



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 18th January, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Angela Piddock (Chair), Md Shamsed Chowdhury and Louise Hyams

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. CHEEMC, 32 GREAT WINDMILL STREET, W1D 7LR

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4
("The Committee")

Thursday 18 January 2024

Membership: Councillor Angela Piddock (Chair),
Councillor Md Shamsed Chowdhury and
Councillor Louise Hyams

Officer Support Legal Advisor: Steve Burnett
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

Others present: Stewart Gibson (Agent for the Applicant) and
Lee Wooyong (Applicant company)

Anil Drayan (Environmental Health Service - EHS)
PC Dave Morgan (Metropolitan Police Service - MPS)
Karyn Abbott (Licensing Authority - LA)

Richard Brown - Licensing Advice Project on behalf of the Soho
Society and Ling Wong.

Ms M.T, (Soho Society).

**Application for a variation of a Premises Licence in respect of CheeMc, 32
Great Windmill Street, London W1D 7LR – 23/07209/LIPV**

FULL DECISION

Premises

CheeMc,
32 Great Windmill Street,
London
W1D 7LR

Applicant

Dozzang Ltd

Ward

West End

Cumulative Impact

West End

Special Consideration Zone

None

There is a resident count of 187.

Summary of Application

This is an application for a variation of a premises licence under the Licensing Act 2003 ("The Act"). This variation seeks the following:

- To extend the terminal hours for the Sale by Retail of Alcohol & Late-Night Refreshment on Friday & Saturday and on a Sunday immediately before a Bank Holiday from 00:00 to 01:30.
- To extend the opening hours on Friday & Saturday and on a Sunday immediately before a Bank Holiday from 00:30 to 02:00.

Representations Received

- Licensing Authority (LA)
- Environmental Health Services (EHS)
- Metropolitan Police Services (MPS)
- Soho Society
- Residents x 2

Issues raised by Objectors.

The LA states the premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and RNT1 and note that the proposed variation does not fall within Westminster's 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.

The EHS states that a representation is made as the proposal may lead to undermining the licencing objective of Prevention of Public Nuisance.

The MPS states allowing the extension will draw customers to the venue and they will remain in the CIZ rather than dispersing and thus adding to the cumulative impact. The extension may also increase the risk of intoxication and vulnerability of its customers as they disperse from the area.

The residents and Soho Society state granting the application will disturb residents and increase anti-social behaviour. It will also increase rubbish in the area. The applicant has to demonstrate they will not increase cumulative impact and will promote the licensing objectives, they have failed to do so.

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: 9 am to 11.30pm.

Friday and Saturday: 9 am to 12am.

Sunday: 9am to 10.30pm.

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

Policy RNT1 state:

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 definition of a restaurant

SUBMISSIONS AND REASONS

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application to the Committee.
2. Mr Stewart Gibson (Agent) outlined the application along with Mr Lee Wooyong (Applicant Company). Mr Gibson advised the Committee that following consultation, the Applicant had withdrawn their request to extend the hours for Sale by Retail of Alcohol and Late-Night Refreshment Monday to Thursday until 00:00 and the opening hours until 00:30 and go back to operating within Core Hours because the Applicant was mindful of residential concerns regarding the extension of 90 minutes on weeknights. He explained the Applicant was now requesting an extension of an hour and a half on Friday and Saturdays to allow the Premises to cater for customer demand. He advised that customers were attending the Premises at around 23:00 hours requesting a table, only to be turned away, to go somewhere else, as this Premises currently closes at midnight.
3. Mr Gibson outlined that the restaurant operated on four floors and after 23:00 hours the Applicant would now close the first, second and third floors and keep the ground floor operating with a capacity of 25 patrons. The Committee was informed that karaoke rooms were located on the second and third floors where patrons could hire out a room in advance for private karaoke and a meal. Karaoke ends at 23:00. He added that the Applicant had advised the Environmental Health Service that they would place signage outside these karaoke rooms indicating that they would close at 23:00 hours.
4. Mr Gibson explained that the extension would allow the Applicant to offer hot food to satisfy a demand until 01:30 hours. He referred to the menu which had been circulated to all parties which indicated that there was a limited alcohol menu available with only a couple of beers, wines, and cocktails. So, alcohol is ancillary to food. He confirmed that no separate spirits were sold. He advised that last entry to the Premises would be midnight which would give customers enough time to have a meal. Mr Gibson submitted that not all 25 customers would leave the Premises at 01:30 hours and that dispersal is likely to be staggered from midnight to 01:30 hours.
5. Mr Gibson advised the Members that the Premises had opened in September 2022 and has received no complaints from the Environmental Health Service. He explained that he could not understand what the perceived sudden changes in the area after midnight are. He outlined that the Applicant's clients were mainly couples from the Asian population and that 70% of the tables were in twos and put together if larger groups attended the Premises. He emphasised it was not a restaurant that groups came to party, get drunk and/or rowdy and that alcohol could be purchased at a much lower price elsewhere. A substantial food order must be taken for alcohol to be served. The Applicant wished to increase the Premises sitting capacity from two to three sittings per evening to maximise revenue. He highlighted that it was likely that only 10-12 customers would be in eating in the restaurant after midnight and they would leave on a staggered basis once they finished their meal. He added that the table would then not be used again.

6. Mr Gibson highlighted that the issues of crime and disorder and anti-social behaviour in the West End did not relate to these Premises and that instead of dealing with the problems on an individual basis the Police had taken a blanket approach across the whole of the West End. He outlined that the Licensing Policy was clear that the Applicant was responsible for the noise their customers created whilst leaving their Premises. However, the Applicant could not be responsible for noise created 500 yards away.
7. Mr Gibson informed the Committee that the guidance sets out that conditions should not be standardised and that it could even be unlawful to impose conditions if they did not promote the Licensing Objectives in an individual case. He advised that extensive conditions were already attached to the Premises Licence and that there was no reason why an Applicant could not request to go beyond the Council's Core Hours Policy as it was not set in stone. He outlined that there was no evidence to suggest that the operation of these Premises would suddenly change. He added it was also clear that these Premises were not currently contributing to the cumulative impact in the West End Area and there was no evidence that an additional 90 minutes would change this. He emphasised that the guidance stated that responsible Premises should be supported, and applications made by them should be considered on their own merits. He requested that the Committee grant this application as an exception to the Council's Policy because the extension of 90 minutes would not add to cumulative impact in the West End Ward.
8. In response to questions from the Committee, Mr Gibson advised that the Applicant was a responsible operator who could not be responsible for everything that happened outside of his Premises. He added that by opening later into the evening the Premises was taking people off the streets into a safe environment controlled by strict restaurant conditions. He outlined that customers did not currently cause issues leaving the Premises at midnight so he considered they would also not cause issues leaving at 01:30 hours. He emphasised again the limited alcohol offer and that the longer hours may indeed encourage people who had been drinking earlier in the evening to eat something to absorb the alcohol. He advised that there was already a condition attached to the Premises Licence that outlined that the Applicant needed to ensure that patrons left the Premises quietly.
9. In response to questions from the Committee, Mr Lee outlined that his customers usually made their way to Piccadilly Circus after leaving the Premises. He wants to accommodate demand and improve business. He advised that he was prepared to hire a security guard (SIA) to stand within the doorway to prevent people entering who had already had an enjoyable evening and who could get a little rowdy. He highlighted that currently his customers left the Premises without any issues. He explained how it was his job to maximise profits and meet customer demand by having the flexibility of longer hours. He advised that his client base was mostly from South Asia.
10. The Committee explained that they were concerned about the impact the extension of hours would have on the community and the ability of the Applicant to promote the four licensing objectives. They explained that even a

small amount of additional people would be adding to the impact in the area and that the Applicant's clients were not necessarily going to create issues but that they could become victims of crime or create a nuisance, as Soho was a busy place especially after 21:00 hours through to the early hours of the morning. They requested that the Applicant consider what did the Premises have to offer in order to reduce crime and disorder and nuisance in the CIZ if the variation is granted.

11. In response to a question from the Legal Advisor to the Committee, Mr Gibson confirmed that the Applicant had now reduced the capacity to 25 patrons for the requested extension of hours on Friday and Saturday nights.
12. Ms Karyn Abbott (LA) advised that the application falls under the Council's Restaurant Policy RNT1 (B) and CIP1, and that the LA had concerns regarding the request for an extension for an hour and a half due to the premises being located within the West End CIZ. She confirmed that their concern was not actually about the Premises but the global effect that the extension would have on the West End Area. She advised that the LA had not been aware that karaoke was being offered at the Premises and suggested that if the Committee were minded to grant the application, that additional conditions regarding signage and the use of the different floors be attached to the Premises Licence. She added that any additional people in the area would add to the cumulative impact and therefore it was for the Committee to decide whether the Applicant had demonstrated an exception to the Policy and be satisfied whether exceptionality has been proven.
13. Mr Anil Drayan (EHS) explained that the EHS had maintained their representation because the extension until 01:30 hours would likely have the effect of increasing Public Nuisance and may affect Public Safety within the West End Cumulative Impact Area. He advised that a restaurant could usually demonstrate that it would not add to cumulative impact if it operated within the Council's Core Hours Policy. He outlined that if the restaurant wished to operate outside of Core Hours the Applicant needed to provide evidence to demonstrate that it would not add to the cumulative impact in the area by, for example, a reduction in operating hours on other evenings, an reduction in the overall capacity or surrendering an existing licence for a premises elsewhere in the CIZ.
14. The Committee were informed by the EHS that even 25 people would add to the CIZ. He advised that he had visited the Premises and there were no residents above or to the side or on the ground floor. However, there were flats immediately opposite the entrance. He confirmed that the EHS was maintaining their representation and therefore it was for the Committee to determine the application.
15. In response to questions from the Committee, Mr Drayan advised that the CIZ becomes crowded and busy from 21:00 hours onwards with high intensity activities. He confirmed that alcohol could only be ancillary to a substantial table meal. He also stated that SIA door supervisors would assist with last entries to the Premises and impact immediately outside the Premises but not in the CIZ area.

16. PC Dave Morgan (MPS) advised the Committee that the Police had maintained their representation against the granting of the application as it was likely to undermine the promotion of the licensing objectives particularly the Prevention of Crime and Disorder. He advised that the Police considered that the Applicant had not demonstrated how they would not add to cumulative impact with the extension of hours on Friday and Saturday night. He confirmed that the Police had no concern regarding the operation of the Premises, but it was the area as a whole and the retention of people in the area that caused concern for the Police. He identified the area as the epicentre of the CIZ with a high crime rate as shown in the evidence he supplied. Crime rates are high and becomes progressively higher from 21.00 to the early hours of the morning. The extensions are on the busiest days of the week and until times when crime is at its peak in the CIZ. Whether there are 2 or 25 additional people in the area, this creates an issue and added to the impact in the CIZ. He outlined that the longer people were able to remain within Premises the more intoxicated they may become, they would be more vulnerable to becoming victims of crime and disorder because of the large number of people in a busy area.
17. The Committee was also informed that criminal gangs now go to CIZ area knowing customers are available, potentially vulnerable and drunk. This would mean customers would be easy victims of crime.
18. Mr Richard Brown (representing Soho Society and one local resident) explained that there were many families living in the street as well as a primary school. He outlined how the second and third floors were set up for karaoke so could not be used after 23:00 hours and how a member of the Soho Society had walked past the Premises and discovered that music was audible from the street. He added that the expected noise nuisance that the residents' experienced up to core hours was one thing, however noise nuisance extending to after core hours was more impactful and detrimental to resident's sleep, health and wellbeing.
19. Mr Brown echoed that the CIZ becomes busy from 21:00 hours onwards and outlined how the Council had taken the balanced view that they did not want Premises closing that early but considered that Core Hours was the acceptable balance for all concerned in the CIZ. He outlined how the West End Zone 1 was the epicentre for issues associated with cumulative impact within the borough and how a relatively small amount of the borough holds a quarter of licenced Premises. The majority of licensed premises were restaurants and was in the location for a substantial proportion of overnight crimes in 2022. He emphasised that the area was intensively saturated, and all premises contributed in some way to the issues in the CIZ. He explained that crime figures produced by the Police on recent applications demonstrated that crime rises throughout the evening, peaking around 23:00 hours to 01:00 but remaining high after 01:00 hours.
20. Mr Brown set out to the Committee how the Premises currently had a slightly more generous hours than core hours as they were allowed 30 minutes drinking up time, so the Premises did not have to close until 00:30 hours

which the Interested Parties considered sufficient for the Applicant to meet the needs of the demands of his customers that arrive at 23:00 hours.

21. Mr Brown outlined how the relevant policy for a restaurant, RNT1, requires an Applicant to demonstrate that they 'will not' add to cumulative impact and although this policy has not changed, it was difficult to see how, in the light of the evidence, a Permsies seeking to sell alcohol to well beyond core hours could possibly overcome that policy hurdle. He stated how a small additional increase to capacities in the West End influences the area and the resources needed to keep the area and people within it safe.
22. Ms M. T, (representing the Soho Society) echoed how these smaller incremental increases seen over the years eventually caused chaos in the area and every year residents experienced a gradual decline to the surrounding area. She added that Friday and Saturday nights were the busiest times in the West End and worse for crime and disorder. She outlined that there were 150 Premises Licences operating between 01:00 hours and 15:00 hours with a total capacity of 20,649 customers so that was already a lot of people on the streets of the West End at the weekends. She added that there were 14 Licensed Premises currently on Great Windmill Street. She advised that the modelling for the new CIZ indicated that there was a 50% increase in undesirable behaviours and so that indicates there should be no more increases in Premises Licences in the area. She outlined how there were seven housing association blocks and how the number of residential properties had increased in the area. The Committee were informed that the Premises was probably well managed however, as the Applicant had indicated, he could not control customers after leaving his Premises and the impact was inevitably on the residents. She echoed how people coming out of Premises later were more likely to become victims of crime because of the criminal gangs and pedicabs that were attracted to busy areas as people were easier targets when they were intoxicated. She confirmed that the Soho Society were not against businesses, however, there needed to be a balance between the residential amenity and Premises in the West End area.
23. Mr Aaron Hardy, Policy Advisor to the Committee outlined the Council's relevant Policies to the Committee: CIP1, HRS 1 and RNT1 and emphasised that the Applicant should be demonstrating how they would not add to the cumulative impact with the extension of hours. Restaurants are not required to provide an exception. D11 and D12 of Westminster Statement of Licensing Policy. (SoLP)
24. During his summing up, Mr Brown emphasised that the Applicant already had the ability to operate up until 00:30 hours on Friday and Saturdays which was beyond the Core Hours Policy. He emphasised how the majority of new Premises in the last decade had been restaurants. However, the problems in the West End still continued and impacted on the residents so increasing the hours of an already late Premises Licence into the street where families were trying to raise their families was unacceptable.

25. During his summing up, PC Morgan advised that if the Committee were minded to granting the application, they would like a condition stating that the Applicant would need to provide SIAs door supervisors on Friday and Saturday evenings.
26. During his summing up, Mr Gibson advised that what makes this Premises an exception was that the Applicant was extensively catering for the Asian community who had different eating patterns than the British. He explained how the Committee was making a very wrong assumption and categorising people which could be discriminatory against Asia people. He outlined how the Asian community order some food, eat and then order some more food because going out was a big social occasion and not merely somewhere to just eat and get out within an hour. He outlined that Mr Lee finds it difficult to fill his tables after 21:00 hours because people come for that reason to sit and socialise for an extended period. He advised that the Council's policies could be discriminating against certain races, and he considered that the Committee was in danger of discrimination if they refused this application.
27. He confirmed that the Applicant was content to have SIAs on Friday and Saturday nights and that he was content to reduce the Premise overall capacity from 100 to 90 patrons if the extension of hours for Friday and Saturday nights were granted.
28. Mr Steve Burnet, Legal Advisor to the Committee, gave the other parties the opportunity to comment on Mr Gibson's remarks and proposals.
29. Mr Drayan advised that reducing the capacity by 10 patrons was a marginal reduction and that the EHS would only consider that a significant overall reduction would counterbalance the extension of hours on a Friday and Saturday night. He confirmed that he did not believe that the EHS was discriminating because the representation was about the impact in the CIZ and the balance between residents and businesses in the area.
30. Mr Brown highlighted the Public Sector Equalities duty and added that the Council's Policy not to extend hours was about not adding to the cumulative impact area and promoting the licensing objectives.

DECISION

31. The Committee has determined an application for a **VARIATION** of a 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.
32. The Committee knows it has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010 and in the exercise of its functions, it must have due regard to the need, amongst other matters, to eliminate discrimination and any other conduct that is prohibited by or under this Act. The Committee does not accept Mr Gibson's statement that Westminster's CIZ, RNT or HRS policies could be discriminating against certain races. Westminster seeks to support and encourage all businesses,

but of course, this must be balanced with the needs and protection of the public and residents.

33. The Committee also does not accept Mr Gibson's views that the Committee was in danger of discrimination if they refused this particular application. The Committee's functions must not be fettered.
34. The Committee is aware of its duties and exercise their powers in accordance with relevant legislation including the Equalities Act 2010. Licensed Premises in Westminster caters for a wide range of people of different cultures. All licensed premises when applying for a new licence or variation must comply with the Act and this Committee has carried out its functions under the Act with a view to promoting the licensing objectives and in doing so, the Committee has regard to Westminster's SoLP and the Guidance issued by the Secretary of State under section 182.
35. The Committee notes that The retention of people late at night contributes to the cumulative impact. Policy CIP1 applies and this Premises, which is at the epicentre of the West End Cumulative Impact Zones, is not only subject to other policies within this statement but it is the Applicant who must demonstrate that the operation will not add to cumulative impact.
36. This Applicant seeks an extension of hours on the busiest days of the week, namely Fridays and Saturday to 'accommodate demand'. The high rate of crime and disorder and public nuisance in the whole West End Cumulative Impact Zone arises from the number of people there late at night with a considerable number of them being intoxicated. This application results in the retention of people later into the night on Fridays and Saturday and this will contribute to the cumulative impact. The Applicant's customers may cause crime and disorder, cause public nuisance or be the victims of crime.
37. In this application, no additional conditions were offered to show that the Applicant had properly considered the effect of this application on the CIZ area generally. The use of door supervisors would manage inside and immediately outside the Premises but does not reduce the issue of his customers remaining or travelling through the CIZ and the risks.
38. Mr Gibson in his closing, suggested a reduction of the overall capacity of the Premises by 10 customers. The Committee does not find this figure significant enough to allay their fears that customers leaving the Premises at a later time will not add to the CIZ. The later hours and offer to reduce the capacity were not shown by the Applicant to lead to not adding to cumulative impact in the locality. It does not represent genuine reduction in the actual number of people using the premises at its peak times and late at night on a Friday and Saturday. The proposed reduction in hours includes days and times when the premises are less busy.
39. Paragraph D16 of the SoLP is clear that Westminster's policy, in relation to the West End Cumulative Impact Zone, is directed at the global and cumulative effects of licences on the area as a whole. Mr Gibson has focussed on the internal management of the Premises, which the Committee and the Authorities have no issues with. The Authority expects all operators to

trade without issue and manage their premises well, but despite this there still exists cumulative impact in relation to crime and disorder and public nuisance.

40. The Committee believes that proper consideration had not been given to the Premises location in the CIZ area, the effect of the application on the locality and the potential to retain customers in the area, who could become the victim of crime or cause crime and disorder within the CIZ.
41. It is not found that a diverse cuisine, demand or the success of the business were material considerations, significant enough to override Westminster's Policies. Furthermore, it was decided that the Applicant proposals would not promote the Licensing objectives for the reasons noted above.
42. Therefore, having carefully considered the Act, the Guidance issued under sec 182 of the Act, Westminster's SoLP, the committee papers, the additional papers and the submissions made by all of the parties orally, the Committee decided, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives, to **REFUSE** the application.

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

**Licensing Sub-Committee
18 January 2024**

2. CRISPIES, 412 HARROW ROAD, W9 2HU

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4
("The Committee")

Thursday 18 January 2024

Membership: Councillor Angela Piddock (Chair)
Councillor Louise Hyams
Councillor Md Shamsed Chowdhury

Officer Support Legal Advisor: Steve Burnett
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

Others present: Joshua Simons (Agent on behalf of the Applicant),
Mr Irshad Ullah Tabib (Applicant)

Application for a New Premises Licence in respect of Crispies, 412 Harrow Road, London W9 2HU - 23/06874/LIPN.

FULL DECISION

Premises

Crispies
412 Harrow Road
London
W9 2HU

Applicant

Mr Irshad Ullah Tabib

Ward

Harrow Road

Cumulative Impact

None

Special Consideration Zone

None

There is a resident count of 240.

Application

This is an application for a new premises licence under the Licensing Act 2003 (“The Act”). The premises is to trade as a quick service takeaway and restaurant.

The premises previously held a premises licence from September 2005 until May 2016 when the licence lapsed due the licence holder company being dissolved.

This application seeks the following:

To Permit:

Late Night Refreshments (Indoors)

– Mondays to Thursdays 23:00 to 23:30
– Fridays and Saturdays 23:00 to 00:30

Hours Premises Are Open to the Public

Mondays to Sundays 10:00 to 00:15

Representations Received

- Ayesha Bolton – Environmental Health Services (EHS) (**Withdrawn 16 Jan 2024**)
- PC Tom Stewart – Metropolitan Police Services (MPS) – (**Withdrawn 21 Nov 2023**)
- Resident.

Issues raised by Objectors.

The EHS condition agreed.

The MPS conditions agreed.

The resident states is incompatible with a residential area and trade will impact resident’s sleep.

Policy Considerations

Policy HRS 1 state:

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: 9 am to 11.30pm.

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

Policy RNT1 state:

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 definition of a restaurant.

Policy FFP1(A) state:

A. Applications outside the West End Cumulative Zones 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 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 fast food premises.

Policy DEL1 states:

A. Applications for premises that intend to sell alcohol and/or late-night refreshment for delivery to customers at a residential or workplace address, which is ancillary to the main use of the premises, will generally be granted subject to not being contrary to other policies within this Statement of Licensing Policy and that it meets the Policy criteria.

SUBMISSIONS AND REASONS

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the parties and the application to the Committee.
2. Mr Simons outlined the application and confirmed his discussions with the MPS and EHS which resulted in conditions being agreed and the Authorities withdrawing their representations.
3. The Committee was informed that these conditions addressed the issues raised by the resident about the control of noise emanating from customers and the Premises and nuisance.
4. The Applicant confirmed to the Committee that attempts have been made to contact and meet with the objector but with no response. However, the Applicant is still willing to meet, and a contact number will be displayed at the Premises in accordance with condition 24 below.
5. The Applicant in response to the Members questions stated that he uses registered waste removal companies, and a majority of delivery drivers use electric vehicles.
6. A majority of customers will be local, but the operator may also have some deliveries from the Premises.

DECISION

The Committee noted the conditions agreed with MPS and EHS and that the relevant Authorities had withdrawn their representations. There remain one outstanding resident's representation and that the resident was not present at the hearing.

Having carefully considered the Act, the Guidance issued under sec 182 of the Act, Westminster's Statement of Licensing Policy, committee papers, the additional papers and the submissions made by all of the parties orally, the Committee has decided, 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:

Late Night Refreshments (Outdoors)

Mondays to Thursdays 23:00 to 23:30
Fridays and Saturdays 23:00 to 00:30

Hours Premises Are Open to the Public

Mondays to Sundays 10:00 to 00:15

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

Conditions agreed and consistent with the operating schedule.

9. The applicant shall maintain and operate a comprehensive CCTV system taking into account some of the minimum requirements these shall include:

- (a) All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition.
- (b) 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.
- (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

10. CCTV equipment shall be checked on a daily basis and any faults and corresponding engineer call outs; immediately arranged and recorded in the Incident Log.

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

12. There shall be an area allocated permanently for seated customers in order to prevent overcrowding and to allow those customers who purchase food and beverages to be able to consume these on the premises.

13. Staff levels shall be maintained at a minimum of 3 persons on the premises during the provision of late-night refreshment to ensure customers can be served effectively and to reduce any queues that may form.

14. Warning signs about crime prevention measures shall be prominently displayed inside the premises retail area.

15. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Local Authority or the Police, which shall record the following:

- i. All crimes reported to the venue.
- ii. Any complaints received.
- iii. Any faults in the CCTV system.
- iv. Any visit by a relevant authority or emergency service

16. Delivery drivers employed by the applicant, or third parties shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway and to park in the demarcated loading bays directly outside the premises.

17. A manager shall be on duty during licensable timings. Part of the role of the manager shall be to ensure customers and or delivery drivers do not congregate outside the premises.

18. Notices shall be prominently displayed at the customer service counter and at the exit requesting customers and delivery drivers to respect the needs of local residents and leave the area quietly.

19. 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.

20. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

21. Exclusion of person/s under 18 years of age from the premises (unless accompanied by a parent or guardian) when any licensable activities are taking place past midnight – this shall be communicated by staff to customers where required and enforced by a manager if required.

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 windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.

24. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

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

26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 and 08.00 hours on the following day.

27. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.

28. Deliveries of food shall only be made to a bona fide residential or business addresses.

29. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 15 persons.

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

**The Licensing Sub-Committee
18 January 2023**

3. COZY NOODLE, 145 CLEVELAND STREET, W1T 6QH

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4
("The Committee")

Thursday 18 January 2024

Membership: Councillor Angela Piddock (Chair)
Councillor Louise Hyams
Councillor Md Shamsed Chowdhury

Officer Support Legal Advisor: Steve Burnett
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

Others present: Maxwell Koduah – Environmental Health Services (EHS)
Mr Christopher Montanez (Agent for the Applicant)

Application for a New Premises Licence in respect of Cozy Noodle, 145 Cleveland Street, London W1T 6QH - 23/07105/LIPN.

FULL DECISION

Premises

Cozy Noodle
145 Cleveland Street
London
W1T 6QH

Applicant

Tian Ying Ltd

Ward

West End

Cumulative Impact

None

Special Consideration Zone

None

There is a resident count of 229.

Application

This is an application for a new premises licence under the Licensing Act 2003 (“The Act”). The premises operates as a Chinese noodle restaurant.

There has been a premises licence for the Premises since at least 2005. The most recent Premises Licence (reference 19/02724/LIPT) lapsed on 11 February 2020. A copy of this lapsed Licence can be seen at **Appendix 3** of the Committee bundle.

This application seeks the following:

To Permit:

Late Night Refreshments (Both)

Mondays to Friday 23:00 to 00:30
Sunday 23:00 to 00:00

Sale of Alcohol (on sales)

Monday to Sunday 10:00 to 23:00

Hours Premises Are Open to the Public

Mondays to Sunday 10:00 to 23:00

Representations Received

- Maxwell Koduah – Environmental Health Services (EHS)
3. Resident x 2.

Issues raised by Objectors.

The EHS states 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 area and the supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

The residents state that the times proposed for closing are not in keeping with the other restaurants and bars on the street. The effect of taxis, smoking outside, saying goodbye after a late night and the music that spills out will inevitably cause distress to the residents.

This is a residential area with a narrow road where the noise bounces around. It would be completely wrong for a late alcohol license to be permitted.

Policy Considerations

Policy HRS 1 state:

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: 9 am to 11.30pm.

Friday and Saturday: 9 am to 12am.

Sunday: 9am to 10.30pm.

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

Policy RNT1 state:

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 definition of a restaurant.

Policy DEL1 states:

A. Applications for premises that intend to sell alcohol and/or late-night refreshment for delivery to customers at a residential or workplace address, which is ancillary to the main use of the premises, will generally be granted subject to not being contrary to other policies within this Statement of Licensing Policy and that it meets the Policy criteria.

SUBMISSIONS AND REASONS

The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the parties and the application to the Committee.

Mr Montanez on behalf of the Applicant confirmed that the latest set of conditions and details for licensable activities, submitted to the Committee have been agreed with the EHS and residents.

The Mr Koduah confirmed his agreement to the conditions and licensable activities on behalf of the EHS and that his representations have been withdrawn.

Mr Jackaman confirmed that all the residential objectors have withdrawn their objections based on the agreed conditions and licensable activities.

In light of this, there were no outstanding objections to the application.

DECISION

Having carefully considered the Act, the Guidance issued under sec 182 of the Act, Westminster's Statement of Licensing Policy, Committee papers, the additional papers and the submissions made by all of the parties orally, the Committee has decided, 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:

Late Night Refreshments (Both)

Monday to Friday 23:00 to 00:30
Sunday 23:00 to 00:00

Sale of Alcohol (on sales)

Monday to Sunday 10:00 to 23:00

Hours Premises Are Open to the Public

Mondays to Sunday 10:00 to 23:00

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

Agree proportionate and appropriate conditions consistent with the operating schedule.

1. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management shall immediately ensure that:
 - a) The police and, where appropriate, the London Ambulance Service, are called immediately;
 - b) As far as is safe and reasonably practicable, all measures shall be taken to apprehend any identified suspects pending the arrival of the police;

c) As far as is safe and reasonably practicable, all measures shall be taken to preserve any identified crime scene pending the arrival of the police;

d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

2. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which shall record:

a) Any and all allegations of crime or disorder reported at the venue

b) Any and all complaints related to licensable activities received by any party

c) Any faults in the CCTV system

d) Any visit by a relevant authority or emergency service

e) Any and all ejections of patrons

f) Any refusal of the sale of alcohol.

3. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV shall comply with the following criteria:

a) The licensee shall ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.

b) A record of these checks, showing the date and name of the person checking, shall be kept and made available to the police or other authorised officer on request;

c) The Police shall be informed if the system shall not be operating for longer than one day of business for any reason;

d) One camera shall show a close-up of the entrance to the premises, to capture a clear, full-length image of anyone entering;

e) The system shall provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;

f) The system shall record in real time and recordings shall be date and time stamped;

g) At all times during operating hours, there shall be at least one member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.

h) Recordings shall be kept for a minimum of 31 days and downloaded footage shall be provided free of charge to the police or other

authorised officers on request (subject to the Data Protection Act 2018) within 24 hours of any request.

i) Signage stating that CCTV is in operation shall be clearly and prominently displayed at the premises.

4. A notice shall be placed in prominent position within the venue requesting that patrons leave quietly and have respect for local residents.

5. 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

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

7. 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.

8. 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.

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

10. 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) 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.

11. All food sold after 23:00 shall be through delivery services only
12. Premises shall be closed to the public from 23:00 and no members of the public shall be permitted to enter the premises to order or collect food. Only delivery personnel may enter to collect an order.
13. All tables and chairs shall be removed from the outside area by 23.00 hours each day
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
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. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
17. 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
18. 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
19. 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
20. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
21. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
22. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 30 persons.

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

**The Licensing Sub-Committee
18 January 2023**

The Meeting ended at 12.15 pm

CHAIRMAN: _____

DATE _____

