

# Licensing Sub-Committee Report

Item No:	
Date:	26 May 2016
Licensing Ref No:	16/02519/LIPN - New Premises Licence
Title of Report:	Yosma Restaurant Drury House 34-43 Russell Street London WC2B 5HA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	7 March 2016		
<b>Applicant:</b>	GFS Turkish Restaurants Limited		
<b>Premises:</b>	Yosma Restaurant		
<b>Premises address:</b>	Drury House 34-43 Russell Street London WC2B 5HA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises is to operate as a restaurant.		
<b>Premises licence history:</b>	There is no prior licensing history for this premises.		
<b>Applicant submissions:</b>	<ul style="list-style-type: none"> <li>The applicant has provided additional information at Appendix 2, including a description of the operation and 20 proposed conditions.</li> <li>Following discussions with the responsible authorities, the applicant has amended the application as originally submitted to remove regulated entertainment (provision of films and recorded music) and has reduced the hours to Core Hours in line with Policy HRS1.</li> <li>The applicant has agreed conditions with the Police (see Appendix 4), who have subsequently withdrawn their representation.</li> <li>The applicant has provided a response to the Licensing Authority representation (see Appendix 2) and has agreed to add model condition MC66 (see Appendix 4).</li> <li>On 18 May 2016, the applicant proposed 4 further conditions following discussions with Environmental Health and the Police (see Appendix 4).</li> </ul>		

1-B Proposed licensable activities and hours							
<b>Late night refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations:</b>				None			

<b>Non-standard timings:</b>	<ul style="list-style-type: none"> <li>From the end of hours on New Year's Eve to the start of hours on New Year's Day.</li> <li>Sundays prior to Bank Holiday: 23:00 – 00:00</li> </ul>
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<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	<ul style="list-style-type: none"> <li>From the end of hours on New Year's Eve to the start of hours on New Year's Day.</li> <li>Sundays prior to Bank Holiday: 12:00 – 00:00</li> </ul>						

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:30
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	From the end of hours on New Year's Eve to the start of hours on New Year's Day.						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Westminster Police Licensing Unit
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	31 March 2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact 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.</p> <p>However, following discussions with the applicant and agreement to conditions (see Appendix 4), the Police representation was withdrawn.</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Miss Heidi Lawrance

**Received:**

4 April 2016

I write in relation to the application submitted for new Premises Licence for the above. As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority has considered your application in full.

The Licensing Authority have concerns in relation to the premises adding cumulative impact to the West End Cumulative Impact Area and how the premises would promote the Licensing Objectives.

Please therefore accept this as a formal representation, further details will be provided in due course.

**Received:**

3 May 2016

I write in relation to the above premises and further to the representation that I submitted on 4th April 2016 on behalf of the Licensing Authority. As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have now fully considered your application.

The application seeks to provide Provision of Films, Provision of Recorded Music, Late Night Refreshment and Supply of Alcohol both on and off the premises.

Your clients seek to provide provision of film indoors, provision of recorded music indoors and the supply of alcohol Monday to Sunday 10:00 to 00:00 and for late night refreshment your clients seeks Monday to Sunday 23:00 to 00:00 and from the end of New Year's Eve to the start of New Year's Day for all licensable activities.

As part of the operating schedule within this application your client has set out a number of conditions that it intends to operate too if this licence is granted. I will refer to these conditions later within this representation.

The operation of this premises is proposed to be a restaurant which sells food to those seated. The premises has an area described in the plans as a bar and a lounge type dining area which has a number of seats and takes up a considerable percentage of the overall floor space of the premises. The premises is located within Russell Street which is located within the West End Cumulative Impact Areas as defined within the Council's Statement of Licensing Policy, January 2016.

Russell Street runs off Drury Lane down to Covent Garden. Russell Street has approximately 3 licensed premises which consist of two theatres and one bar.

In the immediate area (50m radius) surrounding Russell Street there are 3 licensed premise which comprise of 2 Theatres and a restaurant. There are also 3 resident premises within the immediate area consisting of 24 housing units.

The Licensing Authority expressed in its original representation that it has concerns in relation to this application and how the premises would promote the Licensing Objective:

- Protection of Children from Harm
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

As referred to above this premises is located within the West End Cumulative Impact Area. Cumulative impact is defined in the Home Office Guidance made in accordance with Section 182 of the Licensing Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In three areas within Westminster the growth, type and density of licensed premises and the number of people who are intoxicated out late at night is such that it causes problems of nuisance and crime and disorder not only in the immediate vicinity of these premises but also some distance away.

The retention of people late at night contributes to cumulative impact. The urban infrastructure cannot sustain any further growth in alcohol sales or in late night-time activity levels without accentuating the risk of a variety of harmful outcomes. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourages people to stay on after other licensed premises have closed.

The West End has been identified as an area where cumulative impact applies. The aim of adopting a Cumulative Impact Area in the West End is to limit the growth of licensed premises within that area.

The Licensing Authority recognises that not all premises operate the same within the cumulative impact areas and the different types of premises are set out within Westminster City Council Licensing Policy under Special Policy on cumulative impact in Cumulative Impact Areas (CIP1), Premises supplying fast food inside the Cumulative Impact Area (FFP2), Public Houses and Bars in the Cumulative Impact Areas (PB2) & Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas (MD2). These policies are intended to be strict and only overridden in genuinely exceptional circumstances.

Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.

The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and:

(i) Are appropriately conditioned so that the consumption of alcohol is not, and cannot become a significant part of the operation of the premises and is regulated to promote responsible drinking.

(ii) Where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours

(iii) When the sale of alcohol is not permitted beyond 22:00 hours, then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact

in the CIA

The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises will be operated within the terms of the condition on the licence, or that the premises will be generally well managed because of reputation or good character of the licence holder or operator. This is expected in the conduct of all licenses premises.

However, as stated above, the Licensing Authority recognises different types of premises have different impacts and one recognised premises is a Restaurants. Customers who have been seated in premises, eating a substantial meal and where the premises are not as crowded will behave differently. They will not have been talking at high volume and therefore will be more likely to leave the premises quietly than if they had been in a premises with a greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

Westminster City Council Licensing Policy sets out a clear definition of what a restaurant is and this is set out below:

- (i) In which customers are shown to their table
- (ii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
- (iii) Which do not provide any take away service of food or drink for immediate consumption and
- (iv) Where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The applicant describes the premises as:

*'Yosma is a stylish and art focused restaurant with Turkish Provenance. The ingredients will be inspired by traditional dishes originating from Istanbul. The restaurant will be an all-day restaurant for families, the local community and tourists alike. The dishes focus on provenance and the authentic sourcing of ingredients.'*

*'The interior is inspired by Istanbul's past combining it with the new and bold contemporary Turkish culture. The restaurant will have an open theatre kitchen design and will include an Ocakbasi counter/Josper Robata/ Josper Oven and other state of the art kitchen equipment'.*

The description of the premises sets out that the operation will be that of a restaurant. The Councils Policy relating to restaurants, Policy RNT2 states:

*'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria In Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Area'.*

The client has put forward within its operation schedule 20 conditions that it proposes to

operate the premises by. However, none of the proposed conditions refer to the premises operating as a restaurant.

If the premises intend to operate as a restaurant, the Licensing Authority suggests that the model condition 66 is adopted as follows:

The Premises shall only operate as a restaurant:

- (i) In which customers are shown to their table
- (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 using non disposable crockery
- (iv) which do not provide any take away service of food or drink for immediate consumption
- (v) which do not provide any take away service of food or drink after 23:00, and
- (vi) 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.

It is the responsibility of the applicant, when applying for a new premises licence within a Cumulative Impact Area to demonstrate that they will not add to cumulative impact. The Licensing Authority does not consider that sufficient evidence has been provided by the applicant to adequately demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Area.

The Council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to those premises that add to a more varied offer of entertainment and cultural activity.

However, the Licensing Authority acknowledges activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.

The hours your client seeks for Licensable Activities are beyond those set out in Policy HRS1. Applications where the hours are later than the core hours will be considered on their merits and in relation to other policies within the Statement of Licensing Policy, together with the particular operation of the premises and the licensing objectives of preventing crime and disorder and public nuisance.

Applicants are advised to carefully consider the hours that they wish to operate each licensable activity, when to close the premises for the entry of customers and when customers are required to leave. They should consider each licensable activity separately and carefully and reflect this in the operating schedule.

The applicant is requested to provide further evidence as to how the premises will not add to cumulative impact.

As a result of this, the Licensing Authority maintains its representation in relation to this application.

<b>2-B Other Persons</b>	
<b>Name:</b>	Julie Adams
<b>Address and/or Residents Association:</b>	D6 Peabody Estate Wild Street London WC2B 4AG
<b>Received:</b>	4 April 2016

I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance. I also object on the basis of the 'cumulative impact' of the existing licensed premises in this area.

### **Introduction**

I live at D6, Peabody Estate, Wild Street, WC2B 4AG. I live directly opposite the proposed premises, and have 2 windows, including bedroom window, facing on to the premises.

The crossroads of Russell Street, Kemble Street and Drury Lane is very close to a great deal of residential use, including a Peabody estate. Noise late at night is therefore likely to cause a nuisance to residents trying to sleep.

### **The application**

The application states that the premises is to be a restaurant – and indeed, this is the permitted planning use following a change of use application in 2013 (13/12065/FULL).

The licensable activities which are proposed are: films; recorded music; sale of alcohol (for consumption on and off the premises; late night refreshment, indoors and outdoors).

Licensable activities are sought from 10am to midnight Mon-Sun, with the opening hours 7.30am to 12.30am.

I object to the application. If a licence is to be granted, the licence needs to be much more tightly regulated to ensure that adverse impact is kept to an absolute minimum.

I have the following points to make:

1. This application seeks to license a premises which has never been licensed under Licensing Act 2003 before and therefore has no 'footprint' or track record.
2. The applicant's management team may well be, as is claimed, 'highly experienced and very well known in the restaurant industry.' However, in determining this application, an assessment should be made of what is reasonably acceptable in this particular area in terms of hours and activities. The hours proposed are not in keeping with the vicinity.
3. The applicant has not proposed any conditions tying food to the sale of alcohol, or ensuring that alcohol is only sold to persons seated, and by waiter/ess service. As the premises is stated to be a restaurant, and is in the 'cumulative impact' area, this is



extremely surprising and casts doubt on the way that the premises would operate.

4. The application is therefore contrary to Policy CIA, the 'cumulative impact' policy, and Policy PB2, which state that applications of this type will only be granted in 'genuinely exceptional circumstances'.

5. An opening hour of 7.30am means that staff will be arriving even earlier than this. Presumably, at least some elements of servicing (e.g. deliveries, waste collection etc) would need to happen before this.

6. A closing time of 12.30am is outside the City Council's 'core hours policy HRS1.

7. Customers departing the premises at 12.30am would have more difficulty finding transport away from the cumulative impact area. We already have noise problems from customers of other nearby licensed premises who loiter in the area late in the evening causing a noise nuisance. Does the applicant have an Operational Management Plan detailing how dispersal will be managed?

8. The approved capacity on the planning permission is 150 persons. This is therefore a significant addition to the numbers of people in the vicinity, particularly late at night.

9. The plans attached to the application show tables and chairs outside the premises, on both frontages. Customers sitting outside drinking would be very likely to cause a nuisance. Russell Street is a very busy thoroughfare and tables and chairs would cause congestion and clutter to this pretty street. Late night refreshment is sought indoors and outdoors. This means that customers could sit at the tables and chairs eating until as late as 12.30am.

10. Sale of alcohol for consumption off the premises is requested, despite the planning permission forbidding an take away drink, even as an ancillary to the A3 use.

11. Noise from plant and machinery is a big concern.

12. Deliveries and other servicing are liable to cause a nuisance unless appropriate conditions are imposed

13. What is the intention behind the application for exhibition of films?

14. What is the intention behind the application for recorded music?

### **Comments on the proposed conditions**

1. There is nothing in the proposed conditions which requires the premises to operate as a restaurant.

2. I note that the applicant has proposed that deliveries and movement of waste etc. shall not take place between 11pm and 8am. I would suggest that the evening hour should be much earlier.

3. There is no condition proposed regarding collections of waste and glass bottles, which can be very noisy.

### **Conclusion**

The premises is located in a corner of Covent Garden that is largely residential and

existing levels of noise are quite low, particularly at night. Noisy plant and extract equipment – on top of the increased noise from customers coming and going to the restaurant, coaches picking & dropping parties of people off – will greatly disturb the quiet enjoyment that I and my neighbours currently enjoy.

For the reasons stated, I am opposed to the application being granted.

<b>Name:</b>	Mr David Kaner
<b>Address and/or Residents Association:</b>	Covent Garden Community Association
<b>Received:</b>	4 April 2016

The application is for a New Premises Licence for the sale of alcohol, provision of films, recorded music and late night refreshment until 00:00 on all days of the week and the premises to remain open until 00:30 on the following days.

The description of the premises is “Restaurant” and this is elaborated as “all-day restaurant for families, the local community and tourists” in the attached presentation. However there is no attempt in the application to provide a condition which will ensure that the premises operate as a restaurant. For example MC66 (only ancillary sale of alcohol) and MC41 (food available at all times) are omitted from the Licence.

The CGCA objects to the grant of the licence for the hours and activities listed because we believe that the licence, if granted, would fail to support the Licensing Objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance in the immediate vicinity of the premises. It will also add to the Cumulative Impact of Licensed premises in the Cumulative Impact Area (CIA) under WCC’s Statement of Licensing Policy.

The location of the premise is the ground floor of a building which has, until now, been in office use. Planning Permission was granted in May 2014 (13/12065/FULL) for A3 use. The planning permission includes a condition on time (no customers on the premises after 00:00 Sunday to Thursday and 01:00 on Friday and Saturday nights) and on use (no takeaway of any sort, including ancillary) with which this application is not compliant.

The location is on the West corner of the Drury Lane/Russel Street junction. The other 3 corners of this junction are in residential use (for social housing). Therefore any activity at all at the premises or in the vicinity can have an impact on local residents. A map showing the location of the restaurant and surrounding residential properties is attached to this letter.

The CGCA’s view is that this is not an appropriate location in which to operate a large (150 capacity) premises, especially in the period after 23:00. People arriving at and leaving the premises are very likely to cause a noise nuisance, particularly if the inside of the premises are noisy (with recorded music and films) and especially if there is no condition ensuring that the premises operate as a sit down restaurant. Crime and disorder in the area will also be increased if the premises are able to operate so that alcohol is not just ancillary to the sale of food.

Whilst the applicant’s presentation implies that the premises will be a high class

restaurant it is not possible to condition this. Importantly even a high class restaurant in this area is likely to increase public nuisance because of the large number of residents in the immediate vicinity.

There is another Turkish restaurant on the East Corner of the same junction (Sarastro). The hours of operation for Sarastro are as follows (with the end time being last orders and so will coincide with last entry). The premises do have a later licence which they do not use.

Mon - Fri 12.30-22:30

Saturday 12.30-23:00

Sunday 12.30-20:00

The CGCA's view is that this premise is in a particularly sensitive area and the concentration of residential properties in the immediate vicinity means that even the operation of a fully conditioned restaurant until the end of Core Hours will harm Public Nuisance and so will fail to support the Licensing Objectives. We therefore ask that the Licensing Authority do the following.

- Require conditions which require the premises to be used as a restaurant only (including the full MC66 condition).
- Refuse permission for takeaway at any time (other than for tables and chairs outside the premises approved by WCC).
- Remove films and recorded music from the Licence. If these are for background only we believe they are not licensable and if they are more than this then they are likely to add to public nuisance.
- Limit the terminal hour for the sale of alcohol to 23:00 Monday to Saturday and 22:00 on Sunday and allow LNR Monday to Saturday for 30 minutes after this time, at which point the premises should close.
- Last entry of customers to the premises 60 minutes before premises close.
- Do not allow the use of any bar area except for pre-dining customers.
- Sale of alcohol in the bar area by waiter/waitress service to seated customers only.
- Specified smoking area with a limited number of customers.
- No queuing outside the premises.
- No uncrushed glass will leave the premises at any time.
- Collection from the premises (including waste) to take place within the following hours - 08:00-20:00 Mon-Sat and 10:00-20:00 on Sunday.
- No waste to be placed outside or moved more than 30 minutes prior to this time

- Deliveries to the premises to take place within the following hours - 08:00-20:00 Mon-Sat and 10:00-20:00 on Sunday.

This inclusion of these conditions and restrictions will not, in our view, make the operation acceptable but will serve to reduce the impact on the Licensing Objectives.

<b>Name:</b>	Jane French
<b>Address and/or Residents Association:</b>	Not provided
<b>Received:</b>	30 March 2016

I strongly object to this licence.

My Living room and bedroom look over this premises and I know that the extra footfall from clients coming onto Drury Lane day at night would be extremely noisy we already have noise pollution coming from Sarastro restaurant which in very close proximity to the opposed new venue.

We already have a huge problem with coaches picking up and dropping off for Drury Lane Theatre and The Fortune Theatre they are constantly double parked on Russell Street and this will mean that taxis, mini-cabs, pedi-cabs and any other means of transport will wait in Drury Lane or on Kemble Street which is residential. Where are the Taxis going to be picking up? There are only spaces for coaches and pay and display points the single yellow lines will have cars parked on them at the available times which leaves no space for picking up or dropping off this will cause chaos.

Where is the staff entrance? They will be leaving after the patrons what time? Where will the staff be told to go and smoke? Having worked in restaurants they will not be allowed to congregate around the main entrance, will they be directed on to Drury Lane?

I cannot see that there is any space available to put tables and chairs outside the venue on Russell Street we already have people queuing to get into the Fortune Theatre which make it difficult for me and my neighbours with prams and young children to add more obstacles along the way is just unreasonable.

Where is the delivery entrance? Where are the delivery lorries going to park?

I truly believe that if this venue were to go ahead it would significantly affect all of the neighbours in the area. Their living conditions with noise from taxis, staff, clients, food deliveries, drinks deliveries, waste collections, tables in the street this would be unbearable seven day a week. How many special event licences will they be applying for each year?

We have enough restaurants in the area. Please no more.

<b>Name:</b>	Mr Mark Genet
<b>Address and/or Residents Association:</b>	Flat 23 Charter House Crown Court

	London WC2B 5EX
<b>Received:</b>	14 March 2016
<p>As a resident of Charter House, Crown Court I wish to strongly object to the placing of tables outside in Crown Court as per plans.</p> <p>The pedestrian courtway is fairly quiet and any noise will echo and travel up to Martlett Court disturbing the environment.</p> <p>I would also be very upset if music is played outside or any form of recycling bins placed in Crown Court or Martlett Court.</p> <p>I would also object to customers smoking outside in Crown Court.</p> <p>We have many noise issues with people leaving the theatre and also sitting in the court having conversations which because of the echo chamber effect is very disturbing.</p> <p>The opening of Yosma is very concerning to me and I hope that the management will have a constructive and fair relationship with neighbours.</p> <p>Please no tables in Crown Court.</p>	
<b>Name:</b>	Ms Patricia Kerr
<b>Address and/or Residents Association:</b>	14 Charter House Crown Court 55-57 Drury Lane London
<b>Received:</b>	15 March 2016
<p>Have no objection to the restaurant but do object to the length of the opening hours and more particularly to the restaurant having tables outside. These two things will engender a considerable amount more noise late at night and there is a lot of residential accommodation in this particular part of Covent Garden. Although we have all chosen to live in a busy area of Westminster, Crown Court is relatively quiet and there are already so many restaurants it seems reasonable to ask that our space be respected.</p>	
<b>Name:</b>	Miray Kester
<b>Address and/or Residents Association:</b>	D1 Peabody Estate Wild Street WC2B 4AG
<b>Received:</b>	4 April 2016
<p>I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance. I also object on the basis of the 'cumulative impact' of the existing licensed premises in this area.</p> <p><b>Introduction</b></p>	

I live at D1, Peabody Estate, Wild Street, WC2B 4AG. I live directly opposite the proposed premises, and have 6 windows, including bedroom windows, facing on to the premises. I enclose a photo which shows Drury House on the left and my property on the right (with the flowers outside).

The crossroads of Russell Street, Kemble Street and Drury Lane is very close to a great deal of residential use, including a Peabody estate. Noise late at night is therefore likely to cause a nuisance to residents trying to sleep.

### **The application**

The application states that the premises is to be a restaurant – and indeed, this is the permitted planning use following a change of use application in 2013 (13/12065/FULL). The licensable activities which are proposed are: films; recorded music; sale of alcohol (for consumption on and off the premises; late night refreshment, indoors and outdoors). Licensable activities are sought from 10am to midnight Mon-Sun, with the opening hours 7.30am to 12.30am.

I object to the application. If a licence is to be granted, the licence needs to be much more tightly regulated to ensure that adverse impact is kept to an absolute minimum. I have the following points to make:

1. This application seeks to license a premises which has never been licensed under Licensing Act 2003 before and therefore has no 'footprint' or track record.
2. The applicant's management team may well be, as is claimed, 'highly experienced and very well known in the restaurant industry.' However, in determining this application, an assessment should be made of what is reasonably acceptable in this particular area in terms of hours and activities. The hours proposed are not in keeping with the vicinity.
3. The applicant has not proposed any conditions tying food to the sale of alcohol, or ensuring that alcohol is only sold to persons seated, and by waiter/ess service. As the premises is stated to be a restaurant, and is in the 'cumulative impact' area, this is extremely surprising and casts doubt on the way that the premises would operate.
4. The application is therefore contrary to Policy CIA, the 'cumulative impact' policy, and Policy PB2, which state that applications of this type will only be granted in 'genuinely exceptional circumstances'.
5. An opening hour of 7.30am means that staff will be arriving even earlier than this. Presumably, at least some elements of servicing (e.g. deliveries, waste collection etc) would need to happen before this.
6. A closing time of 12.30am is outside the City Council's 'core hours policy HRS1.
7. Customers departing the premises at 12.30am would have more difficulty finding transport away from the cumulative impact area. We already have noise problems from customers of other nearby licensed premises who loiter in the area late in the evening causing a noise nuisance. Does the applicant have an Operational Management Plan detailing how dispersal will be managed?
8. The approved capacity on the planning permission is 150 persons. This is therefore a

significant addition to the numbers of people in the vicinity, particularly late at night.

9. The plans attached to the application show tables and chairs outside the premises, on both frontages. Customers sitting outside drinking would be very likely to cause a nuisance. Russell Street is a very busy thoroughfare and tables and chairs would cause congestion and clutter to this pretty street. Late night refreshment is sought indoors and outdoors. This means that customers could sit at the tables and chairs eating until as late as 12.30am.

10. Sale of alcohol for consumption off the premises is requested, despite the planning permission forbidding any take away drink, even as an ancillary to the A3 use.

11. Noise from plant and machinery is a big concern.

12. Deliveries and other servicing are liable to cause a nuisance unless appropriate conditions are imposed

13. What is the intention behind the application for exhibition of films?

14. What is the intention behind the application for recorded music?

#### **Comments on the proposed conditions**

1. There is nothing in the proposed conditions which requires the premises to operate as a restaurant.

2. I note that the applicant has proposed that deliveries and movement of waste etc. shall not take place between 11pm and 8am. I would suggest that the evening hour should be much earlier.

3. There is no condition proposed regarding collections of waste and glass bottles, which can be very noisy.

#### **Conclusion**

The premises is located in a corner of Covent Garden that is largely residential and existing levels of noise are quite low, particularly at night. Noisy plant and extract equipment – on top of the increased noise from customers coming and going to the restaurant – will greatly disturb the quiet enjoyment that I and my neighbours currently enjoy.

For the reasons stated, I am opposed to the application being granted.

<b>Name:</b>	Sanja Kurtagic
<b>Address and/or Residents Association:</b>	17D, Peabody Estate, Wild Street, London, WC2B 4AG
<b>Received:</b>	4 April 2016

I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance. I also object on the basis of the 'cumulative impact' of the existing licensed

premises in this area.

### **Introduction**

I live at 17D, Peabody Estate, Wild Street, WC2B 4AG. I live directly opposite the proposed premises, on the top floor.

The crossroads of Russell Street, Kemble Street and Drury Lane is very close to a great deal of residential use, including a Peabody estate.

Noise late at night is therefore likely to cause a nuisance to residents trying to sleep. This is a busy cross roads which is also affected by theatre buses that park in front of parts of Russell Street and Drury Lane is often used by cab drivers as a short cut.

The application states that the premises is to be a restaurant – and indeed, this is the permitted planning use following a change of use application in 2013 (13/12065/FULL).

The licensable activities which are proposed are: films; recorded music; sale of alcohol (for consumption on and off the premises; late night refreshment, indoors and outdoors.

Licensable activities are sought from 10am to midnight Mon-Sun, with the opening hours 7.30am to 12.30am.

I object to the application. If a licence is to be granted, the licence needs to be much more tightly regulated to ensure that adverse impact is kept to an absolute minimum.

I have the following points to make:

This application seeks to license a premises which has never been licensed under Licensing Act 2003 before and therefore has no 'footprint' or track record.

The applicant's management team may well be, as is claimed, 'highly experienced and very well known in the restaurant industry.' However, in determining this application, an assessment should be made of what is reasonably acceptable in this particular area in terms of hours and activities. The hours proposed are not in keeping with the vicinity. The applicant has not proposed any conditions tying food to the sale of alcohol, or ensuring that alcohol is only sold to persons seated, and by waiter/ess service. As the premises is stated to be a restaurant, and is in the 'cumulative impact' area, this is extremely surprising and casts doubt on the way that the premises would operate.

The application is therefore contrary to Policy CIA, the 'cumulative impact' policy, and Policy PB2, which state that applications of this type will only be granted in 'genuinely exceptional circumstances'.

An opening hour of 7.30am means that staff will be arriving even earlier than this. Presumably, at least some elements of servicing (e.g. deliveries, waste collection etc.) would need to happen before this.

A closing time of 12.30am is outside the City Council's 'core hours policy HRS1. Customers departing the premises at 12.30am would have more difficulty finding transport away from the cumulative impact area. We already have noise problems from customers of other nearby licensed premises who loiter in the area late in the evening causing a noise nuisance. Does the applicant have an Operational Management Plan



detailing how dispersal will be managed?

The approved capacity on the planning permission is 150 persons. This is therefore a significant addition to the numbers of people in the vicinity, particularly late at night.

The plans attached to the application show tables and chairs outside the premises, on both frontages. Customers sitting outside drinking would be very likely to cause a nuisance. Russell Street is a very busy thoroughfare and tables and chairs would cause congestion and clutter to this pretty street. Late night refreshment is sought indoors and outdoors. This means that customers could sit at the tables and chairs eating until as late as 12.30am.

Sale of alcohol for consumption off the premises is requested, despite the planning permission forbidding a take away drink, even as an ancillary to the A3 use.

Noise from plant and machinery is a big concern.

Deliveries and other servicing are liable to cause a nuisance unless appropriate conditions are imposed.

What is the intention behind the application for exhibition of films?

What is the intention behind the application for recorded music?

#### **Comments on the proposed conditions**

There is nothing in the proposed conditions which requires the premises to operate as a restaurant.

I note that the applicant has proposed that deliveries and movement of waste etc. shall not take place between 11pm and 8am. I would suggest that the evening hour should be much earlier.

There is no condition proposed regarding collections of waste and glass bottles, which can be very noisy.

#### **Conclusion**

The premises is located in a corner of Covent Garden that is largely residential and existing levels of noise are quite low, particularly at night. Noisy plant and extract equipment – on top of the increased noise from customers coming and going to the restaurant – will greatly disturb the quiet enjoyment that I and my neighbours currently enjoy.

For the reasons stated, I am opposed to the application being granted.

<b>Name:</b>	K Milburn
<b>Address and/or Residents Association:</b>	21 Charter House Crown Court London WC2B 5EX
<b>Received:</b>	30 March 2016

As a resident in Crown Court I would like to comment on the above application.

We try hard to maintain Crown Court as a quiet residential area and I am concerned that allowing outdoor restaurant seating in Crown Court up to 12.30 in the morning will destroy the amenity we currently enjoy. Noise echoes in the Court and to allow residents to sleep undisturbed at night I would ask that any consent to this proposal does not permit outdoor seating.

I understand that residents moving; to a busy restaurant area should know what to expect, but many of us have lived here for some time and are entitled to continue to enjoy what is at present a relatively quiet neighbourhood.

<b>Name:</b>	Mr Robert Parker & Mrs Elizabeth Parker
<b>Address and/or Residents Association:</b>	17 Charter House Crown Court London
<b>Received:</b>	22 March 2016

My wife, Elizabeth, and myself want to object to this application. We are most worried about the restaurant being allowed to place seats and tables in Crown Court itself. I am quite badly disabled and if tables and customers spread out, as I fear they will, I will find it more difficult than ever to hobble to the entrance of our block in Crown Court.

Additionally the noise from the restaurant will become very disturbing - the day time noise from the Drury Lane sports area can already be quite disturbing.

<b>Name:</b>	Mr Nigel Robson
<b>Address and/or Residents Association:</b>	Flat 10, Charter House Crown Court London
<b>Received:</b>	15 March 2016

I am writing to object to this application on the ground that the additional noise from the proposed outside tables will lead to annoyance, irritability and sleep disturbance for the residents of Charter House. The noise from Drury Lane Gardens from the basketball court is already a problem at certain times of day. The layout of the buildings on Crown Court has the effect of carrying sound, funnelling and echoing it around Charter House. Any additional source of noise in Crown Court is unwelcome and I note, with some apprehension, that the licence requested will include the serving of refreshments and alcohol outside and into the late evening hours. The positioning of the restaurant, away from the main restaurant centres in Covent Garden, will increase the footfall in Crown Court in the late evening, with attendant increase in noise. It takes only one drunken conversation, amplified by the local acoustic, to cause annoyance and disturb sleep.

<b>Name:</b>	Mr Yasuhisa Toyota
<b>Address and/or Residents Association:</b>	Flat 23, Charter House, Crown Court, London WC2B 5EX
<b>Received:</b>	14 March 2016

I am a resident of Charter House in Crown Court WC2B 5EX and would like to express my strongest objection to the plan Yosma Restaurant has to place tables outside in Crown Court at any time of the day or night.

I have personally had to register complaints with the Westminster Noise Team when people talk in the pedestrian area of Crown Court which has little ambient noise and every voice echoes and is very disturbing to residents. Outside tables would inevitably create much disturbance.

<b>Name:</b>	Dr Maree Webster
<b>Address and/or Residents Association:</b>	Flat 15, Charter House Crown Court London
<b>Received:</b>	3 April 2016

My Flat overlooks the proposed area for outside seating in Crown Court.

I object strongly to having tables outside the restaurant and a license being granted which allows patrons to drink until the early hours of the morning.

Crown Court is a residential area. The public takes no account of this and residents of Charter House are regularly disturbed by noise, anti-social behaviour and people hanging around at night. Residents of Charter House will now be further disturbed by patrons of the restaurant coming and going until the early hours of the morning.

Noise in Crown Court is greatly amplified. Cell phone and other conversations are clearly audible inside my property even with double glazed windows firmly closed. To have diners sitting outside and drinking in Crown Court until the early hours of the morning is both unreasonable and unfair.

Charter House struggles on a daily basis to ensure that the Court is kept clean and in a sanitary condition. Crown Court is viewed as a public toilet facility by many, the general public discards litter (cigarette end, beer cans, unwanted food) outside our residence, those who have overindulged feel free to vomit, rough sleepers abandon their belongings and used sleeping boxes sometimes on a nightly basis.

Calls are regularly made to Westminster Council requesting sanitation and trash pick-up services, particularly difficult issues during the summer months. One might ask how Westminster will be able to clean the Court if tables further impede its sanitizing vehicles.

Restaurants providing music open windows or otherwise relay the entertainment outside for the benefit of their patrons. Local residents should not be forced to listen to this.

A licensed restaurant with outside tables at the end of the Court can only further exacerbate existing issues of noise, trash and poor sanitation, making life for local residents even more unpleasant.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
<b>Policy CIP1 applies</b>	(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 music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history – None
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk



# YOSMA RESTAURANT

34 – 43 Russell Street, London WC2B 5HA



PRESENTATION TO  
WESTMINSTER CITY COUNCIL

# **YOSMA - CONCEPT**

Yosma is a stylish and art focused restaurant with Turkish Provenance. The ingredients will be inspired by traditional dishes originating from Istanbul. The restaurant will be an all-day restaurant for families, the local community and tourists alike. The dishes focus on provenance and the authentic sourcing of ingredients.

The interior is inspired by Istanbul's past combining it with the new and bold contemporary Turkish culture. The restaurant will have an open theatre kitchen design and will include an Ocakbasi counter/Josper Robata/ Josper Oven and other state of the art kitchen equipment.

The team behind Yosma restaurant are highly experience d and very well known in the restaurant industry.

This presentation gives a flavour of what to expect and a little bit more of an insight in to the proposed restaurant.



**EXAMPLE OF FOOD**





# PROPOSED IMAGES OF WHAT TO EXPECT OF THE RESTAURANT





# THE TEAM

## CHEF PATRON:

### HUS VEDAT

Having grown up in a North London butchers shop and spending mornings at Smithfield market, it's fair to say that Hus knows a thing or two about quality meat. Combine this knowledge with a real passion for cooking with interesting cuts of meat, rare breeds and reigniting the smoking elements, and you get dishes that push the boundaries and take flavours to a whole new level.

Bringing influences from different cultures around the world to the table, Hus' goal is always to produce new, exciting and innovative dishes that maintain simplicity with a real focus on provenance and fresh produce.

(Source [www.london.tastefestivals.com](http://www.london.tastefestivals.com))



## MORE ABOUT HUS:

### BIOGRAPHY

Hus is a London born Chef with Turkish origins, who studied hotel catering and institutional management at Brighton University.

Hus has spent the last 15 years working through the ranks of various 4 and 5 star hotel and restaurant kitchens, which eventually led him to work at the St Ermin's Hotel as Executive Chef.

In 2010 Hus was an integral part of the team that created Caxton Grill - a 72 cover modern European grill.

Caxton Grill has been trading for 5 years, has had glowing reviews, gained 3 AA rosettes and is mentioned in the Michelin guide.

Hus then went on to become the Executive chef of the world renowned chef Jamie Oliver's largest and most successful restaurant Barbecoa.

Barbecoa's annual turnover is in excess of £9.5 million and Hus was responsible for its culinary operations and brand evolution.

During a brief stint as group executive chef with Martin Morales at Ceviche, he helped Martin open and launch Ceviche in Old Street. Hus is currently rekindling his love affair with meat and fire, taking inspiration from his culinary roots.

**MANAGING PARTNER:**

## LEVENT BUYUKUGUR

Founder of Istanbul Doors, the first corporate restaurant group in Turkey, Levent Büyükgür's first success came with the opening of concept restaurant Da Mario in Istanbul in 1993. Vogue Restaurant followed in 1997 and then Anjelique, Istanbul's trendiest nightclub.

In 2007, Levent entered into a joint venture with Azumi Group of London to open Zuma Istanbul. The company's first venture in the UK was the expansion of Tom Aikens in 2011.

Today the company has over 18 successful brands, a network of 40 restaurants and the stunning Ajia Hotel in Istanbul. It has over 1,200 employees and 30 chefs and serves over 3.5 million customers annually.

As a frequent traveller, Levent is able to keep abreast of the latest trends in the industry, something which is reflected in his popular food blog, [foodiestork.com](http://foodiestork.com)

2013 saw Levent partner with entrepreneur Sanjay Nandi to launch Good Food Society to help develop new hospitality concepts in international markets.



**MANAGING PARTNER:**

## SANJAY NANDI

Sanjay Nandi holds an MBA from the London Business School and is currently an Operating Partner with Private Equity firm Trilantic Europe. He has been involved in several deals in the hospitality industry and has been a member of the Board of Directors of Istanbul Doors and the London-based Tom Aikens Group Ltd.

Prior to joining Lehman Brothers Merchant Banking in 2007, Sanjay was a member of the Lehman Brothers Mergers and Acquisitions Team in London participating in various corporate finance transactions with deal values in excess of \$40bn.

In 2014 Good Food Society partnered with Diana Frescobaldi to launch Ristorante Frescobaldi London.

Building on the success of Ristorante Frescobaldi, The Good Food Society plans to open a collection of high-end restaurants in both London and other cities where brand awareness is high. Initial targets include Miami or New York, followed by Tokyo, Milan and Dubai.





# SOME OF THE AWARDS WON



**YOSMA RESTAURANT**  
**34 – 43 Russell Street, London WC2B 5HA**  
**PROPOSED CONDITIONS**

1. 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.
2. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed
  - Ground Floor XXX persons.
3. 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.
4. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. 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 premise 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.
7. 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.
8. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

10. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
11. 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.
12. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
13. 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.
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 or placed in outside areas between 23.00 hours and 08.00 hours.
16. 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, which 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.
17. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours.
18. Off sales of alcohol shall be in sealed containers only and for consumption off the premises except to persons seated outside the premises.
19. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
20. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout

has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.



# GORDON DADDS

Our Ref: G.AWW/G.LAH/G.GFS.1-1/12332948v1

10 May 2016

Your ref:

Heidi Lawrance  
Senior Licensing Officer  
Licensing Department  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

**Sent by post and by email: [hlawrance@westminster.gov.uk](mailto:hlawrance@westminster.gov.uk)**

Dear Heidi,

## **Application for a new premises licence**

**Yosma Restaurant, Drury House, 34-43 Russell Street, WC2B 5HA**

I refer to your letter of 3<sup>rd</sup> May 2016 and note all the points that you have made throughout that communication.

I will deal with each of the points you have raised in turn which are all sensible points and I would like to address initially the planning situation with regard to this premises.

### **The Planning Position**

By letter dated 18<sup>th</sup> February 2015 the City Council granted to Kent County Council a planning permission to operate the premises for use of part of ground floor for restaurant use (class A3) with alterations to include creating a new door on Russell Street frontage, and extract ducting to roof level.

In essence, the City Council's planning authority have determined that this premises shall be a restaurant and operated as such. The application went through a very detailed process in which input was made by Environmental Health officers, planning officer and police as well as local residents and residents' groups.

Amongst other things the planning permission restricted use of the premises as a restaurant by way of several conditions one of which related to the hours of operation and indicated



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#### **Gordon Dadds LLP**

6 Agar Street, London WC2N 4HN  
dx: 40003 Covent Garden

t: +44 (0) 20 7493 6151 f: +44 (0) 20 7437 8216  
e: [info@gordondadds.com](mailto:info@gordondadds.com) w: [gordondadds.com](http://gordondadds.com)

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clearly that customers shall not be permitted within the restaurant premises before 0800 or after midnight on Sunday to Thursday and before 0800 and after 0030 on the days following Fridays and Saturdays. It also provided for a limit in the number customers to 150 at premises at any one time.

It further brought in protections in respect of local residents by requiring a waste store which is to be located in Russell Street and the provision of a detailed Servicing Management Plan which must be approved by the City Council before occupation at the restaurant and its use may take place. That plan requires the occupier to provide details of the management waste, delivery vehicles, the number of deliveries, time of deliveries and how deliveries will be managed. It provides that the restaurant use must operate in accordance with that servicing management plan once in place and agreed by the City Council. We are currently drafting this Servicing Management Plan and hopefully it will be available for the Licensing Committee on 26<sup>th</sup> May.

There are further conditions relating to the restriction of noise admitted from planted machinery associated with the premises and vibration through the structure.

There is a further requirement to provide an Operational Management Plan and the restaurant use may not be commenced until that Operation Management Plan has been approved by the City Council's planning authority the purpose for which condition is that the use will not cause nuisance for people in the area having regard to the City Council's planning policies and, of course, the Stress Area Policy which is important to planning as well as to licensing. The requirement is that this plan will show how the use will operate including how the operator will prevent customers who are leaving the building from causing nuisance for people in the area including people who live in the nearby buildings.

Dealing with another point that you have raised in your letter the planning permission forbids sale of any takeaway food or drink on the premises even as an ancillary part of the primary class A3 use.

In all the circumstances, the City Council whilst determining that this premises may only operate as a restaurant has built in a significant number of safeguards in order to protect the local residents who made objection to that application. The premises use as a restaurant is therefore tightly controlled even before a licence application was submitted.

I will turn now to deal with the several points which you raised in your letter on the licensing application.

### Hours of Operation

Notwithstanding the fact that the planning permission allows for later hours of operation we do seek to operate only within the core hours set down within the Westminster Licensing Policy. Accordingly, the hours for the supply of alcohol for consumption on the premises are as set out in the Core Hours Policy (HRS1) as following:

Monday to Thursday – 0800 to 2330

Fridays and Saturdays – 1000 to 0000

Sundays – 1200 to 2230

Sundays immediately prior to bank holidays – 1200 to 0000

### Licensable activities

This premises will operate in the strict sense as a restaurant and you have kindly pointed out from our own application the manner and style of its operation. We intend, therefore, to withdraw from the application in respect of regulated entertainment the provision of films and the provision of recorded music and would ask that the late night refreshment and supply of alcohol hours be the same for each activity as set out in the paragraph above.

### The bar

We have benefited from a meeting with Mr Nevitt from the department's Environmental Health team and have discussed our application in respect of this area as marked on the plans. It is sought only to provide this bar for those customers who are waiting for their table to become free and for those others who are required to give up their table for new customers to also have a drink in the lounge area before they leave. That would of course, follow a substantial meal. Accordingly, they are happy for the condition to be attached to the licence which limits the bar area to these activities and this is marked on the plan.

### Alcohol ancillary to the provision of a substantial meal

We again note the comments made in your letter and are happy to adopt model condition 66 in respect of the concerns which you have raised.

### Cumulative Impact Zone

The Westminster City Council Licensing Policy Statement indicates that restaurants present a far less risk of both antisocial behaviour and crime and disorder and you have alluded to the reasons why that is the case in your letter. Those taking a substantial meal are far less likely to cause annoyance to local residents than if they were in a vertical drinking bar.

We would again point out that the planning permission requires use of this premises as a restaurant only and it cannot therefore be used as a bar or as a takeaway food premises. It is also made it to condition that a Service Management Plan and an Operational Management Plan be drawn up before the premises operates as a restaurant and that those plans are required to be agreed by the planning officers of the City Council. We are happy for the plans to be signed off by a licensing officer as well so that they provide comfort as to the control of any activities which might be detrimental to the Cumulative Impact Area.

We have proposed in this letter to restrain the hours for the licensable activities to those contained within the Core Hours Policy of the Licensing Statement and the operator is also limited to the hours set out in the planning permission after which no customers may be allowed on the premises in any event.

Because this is a restaurant situated on a busy street – Russell Street directly opposite to the Theatre Royal Drury Lane and immediately adjacent to the Fortune Theatre it is anticipated that those customers remaining in the restaurant at the end of core hours will be exiting the premises either during the main exit between the two theatres or very shortly thereafter. In the circumstances it is anticipated that there will be no increase in noisy activities as a result of the restaurant customers leaving the premises as it would be on a street which did not have two major theatres right next to the licensed premises.

Moreover the hours of operation in respect of the Theatre Royal Drury Lane are very much later than those applied for in this respect and certainly in respect of the Grand Saloon and VIP lounge in the theatre with a capacity of 120 there is a terminal hour for the sale of alcohol of 0100 hours Monday through to Saturdays with all other parts of the theatre closing at 2300 hours in the week.

Further, the Fortune Theatre immediately adjacent to our client's premises have a late night refreshment licence which can operate on Mondays through to Fridays until 4am the day following along with the performance of plays. The hours for the sale of alcohol do tie in with the Core Hours Policy but it is an indication that the Fortune Theatre itself may have presentations which can conclude in the very hours of the morning with many people exiting at that far later hour and many hours after the proposed terminal hour for this restaurant.

In conclusion, we hope that the above has assisted in the questions raised in your letter but do feel free to come back to us should you require any further clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gareth Hughes', with a long horizontal stroke extending to the right.

**Gareth Hughes**

**Gordon Dadds LLP**

Tel: +44 (0)20 7759 1626

Email: [garethhughes@gordondadds.com](mailto:garethhughes@gordondadds.com)

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

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

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

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

### **Mandatory Conditions**

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

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

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

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

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

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

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

Where -

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

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

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

9. 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.
10. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed
- Ground Floor XXX persons.

*The capacity figure in this condition is subject to the sign off of the Environmental Health Officer on completion of the works.*

11. 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.
12. There shall be no sale of alcohol for consumption 'off' the premises after 23.00 hours.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. 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 premise 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.

15. 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.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
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. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
21. 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.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
24. 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, which 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
25. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours.
26. Off sales of alcohol shall be in sealed containers only and for consumption off the premises except to persons seated outside the premises.



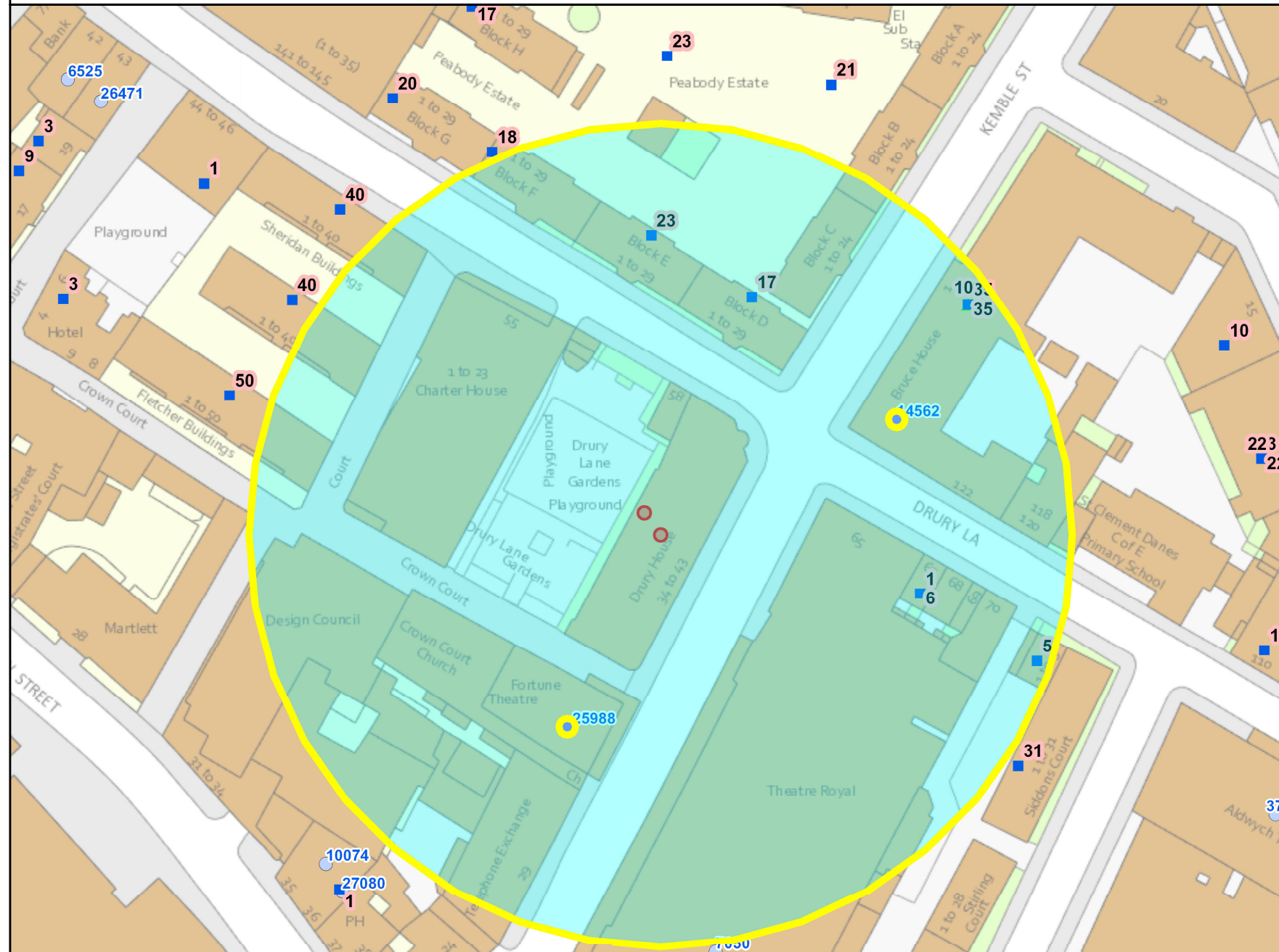
27. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
28. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
29. All outside tables and chairs shall be rendered unusable by 23.00 each day
30. 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.
31. 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. This shall not include customers seated at the outside tables.
32. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) 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.

The area hatched in green on the plan attached to this premises licence may be used only for those persons who are awaiting to be seated at a table in the main restaurant area or for those who have finished a table meal. The service of alcohol in this hatched area shall be by waiter/waitress.



# Yosma Restaurant, 34-43 Russell Street



Residential / Proposed Residential	132
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10  
 Meters

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Data Source: Uniform Database  
 Date: 18/05/2016

**Premises within 75 metres of: Yosma Restaurant, 34-43 Russell Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
14/07987/LIPT	Sarastro Restaurant	126 Drury Lane London WC2B 5SU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
12/11264/LIPDPS	Fortune Theatre	Fortune Theatre Russell Street London WC2B 5HH	Saturday to Sunday 09:00 - 00:00 Monday to Friday 09:00 - 04:00

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Representation – Environmental Health	4 April 2016
<b>5</b>	Representation – Police	31 March 2016
<b>6</b>	Representation – Licensing Authority	4 April 2016
<b>7</b>	Representation – Julie Adams	4 April 2016
<b>8</b>	Representation – CGCA	4 April 2016
<b>9</b>	Representation – Jane French	30 March 2016
<b>10</b>	Representation – Mark Genet	14 March 2016
<b>11</b>	Representation – Patricia Kerr	15 March 2016
<b>12</b>	Representation – Miray Kester	4 April 2016
<b>13</b>	Representation – Sanja Kurtagic	4 April 2016
<b>14</b>	Representation – K Milburn	30 March 2016
<b>15</b>	Representation – Robert Parker	22 March 2016
<b>16</b>	Representation – Nigel Robson	15 March 2016
<b>17</b>	Representation – Yasuhisa Toyota	14 March 2016
<b>18</b>	Representation – Maree Webster	3 April 2016