



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	13.06.2016
Licensing Ref No:	16/03910/LIPV - Premises Licence Variation
Title of Report:	Imli Ltd 167-169 Wardour Street London W1F 8WL
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:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	18 April 2016		
Applicant:	Imli Limited		
Premises:	Imli Ltd		
Premises address:	167-169 Wardour Street London W1F 8WL	Ward:	West End
		Cumulative Impact Area:	Yes
Premises description:	The premises is a mid terraced restaurant in the heart of Soho, located within the Westminster Cumulative Impact Area.		
Variation description:	<p>To vary the layout of the premises including the relocation of ground floor bar (moved into the corner within the same area), raised seating area added to back of ground floor space, introduction of Bar in the basement, toilets reconfigured and changes to the kitchen area.</p> <p>The addition of the following condition: Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises.</p>		
Premises licence history:	Please see below appendix 3.		
Applicant submissions:	None.		

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		n/a	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:00	None proposed.		No change.	No change.
Tuesday	23:00	01:00				
Wednesday	23:00	01:00				
Thursday	23:00	01:00				
Friday	23:00	01:00				
Saturday	23:00	01:00				
Sunday	23:00	00:00				
Seasonal variations:	Current:				Proposed:	
	The premises may be opened for licensable activities from the end of permitted hours on New				No Change	

	Year's Eve until the start of permitted hours on New Year's Day only.	
Non-standard timings:	Current:	Proposed:
	n/a	n/a

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		n/a	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	None proposed.		Please see plans.	To allow an area to serve drinks without the need to take a table meal(marked in pink with hatched markings) Layout changes to be applied too.
Tuesday	11:00	01:00				
Wednesday	11:00	01:00				
Thursday	11:00	01:00				
Friday	11:00	01:00				
Saturday	11:00	01:00				
Sunday	11:00	01:00				
Seasonal variations:	Current:				Proposed:	
	The premises may be opened for licensable activities from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day only.				No Change.	
Non-standard timings:	Current:				Proposed:	
	n/a				n/a	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	01:00	None proposed.		No change	No change.
Tuesday	08:00	01:00				
Wednesday	08:00	01:00				
Thursday	08:00	01:00				
Friday	08:00	01:00				
Saturday	08:00	01:00				
Sunday	08:00	00:00				
Seasonal variations:	Current:				Proposed:	
	The premises may be opened for licensable activities from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day only.				No Change	
Non-standard	Current:				Proposed:	

timings:	n/a	n/a
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1-C Layout alteration
Relocation of internal layout only.

1-D Conditions being varied, added or removed		
Proposed Condition	Proposed variation	
Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises.	n/a	
Adult entertainment:	Current position:	Proposed position:
	n/a	n/a

2. Representations

2 Other Persons			
Name:	Steve Chambers		
Address and/or Residents Association:	The Soho Society		
Status:	Valid	In support or opposed:	Opposed
Received:	16.05.2016		
<p>Reference: 16/03910/LIPV, Premises Licence - Variation, Imli Ltd, 167-169 Wardour Street, W1F 8WL</p> <p>I write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>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.</p> <p>About The Soho Society</p> <p>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.</p> <p>Application summary</p>			

The application is described in Westminster Licensing News (10 May 2016 edition) as follows:

To vary the layout of the premises including the relocation of ground floor bar (moved into the corner within the same area), raised seating area added to back of ground floor space, introduction of Bar in the basement, toilets reconfigured and changes to the kitchen area. The addition of the following condition: Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises.

Increase in drinking capacity in the West End Cumulative Impact Area

The application seeks to increase the capacity for problematic vertical drinking, that is not ancillary to food, in the West End Cumulative Impact Area. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the 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. It is therefore felt necessary that should this license be permitted; conditions must be applied:

MC38 The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

MC39 The supply of alcohol shall be by waiter or waitress service only.

Licensing policy

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

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

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

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies. (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.
Policy HRS1 applies	
Policy CIP1 applies	

4. Appendices

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

Report author:	David Sycamore Senior Licensing Officer
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Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/09723/LIPN	New Licence	23.11.2005	Granted
13/00791/LIPVM	Minor Variation	26.02.2013	Granted
13/00802/LIPV	Variation	20.03.2013	Granted
13/02124/LIPDPS	Vary DPS	22.04.2013	Granted
14/02500/LIPV	Variation	19.06.2014	Granted
15/07376/LIPDPS	Vary DPS	17.09.2015	Granted

There is no appeal history

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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

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.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

- 9. The premises may be opened for licensable activities from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day only.
- 10. There shall be no sale for consumption off the premises at any time.
- 11. Photographic identification such as passport or photo driving licence shall be required if there is any doubt about the age of customers wishing to purchase or consume alcohol.
- 12. Substantial food and non-intoxicating beverages (including drinking water) shall be available throughout the permitted hours in all parts of the premises where intoxicants are provided.
- 13. 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, supplied, or consumed on the premises otherwise than to 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.

14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. 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.
16. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
17. All external doors shall be kept closed after 21.00 except for immediate access and egress.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
20. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
21. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
22. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time and shall not be permitted to take their drinks with them.
24. 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

25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
26. No deliveries to the premises shall take place between 23.00 and 08.00.
27. The kitchen extract ventilation plant shall be switched off by 23:00 hours.
28. Persons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not take any drinks or glass containers with them.
29. The number of persons (excluding staff) accommodated at any one time shall not exceed the following:

Basement - 40
Ground Floor - 80
30. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
31. 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.

Proposed Condition by the applicant.

32. Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises

Proposed Conditions by Environmental Health and agreed with applicant

33. The variation of the Premises Licence 16/03910/LIPV to include the new bar to the basement, toilets re-configured, changes to raised area to rear of premises 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.

Proposed by the Soho Society – not agreed as of publication.

34. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
35. The supply of alcohol shall be by waiter or waitress service only.

Premises within 75 metres of: 167-169 Wardour Street			
Licence Number	Name of Premises	Premises Address	Licensed Hours
14/07128/LIPT	Berwick News	38 Berwick Street London W1F 8RT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
10/01916/LIPT	St Moritz	161 Wardour Street London W1F 8WL	Monday to Sunday 09:00 - 03:30
15/07376/LIPDPS	Imli Ltd	171 Wardour Street London W1F 8WL	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
16/02045/LIPDPS	Cote	Ground Floor 124 - 126 Wardour Street London W1F 0TY	Sunday 09:00 - 00:00 Monday to Thursday 09:00 - 03:00 Friday to Saturday 09:00 - 03:30
13/09249/LIPDPS	The George Public House	7A D'Arblay Street London W1F 8DF	Monday to Sunday 00:00 - 00:00
14/00062/LIPVM	Blanchette	9 D'Arblay Street London W1F 8DR	Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
08/03322/LIPV	Inamo	Flat 5 134-136 Wardour Street London W1F 8ZR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
06/06675/WCCMA P	Korkers (Basement) And Mustafa's Thai Cottage (Ground Floor)	28 D'Arblay Street London W1F 8EW	Monday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
13/07360/LIPN	The George Public House	7A D'Arblay Street London W1F 8DF	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
16/02596/LIPDPS	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
14/06333/LIPN	Enrique Tomas	Ground Floor Front 132 Wardour Street London W1F 8ZW	Monday to Saturday 10:00 - 22:30 Sunday 12:00 - 22:30
15/02609/LIPV	Tostado	Ground Floor 16 St Anne's Court London W1F 0BF	Monday to Saturday 08:00 - 23:30 Sunday 10:00 - 22:00
06/07039/WCCMA P	Raj Tandoori Restaurant	71 Berwick Street London W1F 8TB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/02132/LIPVM	Chipotle Mexican Grill	183-185 Wardour Street London W1F 8ZA	Monday to Saturday 10:00 - 23:30 Sunday 11:30 - 23:00
14/09218/LIPN	Hearst Magazine UK, The Good Housekeeping Institute	Third Floor 20 St Anne's Court London W1F 0BH	Monday to Sunday 00:00 - 00:00
06/06237/WCCMA P	Maharani Restaurant	Third Floor 75A Berwick Street London W1F 8TG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/09999/LIPDPS	Pho	167 Wardour Street London W1F 8WL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/02387/LIPDPS	The Melt Room	25 Noel Street London W1F 8GX	Monday to Friday 08:30 - 21:00 Saturday 11:00 - 21:00 Sunday 11:00 - 21:00

15/03005/LIPV	Cafe L'Eto	Second Floor 143 Wardour Street London W1F 8WA	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
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City of Westminster

167-169 Wardour Street



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Under Construction	n/a
Other Uses	n/a
Proportion Residential of all Uses	n/a

Data Source: Uniform Database
Date: 26/05/2016

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Environmental Health Rep – Withdrawn but condition agreed and added.	May 2016
5	Police Rep and discussion emails -Withdrawn	April 2016
6	Soho Society Rep	April 2016
7	Service Email	April 2016
8	Notice of Hearing	May 2016