

# Licensing Sub-Committee Report

Item No:	
Date:	27 <sup>th</sup> October 2016
Licensing Ref No:	16/09053/LIPN - New Premises Licence
Title of Report:	Sushi Shop 67-69 Weymouth Street London W1G 8NY
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet K Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@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>	23 August 2016		
<b>Applicant:</b>	Sushi Shop London Ltd		
<b>Premises:</b>	Sushi Shop		
<b>Premises address:</b>	67-69 Weymouth Street London W1G 8NY	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This premises operates as a sushi cafe and is seeking to sell alcohol ancillary to food; both on and off the premises.		
<b>Premises licence history:</b>	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
<b>Applicant submissions:</b>	The applicant has written to both the residential objectors. Copies of the letters are attached at Appendix 2 of this report,		

1-B Proposed licensable activities and hours							
<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>	11:00	11:00	11:00	11:00	11:00	11:00	12:00
<b>End:</b>	22:30	22:30	22:30	22:30	22:30	22:30	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
<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>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	22:30	22:30	22:30	22:30	22:30	22:30	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	20 <sup>th</sup> September 2016
I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Bryan Lewis
<b>Received:</b>	19 <sup>th</sup> September 2016

<b>Status:</b>	Withdrawn
<p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.</p> <p><b>Our objections relate to the follow:</b></p> <ul style="list-style-type: none"> <li>• Further assessment is required to properly judge this application and ensure it promotes the licensing objectives.</li> <li>• Insufficient conditions proposed to promote the licensing objectives</li> </ul> <p>Note: following a discussion with the applicant and their agreement to additional conditions, the Police have withdrawn their representation.</p>	

2-B Other Persons	
<b>Name:</b>	Mr Richard Ward
<b>Address and/or Residents Association:</b>	2/24 Beaumont Mews London W1G 6EW
<b>Received:</b>	8 <sup>th</sup> September 2016
<p>This shop was recently turned from a clothes shop to food business. Sushi Shop's business does a lot of deliveries by motor bike. As a result it has increased local traffic and noise. In addition the Shop places boards on the pavement to promote its products. Adding alcohol to this mix will only increase the disturbance for local residents, bringing rowdy elements to the neighbourhood. The application should be rejected.</p>	
<b>Name:</b>	Mr Jesus Adorno
<b>Address and/or Residents Association:</b>	10 Carisbrooke Court London W1G 8NZ
<b>Received:</b>	9 <sup>th</sup> September 2016
<p>I strongly object to a new license to the Sushi Shop, a Shop is a Shop not a restaurant, I live above the premises with a new born baby and when my wife and I are coming out of the building early evenings, with our baby on the pram, delivery people stand outside the building on the way out, the nuisances the Sushi Shop is already causing specially after 6.30pm when delivery motorbikes and bicycles congest the road and sometimes the right of way in the pavement, the rubbish left in the morning which is not collected for a couple of hours. For Westminster City Councillors to agree to an alcohol licenses would be wrong for a residential area.</p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

#### 4. Appendices

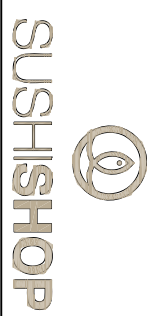
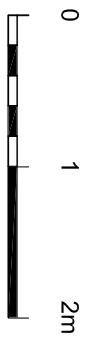
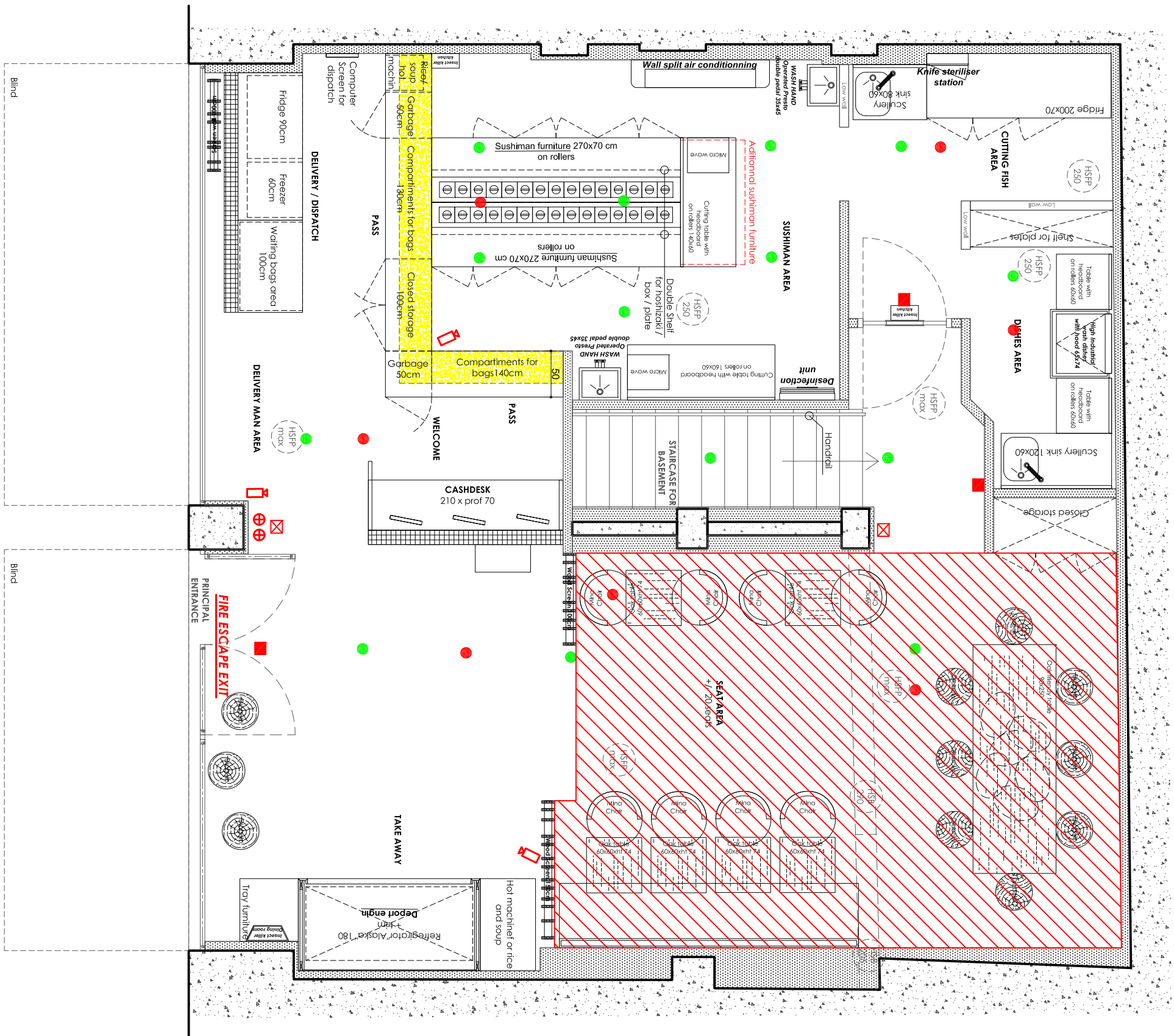
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mrs Sumeet Kaur Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@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>	Environmental Health Representation	20 <sup>th</sup> September 2016
<b>5</b>	Police Representation	19 <sup>th</sup> September 2016
<b>6</b>	Ms Ward Representation	8 <sup>th</sup> September 2016
<b>7</b>	Mr Adorno Representation	9 <sup>th</sup> September 2016
<b>8</b>	Application Form (and conditions)	23 <sup>rd</sup> August 2016



Localisation  
- 67-69 Weymouth street - LONDRES -

Designation  
**PROJECT-EMERGENCY**

Date  
20/07/2016

Phase  
Scale  
APD 1/50-A3

Zone  
**GROUND FLOOR**

Dimensions are given for information and ask to be verified by the contractor

- LEGEND FA Fire alarm**
- exit sign
  - emergency light
  - exit sign
  - FA break glass
  - FA strobe light
  - FA detector
  - fire extinguishers
  - camera
  - Public area alcohol will be consumed



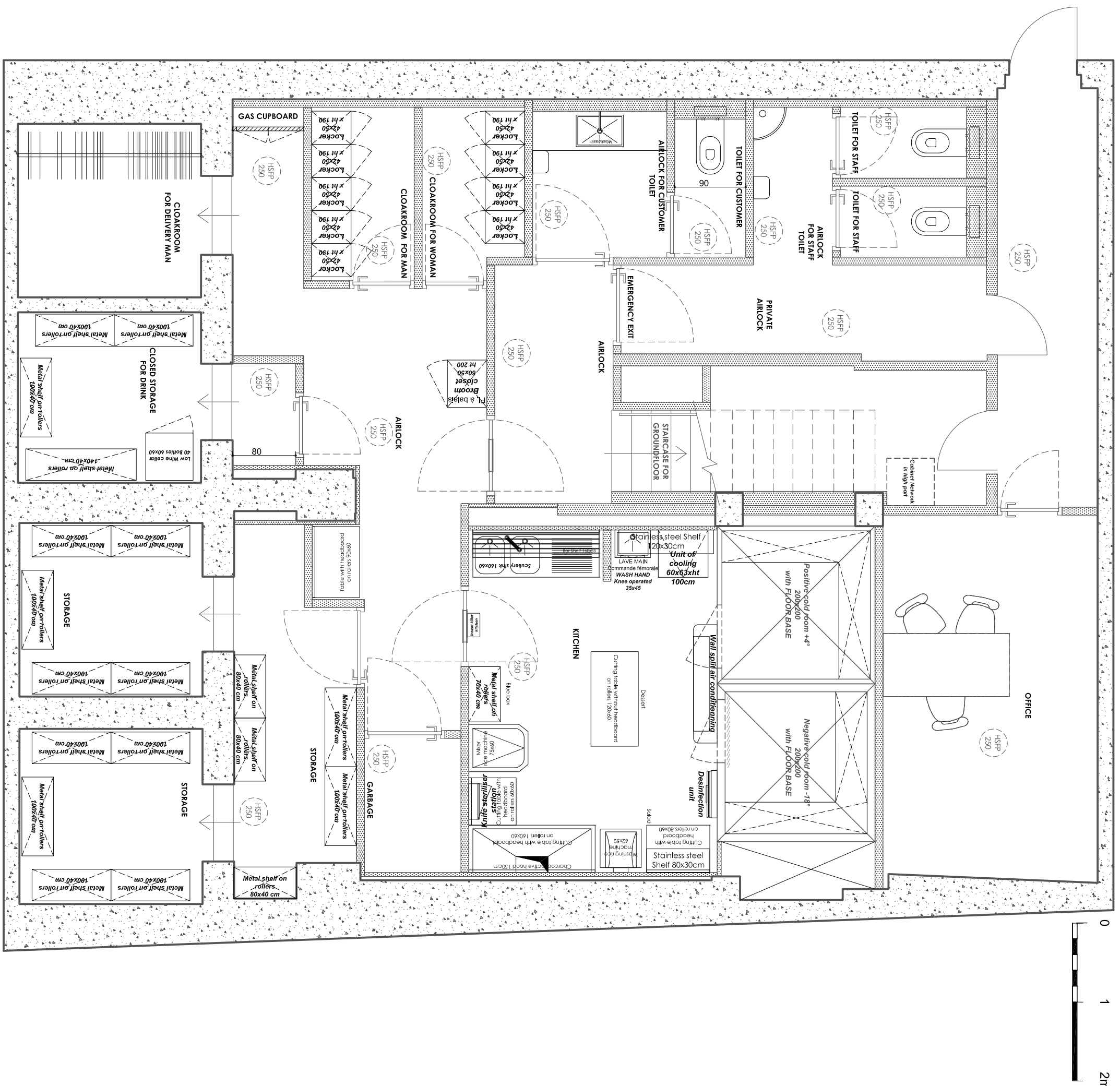
# SUSHISHOP

Localisation - **67-69 Weymouth street - LONDRES -**

Designation Date  
**PROJECT** 27/05/2015

Zone Phase Scale  
**BASEMENT** APD 1/50-A3

Dimensions are given for information and ask to be verified by the contractor



## **Appendix 2**

The applicant has written to both the residential objectors and copies of the letters are attached.



Your ref: 16/09053/LIPN  
Our ref: RP/SUS.2.1

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618

Mr Richard Ward  
2/24 Beaumont Mews  
London  
W1G 6EW

06 October 2016

Dear Sirs

**Application for Premises Licence: Sushi Shop, 67-69 Weymouth Street**

We act for Sushi Shop London Ltd in respect of its application for a premises licence. Westminster City Council have provided us with copy of your representation in relation to the application.

The premises, Sushi Shop originates from France with a number of restaurants across Europe. Weymouth Street is the third Sushi Shop in the UK. The premises specialise in premium Sushi and accompanying beverages, a small number of which are intended to be alcoholic, such as sake, Japanese beer and a limited selection of wine. More information is available at [www.mysushishop.co.uk](http://www.mysushishop.co.uk).

The application is for the sale of alcohol between Monday to Sunday 11am to 10:30pm. No regulated entertainment or late night refreshment (sales of hot food beyond 11pm) has been sought. Furthermore, all sales of alcohol must be accompanied with either a table or takeaway meal.

Following the application, agreement has also been reached with the City Council's Environmental Health Officer, that: -

1. Permitted hours on a Sunday are reduced to commence at midday, in line with the Council's policy;
2. There shall be no availability of draught beer and no self-service of alcohol; and
3. The number of covers shall be limited to 20 persons at any one time.

These amendments, along with the proposed conditions (enclosed for reference) will ensure the promotion of the licensing objectives and that the premises operates sympathetically alongside local residents.

Thank you for your consideration of this letter. We hope that it offers some comfort as to Sushi Shop's intentions in gaining a premises licence.

Please do not hesitate to contact the undersigned should you wish to discuss further.

Yours faithfully

**Thomas & Thomas Partners LLP**

tel: 020 7042 0417

email: [rpeermamode@tandtp.com](mailto:rpeermamode@tandtp.com)

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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 (including additional conditions agreed with other parties)**

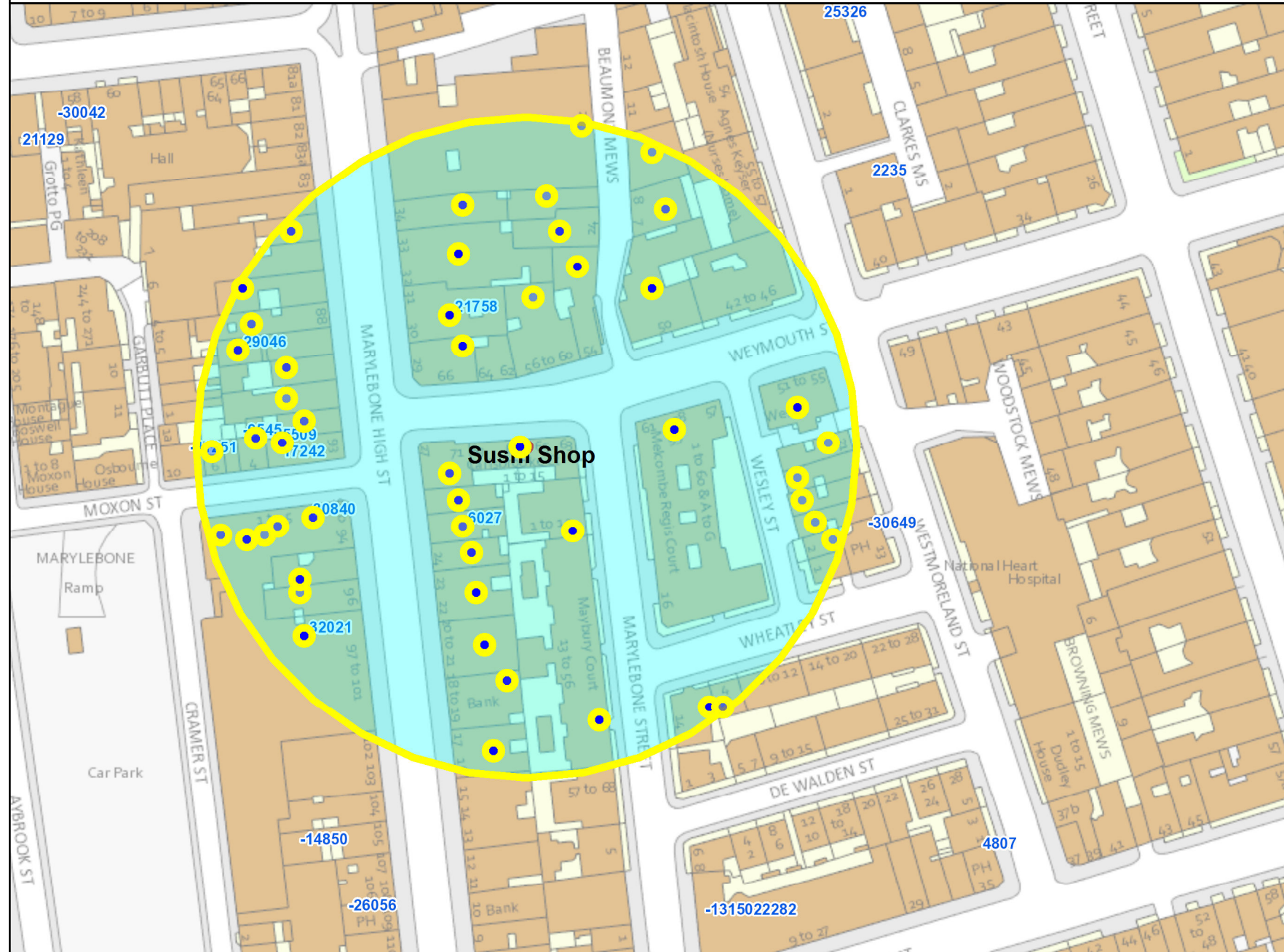
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.



13. No more than **(15)**% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **(23.00)** hours and **(08.00)** hours on the following day.
16. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
17. The number of seated persons on the premises shall not exceed 20 (excluding staff) at any time.
18. 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.
19. 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.
20. 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.
21. 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.
22. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.
23. There shall be no draught beer sold on the premises.
24. There shall be no self-service of alcohol on the premises.
25. 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.



# Sushi Shop, 67-69 Weymouth Street



Residential / Proposed Residential	330
Under Construction	None
Other Uses	None
Proportion Residential of all Uses	None

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 Meters

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 Date: 13/10/2016

**Premises within 75 metres of: Sushi Shop, 67-69 Weymouth Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
5509	The Marylebone Tup	93 Marylebone High Street London W1U 4RE	Friday to Saturday 09:00 - 00:00 New Year's Eve 09:00 - 09:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
-29046	Fish Work Seafood Cafe	Ground Floor 89 Marylebone High Street London W1U 4QW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-21758	Strada Restaurant	31 Marylebone High Street London W1U 4PP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-6027	Topkapi Restaurant	Basement And Ground Floor 25 Marylebone High Street London W1U 4PQ	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
17242	The Marylebone Tup	93 Marylebone High Street London W1U 4RE	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 23:00 Monday to Thursday 09:00 - 23:30
30840	Aubaine	93B-101 Marylebone High Street London W1U 4RJ	Monday to Sunday 08:00 - 00:00
-32021	Waitrose Supermarket	98-101 Marylebone High Street London W1U 4RJ	Monday to Sunday 08:00 - 23:00
-9545	La Fromagerie (Marylebone Ltd)	4 - 6 Moxon Street London W1U 4EW	Monday to Friday 08:00 - 23:30 Saturday 09:00 - 23:30 Sunday 10:00 - 23:00