



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (6)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 16th November, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Eagleton (Chair), Judith Southern and Tim Mitchell

#### 1. MEMBERSHIP

1.1 It was reported that there were no membership changes.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. STREET TRADING - BELL STREET MARKET

### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6

Thursday 16 November 2023

Membership: Councillor Robert Eagleton (Chair), Councillor Judith Southern and Councillor Tim Mitchell

Officer Support: Legal Advisor: Michael Carson  
Policy Advisor: Vanouhi Petrosyan  
Committee Officer: Sarah Craddock  
Presenting Officer: Bushara Hamida

**Application to rescind the designating resolution for designated market  
namely Bell Street Market**

**FULL DECISION**

**Pitch Designation**

Bell Street Market is “from Edgware Road east side building line to party line of the Salvation Army Hall and No. 48 Bell Street”. Bell Street Market is comprised of 4 pitches numbered 859 to 862 inclusive. Bell Street Market has not been licensed for in excess of 10 years.

**Applicant**

Westminster City Council’s Licensing Street Trading Team

**Ward**

Church street

**Summary of Application**

The Licensing Sub-Committee is asked to rescind the designating resolution for designated market namely Bell Street Market as recommended by officers.

**Representations Received**

Two representations were received, one having no objection (The Metropolitan Police) and the other making no comment as it had no interest in the market (West End Street Trading Association)

**Policy Considerations**

**1. Street Trading Policy**

- a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

**Designation and De-designation- Policy ST5**

- (i) The Licensing authority will designate specific resolution for licensed street trading.*
- (ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.*
- (iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.*

*Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered not suitable include:*

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*
- (c) Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

### **SUBMISSIONS AND REASONS**

Ms Bushara Hamida, the Presenting Officer, introduced the application.

Ms Hamida confirmed that the Licensing Service had received a 'no objection' comment from the Metropolitan Police and that no comments had been received from the Highways Authority. She further added that the West End Street Trading Association had confirmed that they had no representations to make in respect of the Council's proposals to rescind the designation for Bell Street Market.

Ms Hamida advised that the original designation had been determined by the Licensing Sub Committee and therefore the rescinding of the designating resolution should also be determined by the Licensing Sub Committee.

The Sub-Committee noted that Bell Street Market was a historic market which had fallen into disuse and that there was no local demand for it.

The Sub Committee also noted that there were no objections to the application.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application that **approval** be given to rescind the designation resolution for the designated market namely Bell Street Market.

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

**The Licensing Sub-Committee  
16 November 2023**

## **2. STREET TRADING - ISOLATED PITCH 1677 HILL'S PLACE**

### **WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6**

Thursday 16 November 2023

Membership: Councillor Robert Eagleton (Chair), Councillor Judith Southern and Councillor Tim Mitchell

Officer Support: Legal Advisor: Michael Carson  
Committee Officer: Sarah Craddock  
Policy Advisor: Vanouhi Petrosyan  
Presenting Officer: Bushara Hamida

### **Application to rescind the designating resolution for designated Pitch 1677 at Hill's Place**

### **FULL DECISION**

#### **Pitch Designation**

The original designation for Pitch 1677 is "Hill's Place west carriageway junction with Oxford Street in line with the Oxford Street Building Line"

#### **Applicant**

Westminster City Council's Licensing Street Trading Team

#### **Ward**

West End

#### **Summary of Application**

The Licensing Sub-Committee is asked to rescind the designating resolution for designated Pitch 1677 at Hill's Place as recommended by officers.

#### **Representations Received**

One representation was received in support of the application.  
(West End Street Trading Association)

#### **Policy Considerations**

##### **1. Street Trading Policy**

- a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

## **Designation and De-designation- Policy ST5**

- (i) The Licensing authority will designate specific resolution for licensed street trading.*
- (ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.*
- (iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.*

*Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered not suitable include:*

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*
- (c) Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

### **SUBMISSIONS AND REASONS**

Ms Bushara Hamida, the Presenting Officer, introduced the application.

Ms Hamida confirmed that the Licensing Service had received no comments from the Metropolitan Police Service or the Highways Authority and that the West End Street Trading Association was in support of the de designation of Pitch 1677.

Ms Hamida confirmed that Pitch 1677 has not been used as a street trading pitch in excess of 10 years and that as the original designation had been determined by the Licensing Sub Committee, the rescinding of the designating resolution should also be determined by the Licensing Sub Committee.

The Sub Committee noted that there were no objections to the application.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application that **approval** be given to rescind the designation resolution for designated Pitch 1677 at Hill's Place.

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

**The Licensing Sub-Committee  
16 November 2023**

3. 18A MADDOX STREET, W1S 1PH

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.6**  
**("The Committee")**

**Thursday 16 November 2023**

Membership: Councillor Robert Eagleton (Chair) and Councillor Judith Southern and Councillor Tim Mitchell

Officer Support      Legal Advisor:      Steve Burnett  
Policy Officer:      Vanouhi Petrosyan  
Committee Officer: Sarah Craddock  
Presenting Officer: Kevin Jackaman

Others present:      Thomas O'Maoileoin (Solicitor, Thomas & Thomas), Mr Tarek Farah – Founder and Director of Applicant Company Toum Ltd

**Application for a New Premises Licence in respect of 18A Maddox Street, London W1S 1PH - 23/04854/LIPN**

**FULL DECISION**

**Premises**

18A Maddox Street  
London  
W1S 1PH

**Applicant**

Toum Ltd

**Ward**

West End

**Cumulative Impact**

West End

**Special Consideration Zone**

N/A

**Application**

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). This application seeks to permit the premises to trade as a core hours restaurant.

## **To Permit:**

### **Sale by Retail of Alcohol On and Off Sales**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 23:00 – 00:00

### **Late Night Refreshments (Indoors)**

Monday-Thursday: 23:00 - 23:30 hours

Fridays and Saturdays 23:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 23:00 – 00:00

### **Hours Premises Are Open to the Public**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 23:00 – 00:30

## **Representations Received**

- Karyn Abbott – Licensing Authority (LA) **(Withdrawn 11 October)**
- Mike Dunn – Resident **(Withdrawn 5<sup>th</sup> September)**
- Claire Baillie - Resident **(Withdrawn 5<sup>th</sup> September)**
- Danyal Shafqat - Resident

## **Issues raised by Objector.**

The timings applied for are excessively late for a restaurant on this street.

The applicant has applied for a licence up to 11.30pm Mon-Thu, midnight Fri-Sat, and 10.30pm on Sunday, which would be disturbing to neighbours at night trying to sleep since all the bedrooms on 21 Maddox Street face Maddox Street.

There is a resident count of 57

### **Policy Considerations**

**Policy CIP 1** states:

C. Applications for restaurants 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 HRS 1** state:

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,

C. For the purpose of Clauses A and B above, the Core Hours for **Restaurants**:

Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

**Policy RNT 1**

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 are 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the Policy definition of a restaurant as per Clause C.



## **SUBMISSIONS AND REASONS**

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application to the Committee.
2. Thomas O'Maoileoin on behalf of the Applicant informed the Committee that the Applicant owns other premises which have not been subject of enforcement action and have not been subject of complaints from the Authorities or residents.
3. Outstanding concerns relate to hours of trade which are Westminster core hours. The hours for other premises in the vicinity as set out by the objector are incorrect.
4. Attempts to contact the objector were made but in vain. There are no representations from the Metropolitan Police Service and no outstanding objections from the other Relevant Authorities.
5. The style of operation, staffing ratio and future operation of the outside area were described to the Committee.

## **DECISION**

6. The Committee has determined an application for a NEW Premises Licence under the Licensing Act 2003. The Committee is aware that it has a duty to consider each application on its individual merits when determining this application.
7. Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, The Committee has determined, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives: -
  1. To **GRANT** permission for:

### **Sale by Retail of Alcohol On and Off Sales**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 23:00 – 00:00

### **Late Night Refreshments (Indoors)**

Monday-Thursday: 23:00 - 23:30 hours

Fridays and Saturdays 23:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 23:00 – 00:00

### **Hours Premises Are Open to the Public**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 23:00 – 00:30

2. Relevant Mandatory Conditions to apply.
3. To add conditions proposed to form part of the operating schedule:

### **Conditions consistent with the operating schedule**

9. 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 shall 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 shall 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.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. 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 shall record the following:

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

12. 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.

13. The premises shall only operate as a restaurant,

- (i) in which customers are shown to their table or the customer shall select a table themselves,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

14. 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

15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

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

17. There shall be no sales of alcohol for consumption off the premises after **(23.00)** hours.

18. All tables and chairs shall be removed from the outside area by **(23.00)** hours each day.

19. 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.

20. 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.

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

22. 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.

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

24. 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.

25. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** hours on the following day.

26. 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.

27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

28. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

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

**The Licensing Sub-Committee  
16 November 2023**

4. **UNIT 5, ILONA ROSE HOUSE, MANETTE STREET, W1D 4AL**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.6**  
**("The Committee")**

**Thursday 16 November 2023**

Membership: Councillor Robert Eagleton (Chair) and Councillor Judith Southern and Councillor Tim Mitchell.

Officer Support      Legal Advisor:      Steve Burnett  
Policy Officer:      Vanouhi Petrosyan  
Committee Officer: Sarah Craddock  
Presenting Officer: Kevin Jackaman

Others present: Alun Thomas (Solicitor, Thomas & Thomas), Adam Price  
(Applicant company) and Matt White (Architect)

Maxwell Kouduah (Environmental Health Service), PC Tom  
Stewart (Metropolitan Police Service) and James Hayes  
(Licensing Authority)

**Application for a New Premises Licence in respect of Unit 5, Ilona Rose House**  
**Manette Street, London W1D 4AL - 23/04888/LIPN**

**FULL DECISION**

**Premises**

Unit 5  
Ilona Rose House  
Manette Street  
London  
W1D 4AL

**Applicant**

Soho Estates Portfolio Limited

**Ward**

West End

**Cumulative Impact**

West End

**Special Consideration Zone**

N/A

## **Activities and Hours applied for:**

### **To Permit:**

#### **Sale by Retail of Alcohol on and off Sales**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays/public holidays 23:00 – 00:00

#### **Late Night Refreshments - Indoors**

Monday-Thursday: 23:00 - 23:30 hours

Fridays and Saturdays 23:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays/public holidays 23:00 – 00:00

#### **Hours Premises Are Open to the Public**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays/public holidays 23:00 – 00:00

### **Application**

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). This application seeks to permit the premises to trade as a core hours restaurant.

There is a resident court of 57.

### **Representations Received**

Licensing Authority (LA)  
Environmental Health Service (EHS)

Metropolitan Police Service (MPS)

### **Issues raised by Objectors.**

**The Licensing Authority** has concerns in relation to this application and how the premises would promote the four Licensing Objectives

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 EHO states:**

1. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End cumulative impact
2. The supply of alcohol the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End cumulative impact.

#### **MPS states:**

The proposed extension of licensable activities is likely to undermine the licensing objectives of The Prevention of Crime and Disorder.

The premises is located at 13 Manette Street, London, W1D 4AP, which is within the West End Cumulative Impact Zone ("CIZ"). The crime levels within the CIZ are significant, with the area of Manette Street and Greek Street being the highest concentration of crime within the CIZ itself.

The Police request that that the committee give strong consideration as to whether this premises will add to cumulative impact in an area that suffers significantly from high levels of crime and disorder.

### **Policy Considerations**

#### **Policy CIP 1 states:**

C. Applications for restaurants 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 HRS 1 state:**

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,

C. For the purpose of Clauses A and B above, the Core Hours for **Restaurants:**

Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

## **Policy RNT 1**

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 are 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the Policy definition of a restaurant as per Clause C.

## **SUBMISSIONS AND REASONS**

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application to the Committee.
2. Mr Alun Thomas (Solicitor, Thomas & Thomas) outlined the application along with Mr Matt White (Architect). He advised the Committee that the Applicant was part of the Soho Estates Group, who had for many years invested in the development and management of sites within Soho, including the Ilona Rose House development.
3. Mr Matt White (Architect) outlined how the application was proposed alongside a suite of public realm and security improvements in Manette Street which included:



- a. The pedestrianisation of west Manette Street.
  - b. The reconfiguration of street lighting and installation of two new CCTV masts which would provide 24-hour security of the area.
  - c. The deterrent of crime and disorder and anti-social behaviour.
  - d. The improvement of the safety and flow for passing footfall along with a security office.
  - e. 24 hr physical security in the area.
4. Mr Thomas added that the area was being transformed from a dark and dangerous area into a very safe one due to the public realm improvements but also due to businesses and restaurants now being willing to operate in the area.
  5. Mr Thomas advised that the Applicant seeks authorisation for alcohol and late-night refreshment within the Council's Core Hours Policy for restaurants: 09:00 to 23:00 hours Monday to Thursday and 09:00 hours to 00:00 Friday and Saturday and 09:00 to 22:30 hours on Sunday. He outlined that the application includes the council's model restaurant condition MC66 in full, ensuring the Premises would be restricted to ancillary service of alcohol alongside table meals. He advised that the capacity of the restaurant would be 40 patrons only and that the proposed dispersal and noise management policies for the Premises had been included in the Agenda Pack.
  6. Mr Thomas referred to the Metropolitan Police Services representation that included the submission of the draft cumulative impact assessment. He described how this was a very lengthy document and had been difficult to absorb in less than a week. He added that it had also not yet been formally adopted by the Council.
  7. Mr Thomas detailed how crime and disorder had fallen within the West End and how 50% of Premises were restaurants within the West End which accounted for only 2% of violent crime overall compared to 33% for pubs, bars and nightclubs. He emphasised that the Committee did not receive many core hour restaurant applications because they had a very low policy threshold.
  8. Mr Thomas referred to the Council's Cumulative Impact Policy and outlined how new restaurants did not bring more people into the West End but just serviced the people already there by providing further choice and diversity in terms of the food on offer. He advised that the Police's data indicated that crime rises around and after midnight, however, as the restaurant closes by then it would not be associated with any crime and disorder within the West End CIA. He advised that restaurants typically had a slow gradual dispersal and were not associated with crime, and this could not suddenly change even in this location; particularly with the improvements being made in the area. He emphasised that this Premises Licence would not have an adverse impact across the whole of the West End but instead would have the opposite effect in that it would contribute to the levelling up of Manette Street to become a safer area.

9. Mr Thomas further reminded the Committee that the Soho Society had not made a representation against the application which indicated that they did not believe that the Premises would add to the cumulative impact in the West End area.
10. Mr Thomas confirmed that he was broadly happy with the Licensing Authorities amendments of model condition 71 and that model condition 98 would not be necessary as the Premises did not intend to operate a delivery take away service.
11. PC Tom Stewart (representing the Metropolitan Police Service, MPS) advised that the Police had maintained their representation because they considered that the application for the new Premises Licence, even though it was for a restaurant operating within Core Hours, would have a detrimental effect on the cumulative impact within the West End area. He referred to Appendix 1 of the Agenda Pack which indicated how Manette Street and particularly the Greek Street junction was a hot spot for crime and disorder. MPS were not objecting to the grant, but the operating hours of this Premises needed to be proportionate with an earlier terminal hour granted due to the unique circumstances of the immediate area.
12. PC Stewart advised that the Police could not ignore the figures that indicated that there was a huge spike in crime and disorder around midnight when customers attending restaurants operating within the Council's Core Hours Policy would leave the Premises. He emphasised that the Police did not believe it was a coincident and that this huge number of people migrating across the West End to go home around midnight inevitably lead to violence and crime and disorder occurring within the area. He added that he had not supplied theft data because it was so huge it almost overshadowed everything else. He confirmed that crime rises around midnight, peaks around 02:00 hours and maintains at this level until 03:00 hours. He outlined that drug offences particularly rise around midnight because of stop and searches by the police because even people with good character leaving restaurants may potentially ask for drugs and hence be detained by officers.
13. PC Stewart believed that the restaurant should operate below core hours which would be appropriate and proportionate in this particular area. He advised that the Police would not be making representations against all applications for new restaurants operating within core hours but would be objecting where there the operation could directly lead to an impact on the West End cumulative impact area.
14. PC Stewart stated the Premises would bring additional people to the West End.

15. In response to questions from the Committee, Mr Thomas confirmed that the Applicant did not wish for the hours to be reduced below the Council's Core Hours Policy as commercially it would be difficult to lease the Premises and it would be difficult to make the business viable due to the current bad economic climate and rising utility bills. He outlined how restaurants were viewed 'low risk' provided sufficient conditions and controls were in place and how this restaurant was an integral part of the public realm and development of the area. He again emphasised the CCTV/security that would be in place which would deter crime and disorder and anti-social behaviour in the area.
16. In response to questions from the Committee, PC Stewart advised that the Police welcomed CCTV. He added that it was normally the victims of crime that were identifiable and that usually the best deterrent was body worn cameras worn by security. He advised that therefore they appreciated the added security however, it did not necessarily outweigh adding more people to an already busy area.
17. PC Stewart advised that the Police's data was not granular so it needed to be taken at face value so he would say the crime and disorder was occurring all around midnight. He emphasised that the data regarding crime and disorder in the West End contained in the Assessment was the same as the Police's submission contained at Appendix one of the Agenda Pack.
18. PC Stewart advised that there needed to be a balance between the need of the Premises and the location of the area because it was necessary to promote the licensing objectives and protect people when they left licensed Premises.
19. He informed the Committee that individually restaurants were low risk but collectively the number of people leaving Soho at midnight were huge which leads to crime and disorder.
20. Mr Thomas reminded the Committee that this restaurant is low risk and customers would be seated and eating. This was comparatively different to bars and pubs in the immediate vicinity which also close at core hours and is seen in Westminster's Policy as operations which present more issues than restaurants.
21. Mr Maxwell Koduah (representing the Environmental Health Service, EHS) advised that the EHS echoed the Police's concern regarding the crime and disorder in the area. He added that EHS was also concerned with the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End cumulative impact zone. He suggested that a condition be included that all new operators of the Premises needed to submit dispersal plan to the Council.

22. Mr Thomas confirmed that any occupier would have to submit a minor variation application to the Premises Licence. Mr Koduah then confirmed that EHS had no issues with this application.
23. Mr James Hayes (representing the Licensing Authority) advised that typically the Council's position would be to grant such applications as the Applicant was applying for a restaurant Premises Licence within the Council's Core Hours Policy with model conditions MC66 which brings the application in line with RNT1. He added that the Applicant had now provided all the relevant information to the Licensing Authority so they were now satisfied with the application from an operational perspective and that the conditions attached to the Premises Licence would promote the licensing objectives.
24. Mr Thomas advised that the Applicant would be carefully selecting the restaurant operators. Mr Thomas confirmed that all management would be regularly trained, and this could also be conditioned on the Premises Licence.
25. During his summing up, PC Stewart advised that it was important to balance the needs of the Applicant with the other factors raised today and emphasised that it was not the Police's position to request the application be refused, but to grant with reduced hours and condition it appropriately for this area which was recognised by the Police as a crime hot spot in the West End CIA. He emphasised again that crime hugely spiked at midnight, and this was when customers were leaving restaurants which were operating under the Council's Core Hours Policy.
26. During his summing up, Mr Thomas advised of the improvements being made to Manette Street and the surrounding area which as the Committee had heard was currently a dark and rather unpleasant place. He outlined that there was no evidence that crime and disorder was caused specifically by customers leaving restaurants at midnight because customers gradually disperse over the course of an evening. He emphasised that he felt confident that once the public realm works had been completed the area would be a safe and secure place.

### **DECISION**

27. The Committee has determined an application for a NEW Premises Licence under the Licensing Act 2003. The Committee is aware that it has a duty to consider each application on its individual merits when determining this application.
28. The Committee notes the relevant policies and acknowledges that applications for restaurants within the West End Cumulative Impact Zones will be subject to other policies within Westminster's SoLP and must demonstrate that they will not add to cumulative impact. (CIP1). This application is also within core hours and therefore "will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy" (HRS1).

29. It is noted that 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 are within the council's Core Hours Policy HRS1.
  3. The Applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
30. The MPS have put forward compelling arguments why the hours granted for the application should be less than core hours, despite the Premises being a core hours restaurant with appropriate restaurant conditions.
31. The Committee gives no weight to Mr Thomas's assertions that restaurants do not bring new customers into the West End CIZ area but that they just serviced the people already there by providing further choice and diversity.
32. However, the Committee does give due weight to the lack of residential and Soho Society objections.
33. It is also noted that the Applicant is providing public realm and security improvements facilities such as manned security, external CCTV coverage and public lighting to an area which was 'dark and dingy' and a real risk to customers in that area at night. These facilities will provide security comfort to customers arriving and leaving the Premises and also to other members of the public in the area.
34. On balance, the development of the Premises and associated safety features in the area will reduce the risk of crime and disorder in the area and the applicant has therefore not only applied for a Premises Licence within core hours and with MC66 - restaurant model conditions but they have demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
35. Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, The Committee has determined, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives:-

1. To **GRANT** permission:

**To Permit:**

**Sale by Retail of Alcohol off and on Sales**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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2. Relevant Mandatory Conditions to apply.
3. To add conditions proposed to form part of the operating schedule:

### **Conditions consistent with the operating schedule**

9.
  - 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 shall 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 shall 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.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This

staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. There shall be no sales of alcohol for consumption off the premises after (23.00) hours.

13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

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.

16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.

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. 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.

19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

20. 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 shall record the following:

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment

- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

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.

24. No deliveries to the premises shall take place between (23.00) and (07.00) hours on the following day.

25. 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.

26. The premises shall only operate as a restaurant,

- a) in which customers are shown to their table or the customer shall 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 purpose 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.

27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined, not to exceed 40 (excluding staff) in any event.



**Conditions proposed by the Licensing Authority and agreed with the Applicant.**

29. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

30. There shall be no delivery of hot food or alcohol from the Premises.

31. 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 and all customer facing staff shall be trained on its implementation.

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

**The Licensing Sub-Committee  
16 November 2023**

**5. 13 MANETTE STREET, W1D 4AP**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.6**  
**("The Committee")**

**Thursday 16 November 2023**

Membership: Councillor Robert Eagleton (Chair),  
Councillor Judith Southern and  
Councillor Tim Mitchell

Officer Support      Legal Advisor:      Steve Burnett  
Policy Officer:      Vanouhi Petrosyan  
Committee Officer: Sarah Craddock  
Presenting Officer: Kevin Jackaman

Others present: Alun Thomas (Solicitor, Thomas & Thomas) for the Applicant,  
Adam Price (Applicant company) and Matt White (Architect)

Maxwell Kouduah (Environmental Health Service),  
PC Tom Stewart (Metropolitan Police Service) and  
James Hayes (Licensing Authority)

**Application for a New Premises Licence in respect of 13 Manette Street**  
**London W1D 4AP - 23/04889/LIPN**

**FULL DECISION**

**Premises**

13 Manette Street  
London  
W1D 4AP

**Applicant**

Soho Estates Portfolio Limited

**Ward**

West End

**Cumulative Impact**

West End

**Special Consideration Zone**

N/A

## **Activities and Hours applied for:**

### **To Permit:**

#### **Sale by Retail of Alcohol on and off Sales**

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

Fridays and Saturdays 09:00 to 00:00

Sundays 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays/public holidays 23:00 – 00:00

#### **Late Night Refreshments (Indoors)**

Monday-Thursday: 23:00 - 23:30 hours

Fridays and Saturdays 23:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays/public holidays 23:00 – 00:00

#### **Hours Premises Are Open to the Public**

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

Fridays and Saturdays 09:00 to 00:00

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From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays/public holidays 23:00 – 00:00

## **Application**

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). This application seeks to permit the premises to trade as a core hours restaurant.

There is a resident court of 57.

## **Representations Received**

Licensing Authority (LA)

Environmental Health Service (EHS)  
Metropolitan Police Service (MPS)

### **Issues raised by Objector.**

The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives

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 EHO states:

1. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End cumulative impact
2. The supply of alcohol the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End cumulative impact.

MPS states:

The proposed extension of licensable activities is likely to undermine the licensing objectives of The Prevention of Crime and Disorder.

The premises is located at 13 Manette Street, London, W1D 4AP, which is within the West End Cumulative Impact Zone ("CIZ"). The crime levels within the CIZ are significant, with the area of Manette Street and Greek Street being the highest concentration of crime within the CIZ itself.

The Police request that that the committee give strong consideration as to whether this premises will add to cumulative impact in an area that suffers significantly from high levels of crime and disorder.

### **Policy Considerations**

**Policy CIP 1** states:

C. Applications for restaurants 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 HRS 1 state:**

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,

C. For the purpose of Clauses A and B above, the Core Hours for **Restaurants:**

Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

## **Policy RNT 1**

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 are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the Policy definition of a restaurant as per Clause C.

## **SUBMISSIONS AND REASONS**

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application to the Committee.
2. Mr Alun Thomas (Solicitor, Thomas & Thomas) outlined the application along with Mr Matt White (Architect). He advised the Committee that the Applicant was part of the Soho Estates Group, who had for many years invested in the development and management of sites within Soho, including the Ilona Rose House development.
3. Mr Matt White (Architect) outlined how the application was proposed alongside a suite of public realm and security improvements in Manette Street which included:
  - a. The pedestrianisation of west Manette Street.

- b. The reconfiguration of street lighting and installation of two new CCTV masts which would provide 24-hour security of the area.
  - c. The deterrent of crime and disorder and anti-social behaviour.
  - d. The improvement of the safety and flow for passing footfall along with a security office.
  - e. 24 hr physical security in the area.
4. Mr Thomas added that the area was being transformed from a dark and dangerous area into a very safe one due to the public realm improvements but also due to businesses and restaurants now being willing to operate in the area.
5. Mr Thomas advised that the Applicant seeks authorisation for alcohol and late-night refreshment within the Council's Core Hours Policy for restaurants: 09:00 to 23:00 hours Monday to Thursday and 09:00 hours to 00:00 Friday and Saturday and 09:00 to 22:30 hours on Sunday. He outlined that the application includes the council's model restaurant condition MC66 in full, ensuring the Premises would be restricted to ancillary service of alcohol alongside table meals. He advised that the capacity of the restaurant would be 40 patrons only and that the proposed dispersal and noise management policies for the Premises had been included in the Agenda Pack.
6. Mr Thomas referred to the Metropolitan Police Services representation that included the submission of the draft cumulative impact assessment. He described how this was a very lengthy document and had been difficult to absorb in less than a week. He added that it had also not yet been formally adopted by the Council.
7. Mr Thomas detailed how crime and disorder had fallen within the West End and how 50% of Premises were restaurants within the West End which accounted for only 2% of violent crime overall compared to 33% for pubs, bars and nightclubs. He emphasised that the Committee did not receive many core hour restaurant applications because they had a very low policy threshold.
8. Mr Thomas referred to the Council's Cumulative Impact Policy and outlined how new restaurants did not bring more people into the West End but just serviced the people already there by providing further choice and diversity in terms of the food on offer. He advised that the Police's data indicated that crime rises around and after midnight, however, as the restaurant closes by then it would not be associated with any crime and disorder within the West End CIA. He advised that restaurants typically had a slow gradual dispersal and were not associated with crime, and this could not suddenly change even in this location; particularly with the improvements being made in the area. He emphasised that this Premises Licence would not have an adverse impact across the whole of the West End but instead would have the opposite effect in that it would contribute to the levelling up of Manette Street to become a safer area.

9. Mr Thomas further reminded the Committee that the Soho Society had not made a representation against the application which indicated that they did not believe that the Premises would add to the cumulative impact in the West End area.
10. Mr Thomas confirmed that he was broadly happy with the Licensing Authorities amendments of model condition 71 and that model condition 98 would not be necessary as the Premises did not intend to operate a delivery take away service.
11. PC Tom Stewart (representing the Metropolitan Police Service, MPS) advised that the Police had maintained their representation because they considered that the application for the new Premises Licence, even though it was for a restaurant operating within Core Hours, would have a detrimental effect on the cumulative impact within the West End area. He referred to Appendix 1 of the Agenda Pack which indicated how Manette Street and particularly the Greek Street junction was a hot spot for crime and disorder. MPS were not objecting to the grant, but the operating hours of this Premises needed to be proportionate with an earlier terminal hour granted due to the unique circumstances of the immediate area.
12. PC Stewart advised that the Police could not ignore the figures that indicated that there was a huge spike in crime and disorder around midnight when customers attending restaurants operating within the Council's Core Hours Policy would leave the Premises. He emphasised that the Police did not believe it was a coincident and that this huge number of people migrating across the West End to go home around midnight inevitably lead to violence and crime and disorder occurring within the area. He added that he had not supplied theft data because it was so huge it almost overshadowed everything else. He confirmed that crime rises around midnight, peaks around 02:00 hours and maintains at this level until 03:00 hours. He outlined that drug offences particularly rise around midnight because of stop and searches by the police because even people with good character leaving restaurants may potentially ask for drugs and hence be detained by officers.
13. PC Stewart believed that the restaurant should operate below core hours which would be appropriate and proportionate in this particular area. He advised that the Police would not be making representations against all applications for new restaurants operating within core hours but would be objecting where there the operation could directly lead to an impact on the West End cumulative impact area.
14. PC Stewart stated the Premises would bring additional people to the West End.

15. In response to questions from the Committee, Mr Thomas confirmed that the Applicant did not wish for the hours to be reduced below the Council's Core Hours Policy as commercially it would be difficult to lease the Premises and it would be difficult to make the business viable due to the current bad economic climate and rising utility bills. He outlined how restaurants were viewed 'low risk' provided sufficient conditions and controls were in place and how this restaurant was an integral part of the public realm and development of the area. He again emphasised the CCTV/security that would be in place which would deter crime and disorder and anti-social behaviour in the area.
16. In response to questions from the Committee, PC Stewart advised that the Police welcomed CCTV. He added that it was normally the victims of crime that were identifiable and that usually the best deterrent was body worn cameras worn by security. He advised that therefore they appreciated the added security however, it did not necessarily outweigh adding more people to an already busy area.
17. PC Stewart advised that the Police's data was not granular so it needed to be taken at face value so he would say the crime and disorder was occurring all around midnight. He emphasised that the data regarding crime and disorder in the West End contained in the Assessment was the same as the Police's submission contained at Appendix one of the Agenda Pack.
18. PC Stewart advised that there needed to be a balance between the need of the Premises and the location of the area because it was necessary to promote the licensing objectives and protect people when they left licensed Premises.
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### **DECISION**

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34. On balance, the development of the Premises and associated safety features in the area will reduce the risk of crime and disorder in the area and the applicant has therefore not only applied for a Premises Licence within core hours and with MC66 - restaurant model conditions but they have demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
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11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

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.

16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.

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. 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.

19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

20. 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 shall record the following:

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- b) all ejections of patrons
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder

- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

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.

24. No deliveries to the premises shall take place between **(23.00)** and **(07.00)** hours on the following day.

25. 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.

26. The premises shall only operate as a restaurant,

- a) in which customers are shown to their table or the customer shall 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 purpose 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.

27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined, not to exceed 40 (excluding staff) in any event.

**Conditions proposed by the Licensing Authority and agreed with the Applicant.**

29. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

30. There shall be no delivery of hot food or alcohol from the Premises.

31. 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 and all customer facing staff shall be trained on its implementation.

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

**The Licensing Sub-Committee  
16 November 2023**

The Meeting ended at 12.15 pm