submissions made by the Applicant, and the oral evidence given by all parties during the hearing in its determination of the matter. It welcomed that the Applicant obtained pre-application advice from the Council's Environmental Health Service.
90. Notwithstanding the opposition to the application by those parties who had objected the Sub-Committee was satisfied that the Applicant had provided exceptional reasons under the terms of the City Council's SLP, was in accordance with the Act, the s.182 Home Office Guidance and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.
91. In reaching its decision, the Sub-Committee noted that the Applicant had demonstrated that the Premises would not add to cumulative impact in the West End CIZ, had provided exceptional reasons (recognised under the City

Council's SLP not necessarily to be an exhaustive list) but included matters such as the reduction in capacity, operating hours, reduced vertical drinking, providing employment opportunities for hundreds of local people thereby boosting the local economy, together with the surrender of both the Jewell Piccadilly and Coqbull premises licences all accepted and considered by the Sub-Committee to form part of those very valid exceptional circumstances and summarised below:-

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
- Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.

92. The Sub-Committee took into consideration that conditions had been agreed with all the Responsible Authorities and the Environmental Health Service who were generally satisfied with the application. The Sub-Committee further noted that the Applicant had agreed to include Model Condition MC24 on the Premises Licence, requiring a direct telephone number to be provided for the manager of the Premises, Model Restaurant Condition MC66 to apply to the Premises meaning that it can only operate as a restaurant where the sale of alcohol is sold subject to customers having a substantial table meal and waiter service, along with the requirement of a dispersal policy to ensure that the public nuisance licensing objective is promoted particularly when customers leave the Premises at the terminal hour so as not to cause a nuisance.
93. In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate and mitigate the concerns of residents' who had objected to the application which were considered appropriate and would have the desired effect of promoting the licencing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission **for Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:00 Sunday N/A **Seasonal Variations:** These hours extended: From 23:00 to 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
2. To grant permission **for the Sale by Retail of Alcohol (Indoors and Outdoors)** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours **Seasonal Variations:** These hours extended: From: 23:00 to 00:00 on Sundays immediately before

Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

3. To grant permission **for the Opening Hours of the Premises** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours **Seasonal Variations:** These hours extended: Until 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant.

6. The premises shall only operate as a restaurant
 - (a) in which customers are shown to their table or the customer will select a table themselves,
 - (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,
 - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (e) 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.

For the purposes of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

7.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.

- (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
8. 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.
 9. 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.
 10. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
 11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, except for designated external seating areas.
 12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times, except for waste collected within the internal servicing yard.
 14. 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.
 15. 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.
 16. 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.
 17. 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, except for collections taking place within the internal servicing yard.
 18. A 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.

19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
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
 - (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 hours on the following day, except for deliveries taking place within the internal servicing yard.
22. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them, except for persons in designated external seating areas.
24. 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.
25. 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.
26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
27. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the

licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.

28. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 216 persons subject to the final capacity of the premises being agreed 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.
29. No licensable activities shall take place at the premises until premises licences reference 20/01636/LIPT and 23/00820/LIPT (or such other number subsequently issued for the premises) have been surrendered.
30. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses.
31. A copy of the premises dispersal policy shall be made available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
8 June 2023**

4. RESTAURANT AT ROOF LEVEL, 19 SHAFTESBURY AVENUE, W1D 7ED

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2
("The Committee")

Thursday 8 June 2023

Membership: Councillor Maggie Carman (Chair) Councillor Judith Southern and Councillor Tim Mitchell.

Officer Support: Legal Adviser: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Karyn Abbott

Other Parties: Alun Thomas (Solicitor, Thomas and Thomas), Jack Spiegler (Solicitor, Thomas and Thomas), Gareth Hughes (Solicitor (Keystone Law), Mark Warne (Applicant, Landsec), George Copeman (Applicant), Adrian Studd (Consultant), Richard Vivian (Acoustic Consultant), PC Dave Morgan (Metropolitan Police Force), PC Steve Muldoon (Metropolitan Police Force), Anil Drayan (Environmental Health Service), Kevin Jackaman

(Licensing Authority), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing The Soho Society), Marina Tempia (The Soho Society) and Jane Doyle (The Soho Society) and Councillor Patrick Lilley (Ward Councillor for the West End Ward and Witness for the Soho Society)

Application for a New Premises Licence in respect of Restaurant At Roof Level 19 Shaftesbury Avenue London W1D 7ED 23/01450/LIPN

Full Decision

Premises

Restaurant At Roof Level
19 Shaftesbury Avenue
London
W1D 7ED

Applicant

LS 1 Sherwood Street Limited

Ward

West End

Cumulative Impact Zone

West End Cumulative Impact Zone ("West End CIZ")

Special Consideration Zone

N/A

Activities and Hours applied for

Late Night Refreshment (Indoors)

Monday to Saturday 23:00 to 01:00
Sunday N/A

Seasonal Variations: These hours extended: From 23:00 to 01:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day

Sale by Retail of Alcohol (Indoors and Outdoors)

Monday to Saturday 09:00 to 01:00 hours
Sunday 09:00 to 22:30 hours

Seasonal Variations: These hours extended: Until 01:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Opening Hours of the Premises:

Monday to Saturday 09:00 to 01:30 hours

Sunday 09:00 to 22:30 hours

Seasonal Variations: These hours extended: Until 01:30 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premise proposes to operate as a Premium restaurant at roof level and an ancillary bar and terrace. The Applicant obtained pre-application advice from the Council's Environmental Health Service. The Premises are located within both within the West End Ward and West End Cumulative Impact Zone. There is a resident count of 45.

Should the application be granted the Applicant proposes within their submissions to surrender the following existing premises licence:-

- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
- Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.

Copies of the above Premises Licences can be found at **Appendix 4** of the agenda report.

The applicant has provided the following submissions which can be found at **Appendix 3**.

- Report of observations dated 24/04/2023 (Adrian Studd).
- Letter to The Licensing Authority.
- Schedule of Existing Premises Licences v Proposed.
- Noise report.
- Pre-application advice report.
- Brochure.

Representations Received

- The Metropolitan Police Service (Oppose)
- Environmental Health Service (Oppose)
- The Licensing Authority (Oppose)

- The Soho Society (Oppose)
- Soho Business Alliance (Support)

Those objections in support cite improvements and additions to the area whereas those against cite public nuisance and crime and disorder issues.

Summary of objections

- *It is noted that the applicant is proposing to surrender two unrelated premises licences should this application be granted. The first licence is a nightclub with a capacity of 500 until 01:00 and the second licence is restaurant with a bar within core hours with a capacity of 440.*
- *Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.*
- *I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are objecting to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder.*
- *The venue sits within the Westminster Cumulative impact Zone and the hours sought are beyond those of Westminster Councils core hours policy. It is also noted that 20% of the capacity of the restaurant can be used for vertical drinking and is not bound by the restaurant condition.*
- *As such, the Police are concerned that the venue may add to the cumulative impact in an already demanding area. It will therefore be a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.*
- *Piccadilly Circus is a defining London landmark, and it warrants a local hospitality offering befitting that status. While visitors rightly flock to the square to absorb the visuals, and the atmosphere, it remains an area to be passed through, with the Piccadilly Lights serving as a signpost to the joys of Soho and the West End beyond. The Lucent development will change that, and help the junction evolve into something more than just an iconic thoroughfare – with these four new licensed premises sitting at its heart. Reinvention like this is not just desirable; it is necessary to ensure Westminster maintains its rightful place as London’s epicentre for hospitality, culture and tourism. The balanced bar and restaurant use across the four venues has evidently been carefully thought through, to complement one another, and the area. Unit A, The Devonshire Arms and Blackwood will hugely diversify the leisure offering at street level, enlivening frontages and improving security later at night, all within core hours. The hours for the Rooftop, meanwhile, are measured and appropriate to the proposed use. They will allow visitors and residents to soak in the vibrancy of the area into the evening in a spectacular new setting atop the Lights, without encroaching on residential amenity. They are also in line with the hours under the old licence – which was a far cry from the upmarket destination restaurant we can expect here. Given the nature of the proposed operations across the four venues, safeguarded as they are by a comprehensive schedule of model licensing conditions in each case, the Soho*

Business Alliance are confident that the applicants will promote the Licensing Objectives without adding to Cumulative Impact. This is so without even taking account of the two existing licenses being surrendered – but the fact that they are should weigh even more heavily in favour of grant, as should the broad range of employment opportunities that will be created by these new ventures.

- *This is an application for a restaurant and bar in the West End Cumulative Impact Zone, any increase in the number of licensed premises and people in the area will fail to promote the licensing objectives and increase cumulative impact.*

Policy Considerations

Policies CIP1 and RNT1 (B) apply under the City Council's Statement of Licensing Policy ("SLP").

Policy CIP1

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy HRS1 applies A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

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 are expected to be covered by Temporary Event Notices or variation applications.
6. Pubs and bars, Fast Food and Music and Dance venues
- Monday to Thursday: 10am to 11.30pm.
Friday and Saturday: 10am to Midnight.
Sunday: Midday to 10.30pm.
Sundays immediately prior to a bank holiday: Midday to Midnight.
- D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
- 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 11pm.

RNT1 (B)

- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:
1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
 3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

SUBMISSIONS AND REASONS

1. With the agreement of all parties present the Sub-Committee decided to hear all four applications in the round for the Development Site at Piccadilly lights encompassing Shaftesbury Avenue, Denman Street, Sherwood Street and Glasshouse Street simultaneously but agreed that each application would have their own separate written Decision. Each application was debated and presented accordingly so that all the parties gave their submissions, were afforded adequate time in making those submissions and therefore were not prejudiced in the process.
2. The Presenting Officer Ms Karyn Abbott summarised the application to the Sub-Committee. She advised that the Premise proposes to operate as a as a Premium restaurant at roof level and an ancillary bar and terrace. She advised that the EHS, MPS, the Licensing Authority and the Soho Society had maintained their representation against the application and that Shaftesbury Capital and the Soho Business Alliance were in support of the application. She advised that the Premises are located within both the West End Ward and West End CIZ. She explained that additional submissions had been received from the Applicant and the Soho Society and confirmed that these had been circulated to all the relevant parties.
3. Mr Alun Thomas Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that he was unhappy with the late evidence of case law submitted by the MPS just before the hearing. He stated that it should have been circulated by the deadline of noon on the Monday before the hearing and that it was procedurally unfair to expect anyone to deal with such things submitted so late. Mr Thomas then referred to the dead letter that Mr Brown (Solicitor representing the Soho Society) had raised in his additional submissions on Monday and stated that neither Mr Brown and/or the MPS had raised it in their initial representations. He advised that the Licensing Act and the Hearing Regulations were clear and quite specific that all parties should state their case up front. He added it was arguably admissible to raise a point of evidence like this so late.

4. Mr Thomas further advised that he had only received notice yesterday morning that Councillor Lilley was being called as a witness by The Soho Society and not the advance notice of 5 working days as set out in the Hearing Regulations. He requested therefore, the Licensing Sub Committee consider the prejudice caused to the Applicant by these points not being raised in their representations along with the late evidence and how much weight should be given to this new evidence.
5. Mr Richard Brown appearing on behalf of the Soho Society advised that the Hearing Regulations were not set in stone in terms of time limits and that in the interest of justice any party should be entitled to call a witness. He emphasised that it would be very unfortunate if the Lead Member for the West End were prevented from addressing the Sub Committee. He added that the suggestion that the case law was submitted late and therefore impossible for Mr Thomas to deal with was ludicrous as this case would have already been considered by the Applicant and Mr Thomas when submitting their applications. Mr Brown then referred to the late evidence that the Applicant had submitted such as the expert noise report and indicated that this report could have been submitted with the applications. Mr Brown concluded by stating there had been no prejudice caused to the Applicant.
6. The Sub Committee adjourned to consider the points raised by Mr Thomas and Mr Brown for five minutes. Upon returning the Sub Committee advised Mr Thomas that the hearing could be adjourned for 30 minutes to give him time to consider the case law so that the Applicant was not prejudiced.
7. The Sub Committee added that it had been the practice of past Licensing Sub Committees to allow witnesses to be called by a party and, therefore, would allow Councillor Lilley to be called as a witness by the Soho Society. At this point Mr Thomas confirmed that he did not require the thirty minute adjournment.
8. Mr Alun Thomas outlined the application before the Sub-Committee. He advised that the Applicant had submitted four applications for new Premises Licences (the "Applications") for a balanced range of uses in the iconic Piccadilly Lights building. These are highlighted as follows:
 1. Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.
 2. The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.
 3. The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – an 01:00 restaurant with ancillary bar and terrace.
 4. Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.
9. Mr Thomas advised that over £1 billion had been spent on the development and that the renovation of the building would bring substantial improvements and benefits to the environment and community. He set out that the building was located right on the cusp and boundary of the West End CIZ.

10. Mr Thomas advised that the following existing Premises Licences would be offered for surrender if (and only if) all of the above Applications were granted. He highlighted that the pre-application advice from EHS recognised that these surrenders demonstrated that the Applications could be granted as an exception under the SLP because the proposals represented an improvement and a positive impact in the West End CIZ.
 - Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT. The premises are a nightclub with vertical drinking and regulated entertainment to 01:00 with a 500 capacity.
 - Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT). The premises are a restaurant with a bar area that has core hours with a 440 capacity.
11. Mr Thomas stated that no representations had been made against the application from individual residents and there was no significant residential use in close proximity. He highlighted that the Applicant had intentionally proposed food-focused uses within the Council's Core Hours Policy with the only exception being the rooftop restaurant. He further highlighted the support from the Soho Business Alliance and two other Stakeholder Businesses who recognised the value of the proposal for the area.
12. He advised that the Responsible Authorities and the Soho Society had expressed concern regarding the proposed bar uses and the location in the West End CIZ whereas the Applicant considered that the balanced use spread out over the development rather than one targeted or destination Premises would be beneficial for the area. He set out how the local community and stakeholders had been consulted on the development.
13. Mr Thomas outlined how the Council's Policies PB1 and CIPI applied to these applications and highlighted that Policy CIP1 was only a (rebuttable) presumption that the Licensing Authority should refuse applications for pubs, bars, fast food Premises and that it might be overridden in "exceptional circumstances". He added that the Licensing Authority must "always consider the individual circumstances of applications; even where an application was made for a proposal that was apparently contrary to policy."
14. Mr Thomas referred to paragraph D15 and D17 of the SLP and emphasised the exceptional circumstances to grant the four applications. He read out 'that the transfer of an existing operation from one Premises to another, where the size and location of the second Premises is likely to cause less detrimental impact will promote the licensing objectives and that the measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for cumulative impact.'
15. Mr Thomas emphasised that the proposals to surrender the two existing Premises Licences, the reduction in vertical drinking and the introduction of restaurant use within the Council's Core Hours Policy was at the heart of the

SLP and would reduce drunkenness, public nuisance and crime and disorder in the area.

16. Mr Thomas referred to the pre-application advice sought from the EHS and emphasised that the EHS considered that distributing patrons across four businesses with three out of four of them being restaurants operating within the Council's Core Hours Policy promoted the licensing objectives and reduced (not added to) the West End Cumulative Impact Area. He added there would also be a total elimination of Regulated Entertainment, Live Music and Dancing after Core Hours, which was another advantage of these applications, as they would help reduce the number of people seeking out fast food to soak up alcohol in the early hours of the morning with the reduction in patrons leaving the development at the latest 01:30 hours.

Blackwood, 21-23 Shaftesbury Avenue, W1D 7EF – a Core Hours bar with a substantial food offer.

17. Mr Thomas introduced Mr Gareth Hughes, Counsel representing the Blackwood development. Mr Hughes gave a background to Blackwood Sports Bar and Kitchen and urged the Sub-Committee to consider the pedigree and experience that the Applicant had in managing these types of establishments. He referred to two of the Applicant's existing establishments: Wagtail which was a rooftop restaurant near the Shad and Greenwood located near Victoria Station which were both well- managed establishments as confirmed by PC Morgan in the Agenda Pack.
18. Mr Hughes emphasised that both the Transport Police and the Metropolitan Police Service had positive relationships with the company and had indicated that there had never been issues with their customers leaving the Premises after watching sporting events because every event was individually risk assessed.
19. Mr Hughes referred to page 119 of the additional bundle which sets out the substantial food offering of the Applicant's existing Premises and how food was ordered by way of QR codes located on both tables for seated and standing customers. He outlined that the majority of sporting events shown were ongoing sporting events such as golf, tennis, cricket and rugby league where customers came for a meal and a drink with colleagues after work to watch an evening sporting event. He emphasised that all football matches shown at the sports bars were risk assessed and only pre-booking arrangements were available. Customers were prevented from walking in off the street. He outlined to the Sub-Committee the security arrangements at the Premises.
20. Mr Hughes echoed the points that Mr Thomas had made regarding the surrender of the existing Premises Licences, that the Applicant was only seeking core hours and that the capacity for vertical drinking overall would decline by 129 patrons. He highlighted the last paragraph of the EHS's letter that stated: *'that it considered it is an acceptable approach in terms of policy taking into account the likely reduction in cumulative impact arising from the replacement of the former Premises for the new operations.'* He concluded

that there could be no doubt that this new application was far more preferable than a large 500-person capacity venue.

21. Mr Hughes handed back to Mr Thomas who continued to assert the exceptional circumstances of the four applications to the Sub Committee. He advised that no individual resident had opposed the applications but instead there were two individual residents supporting the Devonshire Arms application. He highlighted the high specification of the CCTV system and that the whole building would be operated and looked after by one company with comprehensive estate management controls and internal servicing which would reduce public nuisance on the streets. He added that the dispersal plan directed patrons away from the West End CIZ.
22. Mr Thomas then emphasised the employment opportunities that the new development would bring to Westminster and how the Applicant would work with the University of Westminster and Westminster Kingsway to recruit local young people. The Applicant aimed to employ at least 33% of people who lived locally within the four Premises.
23. Mr Thomas highlighted that the Lord Justice Dawson advised that licensing decisions did not just involve the obvious things but that it was about weighing up the variety of competing considerations and benefits. He emphasised the excellent travel network (trains, tubes and road) around the area. He referred to the modernisation of the conditions that would be attached to the four Premises Licences which were a vast improvement from what was included in the two old Premises Licences.
24. Mr Thomas introduced Mr Adrian Studd (Licensing Consultant) who advised that he had been working as a Licensing Consultant for the past 11 years in London and across the country. He considered that Piccadilly Circus was the perfect location for the four Premises because of the excellent transport links and because the capacity for vertical drinking would be reduced. He advised that in his experience patrons tended to go home after having a restaurant meal or watching a sporting event in a sports bar instead of going on to another venue to continue drinking. He considered that the grant of these four applications would not lead to a potential increase in the amount of intoxicated people in the West End because the Premises were food led establishments operating up to Core Hours with the exception of the roof top restaurant which would operate until 01:30 hours.
25. He referred to the Police's Crime Statistics included in the Agenda Pack and advised that crime and anti-social behaviour were down significantly compared to 2020. He agreed that the main cluster of crime was surrounding Greek Street and Berwick Street and that there was much less clustering of crime around Piccadilly Circus.
26. Mr Thomas referred to case of *Novus Leisure v Westminster Magistrates Court* that the Police had circulated that morning. He gave the background to the case in that Novus had come along and convinced the Crown Estate to grant them a lease for something like 3 months which they could then transfer to another venue. He advised that once this case got to appeal the original

venue had been demolished/flattened, however, this was most certainly not the case here as the building was very much standing. He outlined that these applications were different in that the Applicant was asking for Premises Licences on the same development for up to Core Hours with restaurant conditions and the site had not been demolished.

27. He emphasised that both existing Premises Licences remain with their full value in use because they remained in the hands of the developers who could, if they so wished, reopen both venues using the existing two Premises Licences.
28. Mr Thomas referred to Mr Brown's submission that listed other applications that had been granted in the West End CIZ and indicated that if the Sub Committee granted the four applications it would increase the number of people to 1970 in the immediate vicinity until 03:00 hours compared to 2019. Mr Thomas stated that this was incorrect because that predication was on the assumption that new people would be coming into the area and not people who would be going on a night out anyway. He advised that people did not go to the same restaurant/venue all the time so it did not mean that by granting these Premises Licences more people would be coming into the West End.
29. Mr Thomas advised that the four applications before the Sub Committee would certainly have less detrimental impact than the existing two Premises Licences. The proposals reduced vertical drinking and reduced the capacity beyond core hours hence reducing the impact in the cumulative impact in the area. He added that the four Premises also brought diversity to the West End. He reminded the Sub Committee of the EHS pre-application advice who considered it an acceptable approach in terms of policy considering the reduction in Cumulative Impact in the West End area.

The Devonshire Arms, Unit 1, 5/6 Sherwood Street, W1F 7BW and 18/19 Denman Street W1D 7HW – a Core Hours restaurant and ancillary bar.

30. Mr Thomas introduced Mr Charlie Carroll (Applicant) to the Sub Committee who already operated three venues within the West End. He advised that he was a big fan of the flat iron concept as it was affordable, excellent quality and value. He referred to the plans of the Devonshire Arms and advised that the basement was back of house (kitchen, toilets etc) and the ground floor would be a traditional pub with excellent food.
31. He outlined that patrons could enter just for a pint however food would very much be part of the offer. He emphasised that the bar use on the ground floor was ancillary to the overall use of the Premises and therefore increased the benefit of the surrender of the Jewel Premises Licence. He added that there would be seating for 120 persons available throughout the whole of the ground floor. He pointed out the external area which was outlined in black on the Plans was subject to a table and chairs licence and could be used under the existing arrangements until midnight. He referred to the first floor with a capacity of 60 persons (which would be confirmed on the completion of the works) which would be a sit-down table service restaurant.

32. Mr Carroll advised the Sub Committee why the project was intensely personal to him and how he had been working on it full-time for over a year. He confirmed that the Premises included one floor which would operate as a pub with available food whilst the three other floors would operate as sit down restaurants. He outlined that 80% of the Premises sales would be food and that the concept was to welcome a traditional pub back into Soho which is why it was important that the Premises was not just a restaurant but that it's offer was a traditional pub as well. He advised that he intended to offer employment to over 80 full and part time staff and outlined how flexible the employment opportunities were in his establishments. He emphasised his focus was on training and development of staff which meant that staff retention was incredibly good in all his venues.
33. Mr Carroll advised that his vision for the Premises was that people would visit the venue, have a drink in the bustling welcoming pub, then go to the restaurant and have a three-course meal and then conceivably have a drink afterward and then make their way home. He considered that it was not going to be the type of Premises that people then went onto another venue to partake in a night-time of drunkenness. He emphasised that this Premises would be a high-quality destination restaurant and pub where people came for the whole evening.
34. Mr Thomas introduced Mr Brian Hannon, Shareholder/investor in the Devonshire Arms Project and Chair of the Soho Business Alliance. Mr Hannon his business interests within the West End and how he considered this development a superb one for the area. He advised that the Soho Business Alliance considered that this development would contribute positively to the word beating hospitality and night-time economy of the West End.
35. He set out how the offering would add to the culture of Soho which was recognised by the Licensing Authority as hugely important especially in respect of independent restaurants that attracted many visitors to Westminster each year. He emphasised that Soho Business Alliance fully supported the change of the two Premises licences for the four Premises Licences and in particular the bringing back of the Devonshire Arms pub.
36. Mr Thomas introduced Mr Paddy Renouf, local resident, in support of the application who considered the development a positive enhancement to the area as the operator had a good reputation for serving good quality food and drink.
37. In response to questions from the Sub Committee, Mr Thomas advised that people did not consider the Piccadilly area part of Soho, so in policy terms even though the development was on the cusp of the West End CIZ the Applicant did not see themselves as part of Soho. He outlined that customers would not migrate towards Soho after having a meal in the Devonshire Arms but would head home on the 24 hour tube located right next to the development.

The Rooftop restaurant, unit H, 19 Shaftesbury Avenue W1D 7EF – a 1.00am restaurant with ancillary bar and terrace

38. Mr Thomas introduced Mr Mark Warner, Development Director for Lucent, and Mr Ben Matthews, potential tenant of the Premises. Mr Matthew advised that the Rooftop restaurant would be very much a food led establishment offering breakfast brunch, lunch, afternoon tea and evening meals. Mr Thomas then referred to the Premises Plans of the Rooftop restaurant and indicated that a lift needed to be taken to reach the restaurant which was important for two reasons: one there was no direct access off the street to the Premises and secondly the roof top restaurant was set back from any residential buildings on the busiest thoroughfares in London. He referred to the noise report that clearly set out that there was no chance of noise escape and highlighted that the area where customers could drink without a meal was restricted to no more than 20% of the total Premises capacity of 259 patrons.
39. Mr Thomas advised that he did not believe that the Applicant needed to prove an exception to policy PB1 because the predominant use was still ancillary to the restaurant. He advised, however, that if the Sub Committee did consider that an exception was needed, the exception would be the reduction in capacity, the operating hours and vertical drinking.
40. Mr Thomas set out that six floors would be used as office space and how the residents would form part of the wider Lucent scheme. He highlighted that the building would be owned and operated by one company 24/7 who would remain in control of the building so they could choose their tenants. He confirmed that the leases would be on a long-term basis for between 15 and 20 years.

Unit A, 4 Glasshouse Street W1B 5DQ – a Core Hours restaurant licence.

41. Mr Thomas advised that this Premises would become a restaurant operating within the Council's Core Hours Policy so it would not add to cumulative impact within the West End CIZ.
42. In response to questions from the Sub Committee, Mr Thomas advised that negotiations were being had regarding the leasing of all four Premises and would be finalised on the outcome of the hearing today. He outlined that the ground floor of the Devonshire Arms would be a traditional 'pop in for a pint' pub with good quality beer and food available for all. He advised that there would be sausages on a stick behind the bar for £2.50, the pork coming from pigs butchered from organically kept pigs and that drinking water would be available at all times.
43. Mr Steve Kirby, Chief Operations Director, advised that the Blackwood Premises would be operated as an all-day dining style of operation which was very much in line with how the brand had been evolving over the years. He highlighted that all their venues were currently operating a much more complex food offering and with Blackwood the company were looking to

operate breakfast, lunch and dinner sittings along with the offer of watching sporting events.

44. Mr Thomas advised that the Coqbull had recently closed and the Jewel had closed just before COVID, and that both Premises could be reopened at any time as the building had not been demolished. He advised that the hospitality sector was seeing a strong recovery in terms of recruitment as the industry as a whole had been dynamic and engaging in educational programmes to encourage graduates to enter into the hospitality industry. He added that the Applicant was keen to train, develop and retain people, especially local people, with the ambitious for them to move up the professional ladder to senior managerial positions.
45. Councillor Patrick Lilley, representing the West End Ward, addressed the Sub Committee as a witness for The Soho Society. He advised that he had some 40 years of experience in the hospitality industry as a club promoter and DJ and frequently visited bars, clubs and restaurants within the West End. He stated that he had witnessed vast change in Soho since 1978 and most worrying was the rise in crime and disorder in the West End area. He advised that he was the Lead Member for Soho and the LGBT champion and he had spoken to a huge number of people living in Soho who considered that these proposals were terrible for the area.
46. Councillor Lilley advised that it was all 'smoke and mirrors' regarding the surrender of these two Premises Licences because currently neither of the two venues were in operation and one had been permanently closed since 2020, so there was not actually going to be an increase in customers. He added that good venues usually turn over twice as many customers because they had two sittings per evening so granting these four Premises Licence would increase the number of people coming into the West End by nearly 4000 persons; all eating, drinking and causing public nuisance in the area.
47. Councillor Lilley highlighted the terrible issue the West End suffered regarding urination on the streets and how expensive portaloos were to bring into the area. He further highlighted that the development was located within the West End CIZ and the presumption to refuse was the starting point of the conversation. He emphasised that the Sub Committee must consider the lifelong impact on the granting of these Premises Licences and the effect they would have on thousands of drinkers and diners who would come into Soho and experience anti-social behaviour and crime and disorder first hand. He added that as a gay man he did not feel comfortable in or around sport bars as large numbers of people congregated outside of these venues. He requested that the Sub Committee refuse these applications.
48. Mr Anil Drayan, representing the EHS advised that representation had been maintained to give the Sub Committee a chance to look at these applications as a whole and individually because these Premises were located in the West End CIZ. He confirmed that the EHS were satisfied with the proposed conditions that had been agreed with the Applicant and highlighted that the Premises would not be able to open until the EHS had revisited the Premises to inspect the public safety aspects of the building, escape route(s) and toilet

facilities. He further confirmed that the EHS was satisfied with the noise reports that had been submitted which indicated that there would be no impact on public nuisance from within the Premises and that the dispersal plan would help mitigate against people leaving in big crowds and/or all at once.

49. PC Morgan, representing the MPS stated that representation had been maintained because the Premises were located within the West End CIZ. He advised that both the Blackwood Sport Bar and the Rooftop Restaurant applications were contrary to the SLP. He highlighted that these venues would have a detrimental effect on the West End CIZ and would cause additional work and require additional resources from the MPS and the other emergency services. He confirmed that the Jewel Nightclub had not been in operation for numerous years and that the internal structure of this building had now been reconfigured so it would never reopen as a nightclub. He referred to the Sports Bar and advised that it would be a drink led establishment within the West End CIZ with a large area being set aside for vertical drinking which was against policy.
50. PC Morgan advised that the West End CIZ was already saturated with licensed premises which took its toll on Police resources. He referred to the crime figures attached to the Agenda Pack and advised that crime levels were now higher than pre COVID levels. He highlighted that sports fans leaving Blackwood Sports Bar could potentially cause more issues than customers leaving a nightclub. He further considered that not all people would automatically go home after attending one of these four Premises and it was highly likely that they would head into Soho and carry on their evening in one of the many bars where upon leaving (and being intoxicated) could fall victim of crime. He outlined that there was literally not enough police officers on the ground and especially at night and the Police already struggled to manage the amount of emergency calls that they received regarding incidents within this area. He requested that the applications be refused because the Applicant wished to operate beyond the Council's Core Hours Policy.
51. In response to questions from the Sub Committee, PC Morgan advised that he had been working in the West End for over 22 years and how increasingly more people were being drawn to the West End. He highlighted that he had never seen the West End as busy as it was now especially on Thursday, Friday and Saturday evenings and that it was a different place to when he had joined the Police Force. He emphasised that there were many gangs in the West End and lots of crime was taking place. He considered that sport bars were much more enticing for groups of males and were not like traditional pubs where people went for a quiet pint. He confirmed that the Police had no issue with the Greenwood venue located in Victoria, however, the Victoria area was nowhere near as busy as the West End.
52. PC Steve Muldoon, representing the Metropolitan Police Service, advised that the West End was extremely busy and that if these four applications were granted the area would have four additional Premises that did not exist six months ago. He referred to the crime statistics which indicated that there was less crime in the Piccadilly area, however, he wondered how many 'hot spots'

of crime there needed to be before the MPS were taken seriously regarding their limited resources to deal with every incident. He highlighted how the West End Stress Area was changing and if more Premises kept opening the area would turn into a giant crime hotspot which would be extremely difficult for the Police to maintain and deal with effectively.

53. Mr Kevin Jackaman, representing the Licensing Authority advised that he would deal with each application separately as the policy considerations were different for each one. He outlined that the Licensing Authority had maintained their representation regarding the Premises Blackwood (sports bar) due to its location in the West End Stress Area and that this particular Premises needed to be assessed under Policy CIP1 because the Premises was proposing to trade as a bar with a substantial food offering, although there were no conditions proposed which required alcohol to be ancillary to food. He highlighted that, therefore, at present there was a presumption to refuse the application and for the Applicant to demonstrate an exception to the Policy.
54. Mr Jackaman advised that the Licensing Authority noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was therefore for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy. He added that the Licensing Authority have no reason to believe that the Premises would not be operated well, however that in itself was not an exception to the Licensing Policy as all Licence holders were expected to operate their Premises well as outlined in D14 of the Licensing Policy.
55. Mr Jackaman referred to the application for Glass House and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End CIZ. He advised that the Premises was proposing to trade as a restaurant and the Applicant had agreed that the Council's restaurant model conditions MC66 be added to the Premises Licence. He set out that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there was no presumption to refuse this application as the hours sought were within the Council's Core Hours Policy.
56. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1 (the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact). He added that the Licensing Authority again noted that the Applicant was proposing to surrender two unrelated Premises Licences and it was for the Members to determine whether the Applicant had demonstrated that the surrendering of those two Premises Licences would be a genuine exception to the Policy.
57. Mr Jackaman referred to the application for the Devonshire Arms and advised that the Licensing Authority had maintained their representation due the location of the Premises within the West End CIZ. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would only apply to

the first, second and third floors with the ground floor operating as a bar and hence the Licensing Authority were concerned about the potential for vertical drinking. He stated that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application and as the hours sought were within the Council's Core Hours Policy. He advised, therefore, that Members should determine this application on its merits subject to the other relevant policies such as Policy CIP1; the cumulative impact policy which requires the Applicant to demonstrate the granting of this application would not add to cumulative impact in the West End Stress Area.

58. Mr Jackaman referred to the Rooftop Restaurant and advised that the Licensing Authority had maintained their representation due to the location of the Premises within the West End Cumulative Impact Area. He outlined that it was proposed that the Premises trade as a restaurant with an ancillary bar, however, the Council's restaurant model condition MC66 would not apply to the 20% of the area used for bar use only and hence the Licensing Authority were concerned about the potential for vertical drinking. He added that the application falls within the RNT1 restaurant policy and the Licensing Authority noted that there were no presumption to refuse this application, however, Members needed to be satisfied that the granting of this application would not add to the cumulative impact in the area.
59. Mr Jackaman advised that all four applications were part of a wider development for the Piccadilly area and it was therefore the Licensing Authority's view that it was for the Members to determine whether the Applicant had demonstrated the exception where necessary and similarly that the applications would not add to Cumulative Impact in the West End Stress Area. He emphasised that it was the location of the four Premises within the West End Cumulative Impact Area that was causing concern for the Licensing Authority.
60. Mr Richard Brown appearing on behalf of the Soho Society, advised that the Soho Society was made up of residents who had cumulatively lived in Soho for many decades so their perspective and assessment of Soho should be taken seriously by Members. He advised that there was simply not enough Police to manage the problems that occurred regularly in Soho and that if Members were minded granting these applications, they should be for Core Hours and restaurant use only with no independent bars at all. He outlined that three out of the four applications had applied for 30 minutes beyond the core hours albeit licensable activities would cease at core hours, however dispersal would not take place until midnight during the week and at 00:30 hours during the weekend.
61. Mr Brown referred to the Jewel and Coqbull Premises Licences that were being offered for surrender if the four applications were granted and which Mr Thomas had advised the Sub Committee would be an improvement to the area and promote the licensing objectives. He advised that the Coqbull Premises Licence appeared to cover the same footprint as the Devonshire Arms application and had been operating much more recently than the 'Jewel' Premises Licence. He outlined that the Coqbull Premises Licence was

subject to the Council's model restaurant condition MC66 and although there was some limited provision for bar use, this was not an independent bar, so with the Devonshire Arms application theoretical there would be a lot more drinking.

62. Mr Brown emphasised that the Jewel night club had not been in operation for years and that the Sub Committee had heard from the Police that the internal layout had now been changed so it could simply not be used again for a nightclub. He added that he had made reference to the Novus Leisure case because it was the leading case which deals with a situation where an Applicant seeks to surrender a Premises Licence in return for a grant of a Premises Licence elsewhere. He added, however, the situation today was not quite the same, as the proposal was to transfer the Jewel Premises Licence to another part of the Premises.
63. Mr Brown advised that the Jewel nightclub closed in 2019 so the crime figures for last year did not include the operation of Jewel and indeed when Jewel was operating the crime rates were much lower than they were now. He highlighted that Jewel had a last entry condition attached to its Premises Licence that no one could enter the Premises after midnight and therefore perhaps there was not the 'hard exit' described by Mr Studd and the EHS. He added that an analysis of the MPS evidence suggests that the total capacities at or around midnight were at least as important to crime rates as a later terminal hour.
64. Mr Brown referred to his analysis of recent Premises Licences granted in the immediate area which demonstrated that the cumulative impact of licenced premises in the area would (or would soon be) greater than existed in 2019. He added that although the submissions made by Mr Thomas may seem superficially attractive in terms of decreasing the hours and bar use the proposals were actually increasing the capacity with a reduction of just one hour opening time. He highlighted that more people were visiting the West End earlier in the evening and the Police's crime statistics indicated that crime figures were overall higher now than in May 2022 to May 2023 and any year since 2018/2019 and that the timings of when crime reached its peak were now lower than between 01:00 hours and 02:00 hours.
65. Mr Brown strongly emphasised that it was simply not the case that the Applicant could surrender these two Premises Licences under the Licensing Policy D15 and D17 because these two Premises Licence were not currently being used: so the granting of these four new Premises Licences would bring additional people into the already packed West End Stress Area where crime was at an all-time high.
66. Mr Brown referred to the application for Blackwood and advised that this application was not for Core Hours but for 30 minutes beyond Core Hours and there was no last entry condition proposed which there had been on Jewel's Premises Licence. He advised therefore that this meant there would be a hard dispersal up to 00:00 hours during the week and 00:30 hours during the weekends. He highlighted that the Premises would not be food led and there

would be significant vertical drinking (281 people) which would by its very nature risk harming the Licensing Objectives.

67. Mr Brown referred to the Devonshire Arms and respectfully disagreed that this would be a restaurant led Premises as the whole of the ground floor would be operated as a pub where alcohol was not ancillary to food. He referred to an application made in 2012 that had turned this Premises into a restaurant over four floors for a higher capacity. The Applicant was now requesting to return to vertical drinking with a lower capacity than was previously allowed but still a higher capacity than it did have then in 2012.
68. Mr Brown referred to the Glass Street restaurant which was a straightforward restaurant application and advised that if the application was seeking core hours, not core hours plus 30 minutes the Soho Society would not have any objections regarding this application. He added, however, this proposal was clearly more favourable than the Jewel Premises Licence.
69. Mr Brown referred to the Rooftop Bar and restaurant which the Sub Committee were asked to grant to 01:30 hours. He advised that the bar use was fairly significant at 20% of its capacity and there was no good reason for the Premises to operate beyond the Council's Core Hours Policy.
70. Mr Brown requested that the Sub Committee turn to page 47 of the Agenda Pack which contained the table listing the existing Premises Licences and Proposed Premises Licences. He emphasised that all these Premises were beyond Core Hours and dispersal was the most problematic concern for the Soho Society because of the problems with crime and disorder and anti-social behaviour which all occurred when people left licensed Premises.
71. Mr Brown advised that the importance of building maintenance/security to residents was raised and the Soho Society requested that the servicing hours be amended from 07:00 hour to 08:00 hours and that all four applications have a condition which reflects model condition 57 regarding patrons temporarily leaving the Premises to smoke or make phone calls. He further submitted that the Applicant could not be 100% sure that patrons would go home after visiting these Premises and that a certain number would indeed head into Soho to continue their evening in a different bar/restaurant and therefore would add to the cumulative impact area.
72. Ms Marina Tempia, representing the Soho Society, advised that the Soho Society were concerned about the vertical drinking proposed within these four applications and the request to operate beyond Core Hours for three out of the four applications along with the proposal that the rooftop restaurant trades until 01:00 hours with bar use included within the restaurant.
73. Ms Tempia highlighted the number of Premises Licences, currently 478, operating in Soho and why as a community they were concerned about the ever-increasing growth in licensed premises and the impact that they were having on the residents. She emphasised that any new Premises Licence was now a concern for the Soho Society because it added to the cumulative impact in the area. She outlined that since COVID thirty new Premises

Licences had been granted outside of Core Hours which the Soho Society had found very disappointing as the anti-social behaviour, crime and disorder and crowds of people were increasing daily in the West End area.

74. Ms Tempia advised that the Soho Society was concerned about the closing time of 00:30 hours because many people leaving these Premises would wander around the streets and 'hang out' and some would become victims of crime. She added Soho had a booming night-time economy which fuels cumulative impact and crime rates. She considered that the area was now becoming unsafe for residents at night.
75. She strongly advised that the surrender of the two Premises Licence were not exceptional circumstances, especially Jewel, as the night club had not been in operation since before COVID, so although the building was not a hole in the ground the Premises Licence did not exist anymore and was just being used and resurrected as a way of attempting to justify the cost benefit of these four new Premises. She emphasised that the restaurant policy was clear in that the Premises should operate as a restaurant only and that there should be no bar use. She considered that the Applicant was trying to create some sort of hybrid (bar and restaurant use) however this was not part of the Licensing Policy.
76. Ms Tempia advised that the Soho Society did not object to Premises having a holding bar but they did object to them having a drinking area where patrons could drink without having to eat during the evening. She briefly outlined that the residential flats next door to the Devonshire Arms were already located there and had just been demolished during the development process so there would be residents living next to this Premises.
77. She requested further information regarding the outside drinking area marked on the plans especially as this part of Soho was the main thoroughfare to Piccadilly Circus Underground Station. She added that this tube station was very heavily used and the pavement was very narrow in places. She echoed Councillor Lilley's words regarding the terrible issue with street urination and emphasised the disturbance to residents from taxis', pedicabs and people screaming and shouting late at night.
78. Ms Tempia advised strongly that the Soho Society did not want any new Premises that offered vertical drinking to be granted within the West End area and that going forward all Premises should be granted with the Model restaurant condition MC66 attached to its Premises Licence and within the Council's Core Hours Policy.
79. Mr Horatio Chance, Legal Advisor to the Sub Committee, proceeded to go through each application in turn referring to the proposed conditions to be attached to each Premises Licence. Mr Thomas confirmed that the Applicant had agreed to all the proposed conditions. The Responsible Authorities further agreed that they had also agreed with all the proposed conditions.

80. Mr Chance suggested that the model condition MC24, the telephone condition, the model condition MC99, regarding dispersal and the model condition MC57 be attached to all the Premises Licences. All parties confirmed that these conditions should be attached to the Premises Licences. Mr Thomas further confirmed that he agreed to the serving condition being amended from 07:00 hours to 08:00 hours. Mr Brown advised that the Interested Parties could not agree on the closing time of the external area on the assumption that vertical drinkers would congregate outside of the Devonshire Arms.

Summing up of the Parties submissions

81. During the summing up, the Responsible Authorities confirmed that they had nothing further to add to their submissions.
82. During his summing up, Mr Brown advised that Section 4 of the Act states that the Licensing Authority must carry out its functions under this Act with a view to promoting the Licensing Objectives and that in terms of the case law that was what the judge was setting out that everything comes back to the promotion of the licensing objectives. He outlined that he did not completely agree with the EHS's pre-application advice particularly regarding where they stated that the replacement of a large capacity venue with these four Premises beyond Core Hours would be an improvement for the area. He advised that he hoped that he had demonstrated that the Jewel Premises Licence was not as it was presented along with the closing times of the four proposed new Premises. He considered that the capacity, particularly the vertical drinking capacity, was not sufficiently reduced in light of the Crime and Disorder statistics. He concluded that a £1 billion development would not stand or fall on the grant/refusal of these applications and that the Sub Committee should not determine these applications with such 'a gun held to their head'.
83. During his summing up, Mr Thomas clarified that the Devonshire Arms external area was dealt with as in 'off' sales and that the area would close at 23:00 hours as stated in the condition offered in the application. He added that any external area was going to be seasonal however to give the Soho Society some comfort the Applicant had offered a capacity for the internal ground floor area of 120 so this was a massive decrease in vertical drinking from what was currently allowed. He outlined that the Applicant had taken issue with Councillor Lilley's statement that Blackwood (the sports bar) was unwelcoming to people of minority groups and wished to add that the bar was "inclusive" to all and positively encouraged and welcomed everyone to their bar. He added that women represented a significant percentage of the customers that visited Greenwood in Victoria Street.
84. Mr Thomas emphasised that the fact that the Premises had not been in operation since COVID did not matter because the Premises was still there and could still be used. He advised that crime statistics would always increase/decrease and the suggestion that the crime figures had reduced since the closure of Jewel was simply speculation because there was no evidence to come to that conclusion.

85. He disagreed with the Police's evidence that cumulative impact within the West End had drastically changed since COVID. He referred to the hot spots of crime and disorder in the West End which was marked on the Police's Crime Statistics and advised that the hot spots were where venues were open beyond Core Hours. He emphasised that the Applicant was reducing the opening hours of the existing Premises Licences by up to four hours. He highlighted that Westminster was full of tourists and surely it was good for Westminster that tourists were attracted back to the West End since COVID. He added there was simply no evidence to suggest that more people were now visiting the West End.
86. Mr Hughes referred to how busy the Victoria area was because there were literally thousands of people visiting Buckingham Palace and Westminster Abbey which were located remarkably close to Greenwood venue. He emphasised that residents also lived close to the Greenwood venue and there had never been a single complaint made by a resident or their landlords.
87. Mr Thomas emphasised that the Applicant had demonstrated exceptional circumstances in a number of different areas: reduction in capacity, operating hours and vertical drinking and would provide employment for hundreds of local people. He added that the Sub Committee could either grant the extra 30 minutes to add to dispersal in the area or could grant to Core Hours for licensable activities. He confirmed that the Applicant would prefer to be granted the extra 30 minutes. He emphasised again that the four applications would promote the four licensing objectives in a way that hopefully would protect the cumulative impact area rather than making it worse and that the conditions attached to all four Premises Licences would alleviate The Soho Society's concerns.

Conclusion

88. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. The Premise proposes to operate as a Premium restaurant at roof level and an ancillary bar and terrace within the West End CIZ. There is no policy presumption to refuse 80% of the restaurant area of the Premises provided it does not add to negative cumulative impact. However, for the 20% bar area and terrace there is an automatic policy presumption to refuse this aspect of the application. Therefore, regarding the latter it is down to the Applicant to prove exceptionality.
89. In reaching their decision, the Sub-Committee took into account all the committee papers, supplementary submissions made by the Applicant, and the oral evidence given by all parties during the hearing in its determination of the matter. It welcomed that the Applicant obtained pre-application advice from the Council's Environmental Health Service.
90. Notwithstanding the opposition to the application by those parties who had objected the Sub-Committee was satisfied that the Applicant had provided exceptional reasons under the terms of the City Council's SLP, was in

accordance with the Act, the s.182 Home Office Guidance and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.

91. In reaching its decision, the Sub-Committee noted that the Applicant had demonstrated that the Premises would not add to cumulative impact in the West End CIZ, had provided exceptional reasons (recognised under the City Council's SLP not necessarily to be an exhaustive list) but included matters such as the reduction in capacity, operating hours, reduced vertical drinking, providing employment opportunities for hundreds of local people thereby boosting the local economy, together with the surrender of both the Jewell Piccadilly and Coqbull premises licences all accepted and considered by the Sub-Committee to form part of those very valid exceptional circumstances and summarised below:-
- Jewel Piccadilly 4-6 Glasshouse Street, W1B 5DQ Premises Licence reference 20/01636/LIPT - a Nightclub with vertical drinking and regulated entertainment until 01:00 with a 500 capacity.
 - Coqbull 17 Denman Street, W1D 7HW Premises Licence reference 22/01201/LIPDPS (New Reference 23/00820/LIPT) - a restaurant with bar area that has Westminster's core hours with a 440 capacity.
92. The Sub-Committee took into consideration that conditions had been agreed with all the Responsible Authorities and the Environmental Health Service who were generally satisfied with the application. The Sub-Committee further noted that the Applicant had agreed to include Model Condition MC24 on the Premises Licence, requiring a direct telephone number to be provided for the manager of the Premises, Model Restaurant Condition MC66 is to apply to most of the Premises save for 20% where alcohol is permitted in the licensable areas where food is not required to be served with alcohol but on the whole the Sub-Committee accepted that the Premises was to be food led in any event meaning that the majority of the Premises can only operate as a restaurant where the sale of alcohol is sold subject to customers having a substantial table meal and waiter service, along with the requirement of a dispersal policy to ensure that the public nuisance licensing objective is promoted particularly when customers leave the Premises at the terminal hour so as not to cause a nuisance.
93. In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate and mitigate the concerns of residents' who had objected to the application which were considered appropriate and would have the desired effect of promoting the licencing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission **for Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday N/A

Seasonal Variations: Seasonal Variations: These hours extended: From 23:00 to 01:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day

2. To grant permission **for the Sale by Retail of Alcohol (Indoors and Outdoors)** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours **Seasonal Variations:** These hours extended: Until 01:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
3. To grant permission **for the Opening Hours of the Premises** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours **Seasonal Variations:** These hours extended: Until 01:30 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant.

6. Except for a maximum of [X] persons [not exceeding 20% of the premises capacity] the premises shall only operate as a restaurant
 - (a) in which customers are shown to their table or the customer will select a table themselves,
 - (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,
 - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (e) 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.

For the purposes of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

7. The terrace shall not be used by customers after 23.30 hours Monday to Thursday, 00.00 hours on Friday and Saturday and 22:30 hours on Sunday, except for a maximum of 20 persons leaving temporarily to smoke.
8. CCTV: (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
9. 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.
10. 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.
11. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times, except for waste collected within the internal servicing yard.
15. 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.
16. 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.

17. 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.
18. 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, except for collections taking place within the internal servicing yard.
19. A 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. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
21. 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.
22. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day, except for deliveries taking place within the internal servicing yard.
23. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
25. 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.

26. 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.
27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.
29. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 259 persons subject to the final capacity of the premises being agreed 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.
30. No licensable activities shall take place at the premises until premises licences reference 20/01636/LIPT and 23/00820/LIPT (or such other number subsequently issued for the premises) have been surrendered.
31. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
32. A copy of the premises dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
8 June 2023**

The Meeting ended at 4.45 pm