

# Licensing Sub-Committee Report

Item No:	
Date:	2 June 2016
Licensing Ref No:	16/03177/LIPN - New Premises Licence
Title of Report:	Foxlow 8-10 Lower James Street London W1F 9EL
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:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@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>	29 March 2016		
<b>Applicant:</b>	Foxlow Retsurants Limited		
<b>Premises:</b>	Foxlow		
<b>Premises address:</b>	8-10 Lower James Street London W1F 9EL	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises are described as a restaurant on the ground and basement floors.		
<b>Premises licence history:</b>	The premises has not been previously licensed		
<b>Applicant submissions:</b>	See Appendix 2		
<b>Preliminary Note:</b>	<p>The representation from the Police has been withdrawn following the amendment of the applicant's proposed conditions as suggested by the Police. Subsequently, the application has been amended to withdraw recorded music and the hours sought have been reduced to core hours.</p> <p>Interested parties were informed of the amendment to the application and confirmation has been received from Liz Callingham and Anthony Jacobs that they wish to maintain their representation.</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoor
<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>		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					
<b>Non-standard timings:</b>		N/A					

<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>		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					
<b>Non-standard timings:</b>		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<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>	To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day						
<b>Non-standard timings:</b>	N/A						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Sally Thomas
<b>Received:</b>	12 April 2016
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p><b>The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.</b></p> <p>The applicant has submitted a ground floor and basement plan, titled with the address, drawing number 03(01) and 03(02) respectively and dated 15/03/16.</p> <p>This representation is based on the plans and Operating Schedule submitted.</p> <p>The applicant is seeking the following licensable activities on the <b>ground floor and basement</b>:</p> <ol style="list-style-type: none"> <li>1. The Supply of Alcohol for consumption 'on' and 'off' the premises Sunday to Thursday 10:00-23:30 hours and Friday and Saturday 08:00-01:00 hours.</li> <li>2. The provision of Late Night Refreshment 'indoors' Sunday to Thursday 23:00-00:00 hours and Friday and Saturday 23:00-01:00 hours.</li> <li>3. The provision or Recorded Music 'indoors' Sunday to Thursday 08:00-23:30 hours and Friday and Saturday 08:00-00:30 hours.</li> <li>4. To allow the above provisions from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</li> </ol> <p>I wish to make the following representations in relation to the above application:</p> <ol style="list-style-type: none"> <li>1. The Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.</li> </ol>	

2. The provision of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the cumulative impact area.
3. The provision of Recorded Music may have the likely effect of causing an increase in Public Nuisance in the cumulative impact area.
4. The seasonal variations may have the likely effect of causing an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.**

Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Persons			
<b>Name:</b>		Raheel Ackrim	
<b>Address and/or Residents Association:</b>		Flat 9, 6 Upper John Street,	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	14 April 2016		
<p>I own flat 9, 6 upper John Street, W1F.</p> <p>I strongly object to the following licence. I feel that it will significantly alter the dynamic of the area. There are already sufficient licensed premises in the vicinity.</p> <p>The Planning for Foxlow on Lower James was gained last August, I am told, without even going to committee. The height of summer etc...</p> <p>No notification was given to residents here.</p> <p>Planning does not govern Licensing decisions and we should be prepared to put our views clearly. The new 'restaurant' is partly a bar and they are asking for hours exceeding core hours. As a new licence, this is an audacious application in the West End Street area and then there will be late night deliveries.</p>			
<b>Name:</b>		Mr Steve Chambers	
<b>Address and/or Residents Association:</b>		The Soho Society St Annes Tower 55 Dean Street London W1D 6AF	
<b>Status:</b>	Residents Association	<b>In support or opposed:</b>	Opposed



The Soho Society  
St Anne's Tower  
55 Dean Street  
London  
W1D 6AF

020 7439 4303  
[licensing@thesohosociety.org.uk](mailto:licensing@thesohosociety.org.uk)

Objections  
Westminster Licensing Service  
4th Floor (West) City Hall  
64 Victoria Street  
London  
SW1E 6QP

Sent via email to [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

25 April 2016

Reference: 16/03177/LIPN, Premises Licence - New, Foxlow, 8-10  
Lower James Street, W1F 9EL

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	Indoors/Outdoors	Time Period	From	To
Playing of Recorded Music	Indoors	Monday to Thursday	08:00 AM	11:30 PM
Playing of Recorded Music	Indoors	Friday to Saturday	08:00 AM	12:30 AM
Playing of Recorded Music	Indoors	Sunday	08:00 AM	11:30 PM
Late Night Refreshment	Indoors	Monday to Thursday	11:00 PM	12:00 AM
Late Night Refreshment	Indoors	Friday to Saturday	11:00 PM	01:00 AM
Late Night Refreshment	Indoors	Sunday	11:00 PM	12:00 AM
Sale by Retail of Alcohol	Both	Monday to Thursday	10:00 AM	11:30 PM
Sale by Retail of Alcohol	Both	Friday to Saturday	08:00 AM	01:00 AM
Sale by Retail of Alcohol	Both	Sunday	10:00 AM	11:30 PM

#### New licensed premises in the West End Cumulative Impact Area

The proposal is for a new licensed premises in the West End Cumulative Impact 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.

#### Noise Strategy: "Protecting and enhancing tranquil areas"

The proximity to Golden Square, where such uses have been restricted, is noted. Golden Square open space should be protected using objective of the 2010-2015 Noise Strategy: "Protecting and enhancing tranquil areas" and "The council wishes to reduce noise pollution and its impacts at all times, but in terms of specific improvements to tranquil areas there will be a particular focus on day-time and evening when utility of open spaces is at its highest."

#### 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.

Yours faithfully,

David Gleeson  
Licensing Chair

<b>Name:</b>	Mr Anthony Jacobs		
<b>Address and/or Residents Association:</b>	6 Upper John Street London W1F 9HB		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 April 2016		

In the past few years in the immediate vicinity of my flat, 30 licensed premises have opened. The cumulative impact of these is destroying the unique benefits of living in this area.

This latest licence application in a previously unlicensed property should be refused on the basis that the area already has an over capacity.

I very much hope that common sense will prevail and that the licence is refused however, if this is not the case then I further object to proposed licensed capacity and to the extraordinary proposed licensing hours.

<b>Name:</b>	Cllr Glenys Roberts	
<b>Address and/or Residents Association:</b>	c/o Westminster City Council 64 Victoria Street London SW1E 6QP	
<b>Status:</b>	Local Councillor	<b>In support or opposed:</b> Opposed
<b>Received:</b>	10 April 2016	
I should like to support the neighbouring residents in objecting to this licence on the grounds of public nuisance and possible disorder. This area is already saturated with licences and it is time to call a halt and ensure premises can be used for other purposes. It may wish to speak at the hearing. Regards Cllr Roberts		
<b>Name:</b>	Prof Martin Callingham	
<b>Address and/or Residents Association:</b>	6 Upper John Street W1F 9HB	
<b>Status:</b>	Resident	<b>In support or opposed:</b> Opposed
<b>Received:</b>	14 April 2016	
I object to this application. This is a large new restaurant. Already substantial numbers of deliveries of food goods are taking place in the Golden Square area at between 4.45 and 6.15am causing noise and disturbance. In addition, the presence of yet another large restaurant and bar adjacent to the Crown pub on a narrow road that is one of the few exits to Soho is extremely unhelpful and contributes further to cumulative impact and associated nuisance and crime. I object on grounds of prevention of cumulative impact, prevention of public nuisance, prevention of crime and disorder and public safety. I think the benefits of more economic activity are increasingly being paid for by degraded lives of both residents and visitors.		
<b>Name:</b>	Ms Hannah Moody	
<b>Address and/or Residents Association:</b>	Principia Estate And Asset Management The Studio 16 Cavaye Place London SW10 9PT	
<b>Status:</b>	Interested Party	<b>In support or opposed:</b> Opposed
<b>Received:</b>	14 April 2016	
<p>Over the last 3 years in the area, 30 licensed premises have opened. Cumulative Impact has reached unprecedented levels.</p> <p>Now proposed is a licence asking for a 1am finish with a capacity of 125 people. Lower James Street is a main exit from Soho via heavily congested Sherwood and Denman Streets.</p> <p>Lower James Street is a very narrow road. If this licence is granted, see The Crown Pub next door where pedestrians have no access to the right hand pavement because of outside drinkers.</p> <p>I object on the grounds of public nuisance, prevention of crime and disorder and public safety.</p>		



<b>Name:</b>	Ms Liz Callingham		
<b>Address and/or Residents Association:</b>	6 Upper John Street London W1F 9HB		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	14 April 2016		
<p>In the last 3 years in the area close to our flats, 30 licensed premises have opened. Cumulative Impact has reached unprecedented levels. Now a NEW licence is proposed asking for a 1am finish setting an unwelcome precedent. Enough is enough. Lower James Street is a main exit from Soho via heavily congested Sherwood and Denman Streets. How can Westminster consider planting a new licence for a restaurant for 125 people in this location?</p> <p>Lower James Street is a narrow road with a metre wide pavement. To see what will happen if this licence is granted, check The Crown Pub next door where pedestrians have no access to the right hand pavement because of outside drinkers.</p> <p>The application is for a 'restaurant' though other Foxlow websites have a bar in the basement. This application is beyond core hours morning and night, and contrary to policy HRS1. How is it possible that these hours have been passed by Planning? We are aware that the Licensing Authority is not bound by Planning.</p> <p>Why 8am for alcohol on Fridays and Saturdays? Why 8am for recorded music? Why recorded music at all if this is a restaurant?</p> <p>Planning states no takeaway at all rather than no takeaway 'for immediate consumption' in condition 15(iv). Clients will have more difficulty finding transport away from the cumulative impact area and add to noise already present from other bars which are difficult to identify in the melee that exists. We do not want these problems increased.</p> <p>The approved capacity on the planning permission is 125 persons. This is therefore a significant addition to the numbers of people in the vicinity, particularly late at night. This application seeks to license a premises which has never been licensed under Licensing Act 2003 before and therefore has no licensed 'footprint'. It is a genuinely new application, rather than an application to replace an existing or former licensed premises. It is imperative that the scope of the licence and the conditions should be looked at in a local context (Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd [2012] EWHC 3467 (Admin)).</p> <p>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. Westminster, take care of the valuable legacy of these streets and the community who live and work in them.</p> <p>I object on the grounds of prevention of cumulative impact, prevention of public nuisance, prevention of crime and disorder and public safety.</p>			
<b>Name:</b>	Mr Paul Church		
<b>Address and/or Residents Association:</b>	c/o Westminster City Council 64 Victoria Street London SW1E 6QP		
<b>Status:</b>	Local Councillor	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	7 April 2016		
<p>This application is for a premises located in the West End Stress Area and, moreover, a residential area. I see no reason whatsoever to allow beyond core hours.</p>			

<b>Name:</b>	Mr Steve Parish		
<b>Address and/or Residents Association:</b>	6 Upper John Street		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 April 2016		
<p>I strongly object to a licence for Foxlow on Lower James Street on the grounds of cumulative impact, prevention of Public Nuisance and Public Safety.</p> <p>I live within 20 meters of the site and would be extremely effected by another license being granted in my residential area.</p> <p>Kingly Court, Beak Street and nearby Kingly Street are already crammed with restaurants and other licensed premises as is Golden Square and Brewer Street. To add yet another licensed premises to this already dense area is unwise. In the past we have had a number of violent incidences including two murders; we don't want to return to these days. I personally have been targeted on Golden Square late at night.</p> <p>The narrow pavements on Lower James Street cannot support the outspill from a restaurant and these crowds will spill onto Golden Square further causing disruption and noise.</p>			
<b>Name:</b>	Mr Pierre-Yves Guerber		
<b>Address and/or Residents Association:</b>	6 Upper John Street London W1F 9HB		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 April 2016		
<p>I object on the grounds of prevention of cumulative impact, prevention of public nuisance, prevention of crime and disorder and public safety.</p> <p>It is unthinkable to have another large restaurant open in that area which is already extremely busy and congested at evenings and weekends. Furthermore the application is for hours outside core hours, which is worrying. The size as well (125 people) would be a huge addition in the area and would cause large cumulative impact.</p> <p>I could not understand how Westminster could let such a licence go through.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>(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.</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	(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.
	(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.
Policy RNT2 applies:	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

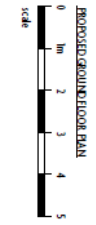
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Ola Owojori Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

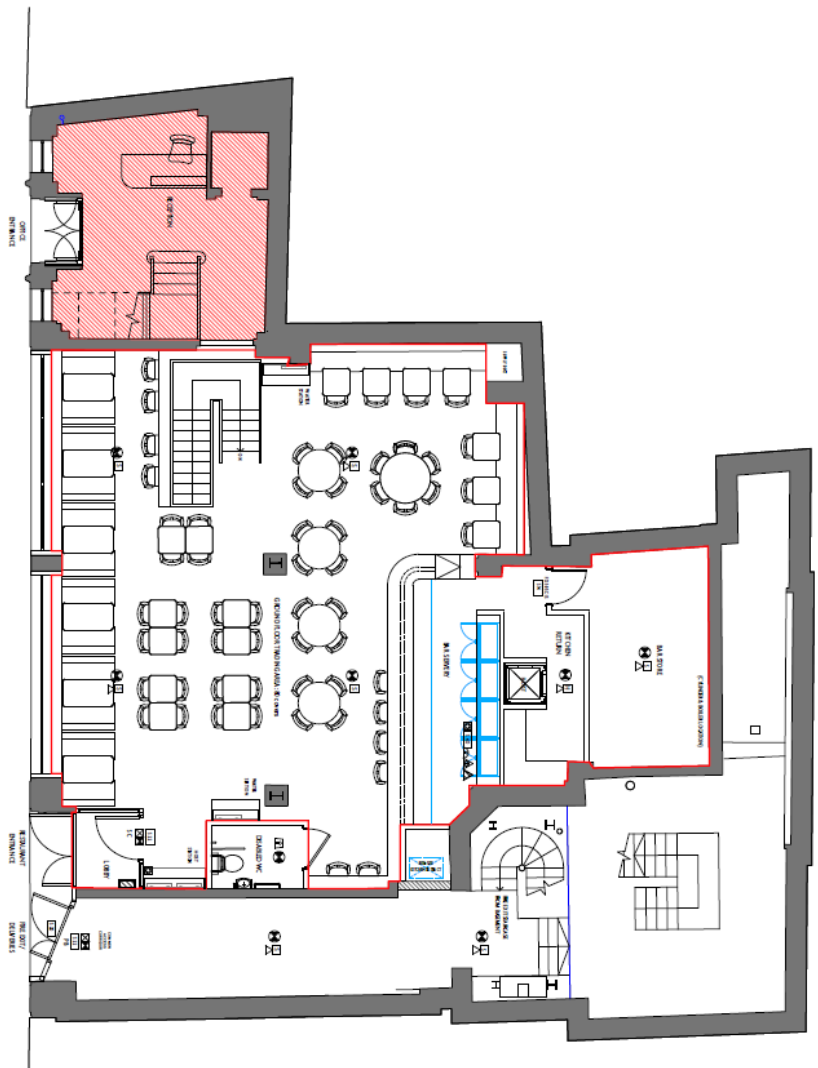
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<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>	Application form	30.3.16
<b>5</b>	Proposed conditions	30.3.16
<b>6</b>	Public Notice	30.3.16
<b>7</b>	DPS consent	30.3.16
<b>8</b>	Cllr Church's representation	7.4.16
<b>9</b>	Environmental Health representation	12.4.16
<b>10</b>	Anthony Jacobs representation	12.4.16
<b>11</b>	Pierre Yves Guerber representation	12.4.16
<b>12</b>	Steve Parish representation	15.4.16
<b>13</b>	Helen Moody representation	15.4.16
<b>14</b>	Liz Callingham representation	15.4.16
<b>15</b>	Martin Callingham representation	15.4.16
<b>16</b>	Raheel Ackrim representation	15.4.16
<b>17</b>	Police representation, agreement and withdrawal	22.4.16
<b>18</b>	Soho Society representation	25.4.16
<b>19</b>	Cllr Roberts representation	29.4.16
<b>20</b>		
<b>21</b>		
<b>22</b>		
<b>23</b>		
<b>24</b>		



LOWER JAMES STREET



**THE SCHEDULE OF LEGEND**

	EXISTING WALLS
	EXISTING DOORS
	EXISTING WINDOWS
	EXISTING STAIRS
	EXISTING LIFT
	EXISTING SERVICES
	EXISTING STRUCTURE
	EXISTING FURNITURE
	EXISTING LIGHTING
	EXISTING PLUMBING
	EXISTING ELECTRICAL
	EXISTING MECHANICAL
	EXISTING LANDSCAPE
	EXISTING PAVING
	EXISTING DRIVEWAYS
	EXISTING ROADS
	EXISTING UTILITIES
	EXISTING SERVICES
	EXISTING STRUCTURE
	EXISTING FURNITURE
	EXISTING LIGHTING
	EXISTING PLUMBING
	EXISTING ELECTRICAL
	EXISTING MECHANICAL
	EXISTING LANDSCAPE
	EXISTING PAVING
	EXISTING DRIVEWAYS
	EXISTING ROADS
	EXISTING UTILITIES
	EXISTING SERVICES

**LEGEND**

- AREA WHERE EXISTENTIAL ACTIVITIES WILL TAKE PLACE
- THE EXISTING WALLS AND DOORS WILL BE REMOVED AND NEW WALLS AND DOORS WILL BE INSTALLED IN THE SAME POSITIONS AS THE EXISTING WALLS AND DOORS.
- AREA WHERE EXISTENTIAL ACTIVITIES WILL TAKE PLACE
- CONCRETE UNDER A SPHERE OF INFLUENCE

**Maccanlay Sinclair**

PROJECT: PROPOSED GROUND FLOOR PLAN OF 3363 LOWER JAMES STREET  
 DATE: 12/01/2011  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: 3363  
 DRAWING NO: 03(01)  
 111 STURGEON GENERAL BUILDING, 111 STURGEON GENERAL BUILDING, 111 STURGEON GENERAL BUILDING



**Foxlow**

**8-10 Lower James Street**

**Amended Hours**

**Sale of alcohol Monday to Thursday 10:00 hours until 23:30 hours; Friday and Saturday 10:00 hours until 00:00 hours and Sunday 12:00 hours until 22:30 hours**

**Provision of late night refreshment Monday to Thursday 23:00 hours until 23:30 hours and Friday and Saturday 23:00 hours until 00:00 hours**

**Opening hours of the premises for licensable activities Monday to Thursday 10:00 hours until 23:30 hours; Friday and Saturday 10:00 hours until 00:00 hours and Sunday 12:00 hours until 22:30 hours**

**Amended Conditions**

1. 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 entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

8. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
9. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 125 persons.
10. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
11. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. 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.
13. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
14. 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.



15. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
16. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
17. 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.

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 -

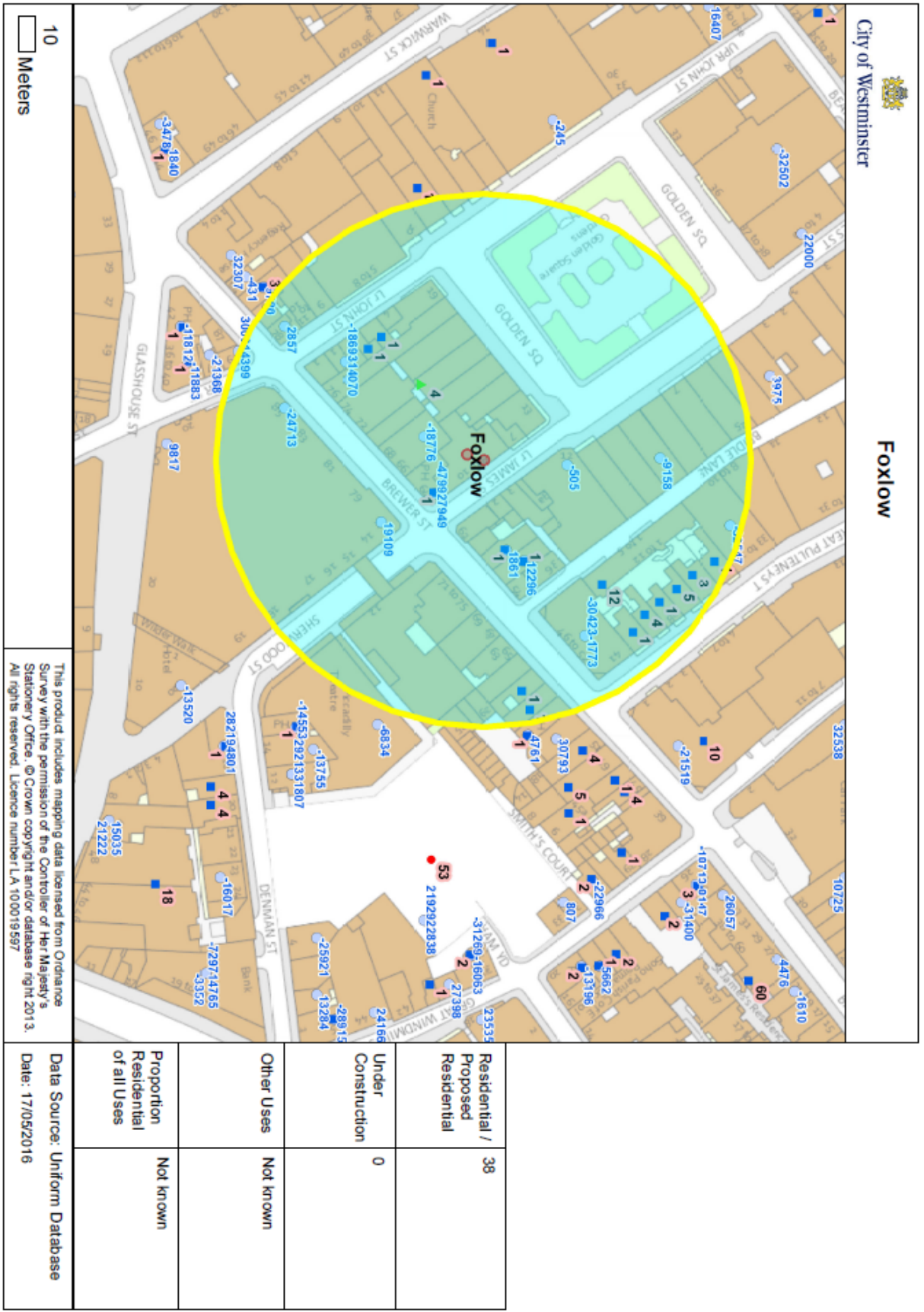
- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged 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.

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

9. 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 entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (125) persons.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.

19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
20. 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.
21. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
22. The premises shall only operate as a restaurant:
- a) in which customers are shown to their table,
  - b) where the supply of alcohol is by waiter or waitress service only,
  - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - d) which do not provide any take away service of food or drink for immediate consumption,
  - e) which do not provide any take away service of food or drink after 23.00, and
  - f) 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.
  - g) Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
23. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
24. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
25. 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.



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Residential / Proposed Residential	38
Under Construction	0
Other Uses	Not known
Proportion of all Uses	Not known
Data Source: Uniform Database	
Date: 17/05/2016	



<b>Premises within 75 metres of: Foxlow 8-10 Lower James Street</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
2857	The Source Cafe	78 Brewer Street London W1F 9TY	Sunday to Thursday 08:00 - 02:00 Friday to Saturday 08:00 - 02:30
18948	Ganache Chocolatier	Ground Floor 80 Brewer Street London W1F 9TZ	Monday to Sunday 09:00 - 03:00
-32547	Urban Golf	33-34 Great Pulteney Street London W1F 9NT	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-1773	Mele E Pere	46-52 Brewer Street London W1F 9TF	Monday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30
-505	Diageo Plc - 6th Floor Bar	12 Golden Square London W1F 9JE	Monday to Sunday 00:00 - 00:00
19109	Mash	77 Brewer Street London W1F 9ZN	Monday to Sunday 11:30 - 01:30
-30423	Arigato	48-50 Brewer Street London W1F 9TG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-24713	Rapha Racing	85 Brewer Street London W1F 9ZN	Monday to Sunday 08:00 - 21:00
-21591	Kulu Kulu Sushi	76 Brewer Street London W1F 9TX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-18776	HIX	66-68 Brewer Street London W1F 9TP	Monday to Sunday 07:00 - 01:00
-18693	One Stop Food & Wine	Ground Floor 1 Lower John Street London W1F 9DT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-9158	Nine Golden Square Restaurant	Basement And Ground Floor 9 Golden Square London W1F 9HZ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-4799	Crown Public House	64 Brewer Street London W1F 9TP	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30
1861	Not Recorded	58 Brewer Street London W1F 9TL	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
12296	Ten Ten Tei Restaurant	Ground Floor 56 Brewer Street London W1F 9TJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

14070	Lingo Japanese Restaurant	Basement North And Ground Floor North 1 Lower John Street London W1F 9DT	Monday to Sunday 08:00 - 23:00
27949	Crown	64 Brewer Street London W1F 9TP	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30