

Licensing Sub-Committee Report

Item No:	
Date:	18 February 2016
Licensing Ref No:	15/12010/LIPN - New Premises Licence
Title of Report:	WeWork Soho 2 Sheraton Street London W1F 8FN
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 December 2015		
Applicant:	WW Medius Limited		
Premises:	WeWork Soho		
Premises address:	2 Sheraton Street London W1F 8FN	Ward:	West End
		Cumulative Impact Area:	Yes
Premises description:	The premises operate as an office building with shared office spaces.		
Premises licence history:	None		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	14:00	14:00	14:00	14:00	14:00	14:00	14:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations:	N/A						
Non-standard timings:	N/A						

N.B: The applicant has amended the terminal hour for the sale by retail of alcohol on Sundays from 23:00 to 22:30

Hours premises are open to the public: The premises are not open to the general public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	N/A	N/A	N/A	N/A	N/A	N/A	N/A
End:	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Seasonal variations:	N/A						
Non-standard timings:	N/A						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities

Responsible Authority:	The Environmental Health Service
Representative:	Anuja Jayawickrema
Received:	4 th January 2016

I refer to the application for a New Premises Licence number for the above premises, which is located in the West End Stress area.

This representation is based on the plans submitted with the operating schedule submitted on 21.12 2015.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'On' the premises, Monday to Sunday from 14:00 to 23:00 hours.

I wish to make the following representations:

1. The Supply of Alcohol and for the hours requested may have the likely effect of increasing Public Nuisance in the area and impact on Public Safety.

Conditions have been offered in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The granting of the new premises licence as presented would have the likely effect causing an increase in Public Nuisance and may impact on Public Safety within the Stress area.

The Environmental Health Service has proposed conditions which have been agreed by the Applicant. The Environmental Health Service has withdrawn their representation **(Appendix 4)**.

Responsible Authority:	The Metropolitan Police
Representative:	Toby Janes
Received:	5 th January 2016

Dear Sir

Application 15/12010/LIPN – We Work Soho, 2 Sheraton Street, W1

With reference to the above application, I am writing to inform you that the

Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

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

The following conditions listed below are those that police would like you to attach to your operating schedule as I believe they will address police concerns in relation to crime and disorder.

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
3. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.
4. The provision of licensable activities shall be restricted to employees of the organisation in occupation and their associated companies: and bona fide guests of the said employees and associated companies.
5. Licensable activities shall be restricted to the area hatched in red and green as shown on the plan.

Can you also please confirm the capacity of the licensable area.

The Police have proposed further conditions which have been agreed by the applicant **(Appendix 4)**

Name:	Mrs Alison Rhodes
Address and/or Residents Association:	FLAT 2 Paramount House 168 Wardour Street London W1F8ZX
Received:	19 th January 2016

5:02 PM on 19 Jan 2016 Our flat backs on to the applicants' property, in fact, our bedroom window is about 15 feet away from their kitchen area. When we first moved into the flat their kitchen was housed in a smaller room and caused no problem but with the refurbishment of the property along came the problems.

We not only suffer from the event music noise but also problems from the kitchen especially in spring and summer months when their windows are open. This noise goes on till 3.30-4.30 am which I feel is unreasonable. The building never turns off its lights, apparently because of its 24 hour activity.

The kitchen noise in question consists of loud voices messing about, staff kitchen music, endless clanking of metal coffee/ tea pot lids emptying, dishwasher loading and unloading with glasses, crockery, wine bottles being tipped into bottle bins and then being emptied. We should be able to rely on a better ventilation system so they can contain the noise with windows closed.

Giving permission to applicant simply brings the party area closer to the 16 flats in this building and results in their kitchen being busier.

I have on two occasions been round to talk to catering staff and said I realise I live in the heart of Soho and must expect some noise but have been met with comments about their building housing 24 hour a day operating companies who have to entertain at all hours. They did say they would talk to staff in the kitchens but this doesn't last. Before any intensification is contemplated, it would be reasonable to expect that the premises are properly insulated and ventilated so that we do not have to rely on the sporadic goodwill of staff to secure a reasonable level of amenity.

Name:	Steve Chambers		
Address and/or Residents Association:	The Soho Society 55 Dean Street London W1D 6AF		
Status:	Resident Association	In support or opposed:	Opposed
Received:	14.01.2016		

Reference: 15/12010/LIPN, Premises Licence – New, WeWork Soho, 2 Sheraton Street, W1F 8FN

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

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

Activity	Alcohol Consumed	Time Period	From	To
Sale by Retail of Alcohol	On Premises	Monday to Sunday	02:00 PM	11:00 PM

New licensed premises in the West End Stress Area

The proposal is for a new licensed premises in the West End Stress Area. The new Sale by Retail of Alcohol On Premises licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses (in particular where not ancillary

to food) should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse.

Hours of operation

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

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

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

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIP1 applies:

- (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for

	<p>music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

4. Appendices

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

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

Appendix 2

No supporting documentation

Appendix 3

There is no licence or appeal history for the premises

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND
CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions proposed by the Applicant as part the operating schedule

10. The supply of Alcohol shall only be to members of The We Work group of companies or employees of member companies, or their bonafide guests **(agreed with EH)**
11. SIA staff are provided to patrol all areas of the premises and to ensure good order is maintained at all times in the working environment.
12. Health and safety risk assessments will be undertaken and all staff shall be trained therein
13. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
14. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.

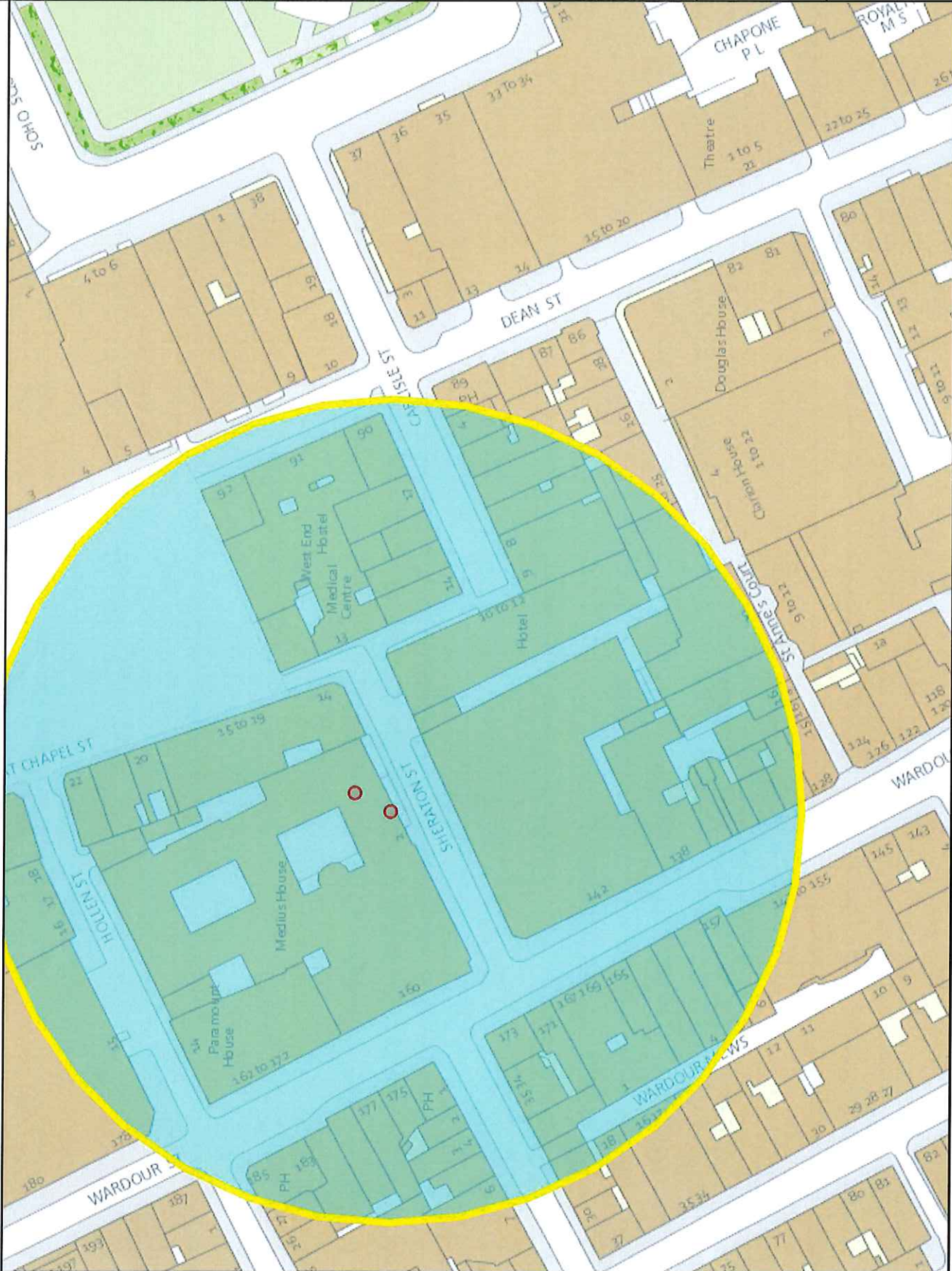
Conditions proposed by the Environmental Health and agreed by Applicant

15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them **(also agreed with Police)**
16. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices **(also agreed with Police)**

17. Licensable activities shall be restricted to the second floor ONLY.
18. 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.
19. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
20. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Conditions proposed by the Police and agreed by Applicant

22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
23. The provision of licensable activities shall be restricted to persons with the right to use office space at the premises or any premises operated by WeWork's affiliates, employees of any organisation in occupation of any premises operated by WeWork and its affiliates: bona fide guests of the foregoing employees and associated companies, or persons attending private pre-booked business functions.
24. Licensable activities shall be restricted to the area hatched in red and green as shown on the plan.



Residential / Proposed Residential	38
Under Construction	
Other Uses	
Proportion Residential of all Uses	

APPENDIX 5

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Data Source: Uniform Database
Date: 04/02/2016

10 Meters

Premises within 75 metres of: WeWork Soho 2 Sheraton Street			
p / n	Name of Premises	Premises Address	Licensed Hours
25286	The George Public House	1 D'Arbly Street London W1F 8DG	Monday to Sunday 00:00 - 00:00
-29449	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
-28126	Imil Ltd	167-169 Wardour Street London W1F 8WL	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
3360	Pho	163-165 Wardour Street London W1F 8WL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
7933	Star Cafe	22 Great Chapel Street London W1F 8FR	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
16601	Hearst Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Monday to Sunday 00:00 - 00:00
26474	Soho Business Club	16 Carlisle Street London W1D 3BT	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
15270	One Housing Hostel	West End House 91-92 Dean Street London W1D 3SY	Monday to Sunday 00:00 - 00:00
-18179	Korkers (Basement) And Mustafa's Thai Cottage (Ground Floor)	Ground Floor 34 D'Arbly Street London W1F 8EX	Monday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
24662	St Montz	161 Wardour Street London W1F 8WL	Monday to Sunday 09:00 - 03:30
20710	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30
-15016	Tostado	Ground Floor 16 St Anne's Court London W1F 0BF	Monday to Saturday 08:00 - 23:30 Sunday 10:00 - 22:00
-16765	Chipotle Mexican Grill	163-165 Wardour Street London W1F 8ZA	Monday to Saturday 10:00 - 23:30 Sunday 11:30 - 23:00
-6716	Inamo	136 Wardour Street London W1F 8ZR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-6461	Enrique Tomas	132 Wardour Street London W1F 8ZW	Monday to Saturday 10:00 - 22:30 Sunday 12:00 - 22:30

