

Licensing Sub-Committee Report

Item No:	
Date:	20 December 2016
Licensing Ref No:	16/11472/LIPN - New Premises Licence
Title of Report:	Starbucks Ground Floor National House 60-66 Wardour Street London W1F 0TA
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 Robin Grey Senior Licensing Officer (Street Trading)
Contact details	Telephone: 020 7641 4605 Email: rgrey@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 October 2016		
Applicant:	Starbucks Coffee Company (UK) Limited		
Premises:	Starbucks		
Premises address:	Ground Floor National House 60-66 Wardour Street London	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	Coffee Shop		
Premises licence history:	<p>A premises licence had effect in respect of the premises between 01 July 2012 and 30 September 2012 that authorised the provision of late night refreshment during the following hours:</p> <p>Monday to Thursday - 23:00 to 23:30 Friday to Saturday - 23:00 to 00:00 Sundays before Bank Holidays - 23:00 to 00:00</p>		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thu	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thu	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Westminster City Council's Environmental Health Consultation Team
Representative:	Ian Watson
Received:	15 November 2016
<p>I refer to the application for a new Premises Licence.</p> <p>The premises are in the West End Cumulative Impact area.</p> <p>The applicant has submitted a floor plan of the Ground Floor without date or reference. This representation is based on the plans and operating schedule submitted.</p> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The hours and activity requested will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area. <p>The applicant has not provided any conditions to address the licensing objectives or to minimise the impact in the West End CI area.</p> <p>UPDATE: On 08 December 2016, the Environmental Health Consultations Team proposed the conditions set out in Appendix 4. There has been no response to date from the applicant about the proposed conditions.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	Bryan Lewis PC4161CW
Received:	17 November 2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>However I will suggest some conditions which if you are minded to agree to, I will reconsider our position.</p> <p>UPDATE: On 24 November 2016, the Metropolitan Police Service proposed the conditions set out in Appendix 4 and these were accepted by the applicant on 07 December 2016 so now form part of the operating schedule. The representation has not been withdrawn to date.</p>	

2-B Other Persons

Name:	David Gleeson		
Address and/or Residents Association:	The Soho Society 55 Dean Street London W1D 6AF		
Status:	Valid	In support or opposed:	Oppose
Received:	18 November 2016		

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 Cumulative Impact 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 2016.

Application summary

Activity	Indoors/Outdoors	Time Period	From	To
Late Night Refreshment	Indoors	Monday to Sunday	11:00 PM	05:00 AM

Hours of operation

This application 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 hours of late night refreshment are not extended.

Statement of Licensing Policy

The following are sections of the licensing policy are appropriate to this application:

2.4.23 'The extension of hours beyond core hours is of concern as there are greater problems of late night transport and disturbance. Late at night there is less masking background noise and disturbance is greater if people are trying to sleep or are woken up.'

2.2.12 'Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

Licensing policy and cumulative impact

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

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 the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are 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.

Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

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.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies	<ul style="list-style-type: none"> (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. (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
Policy HRS1 applies:	<ul style="list-style-type: none"> (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 FFP2 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.

4. Appendices

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

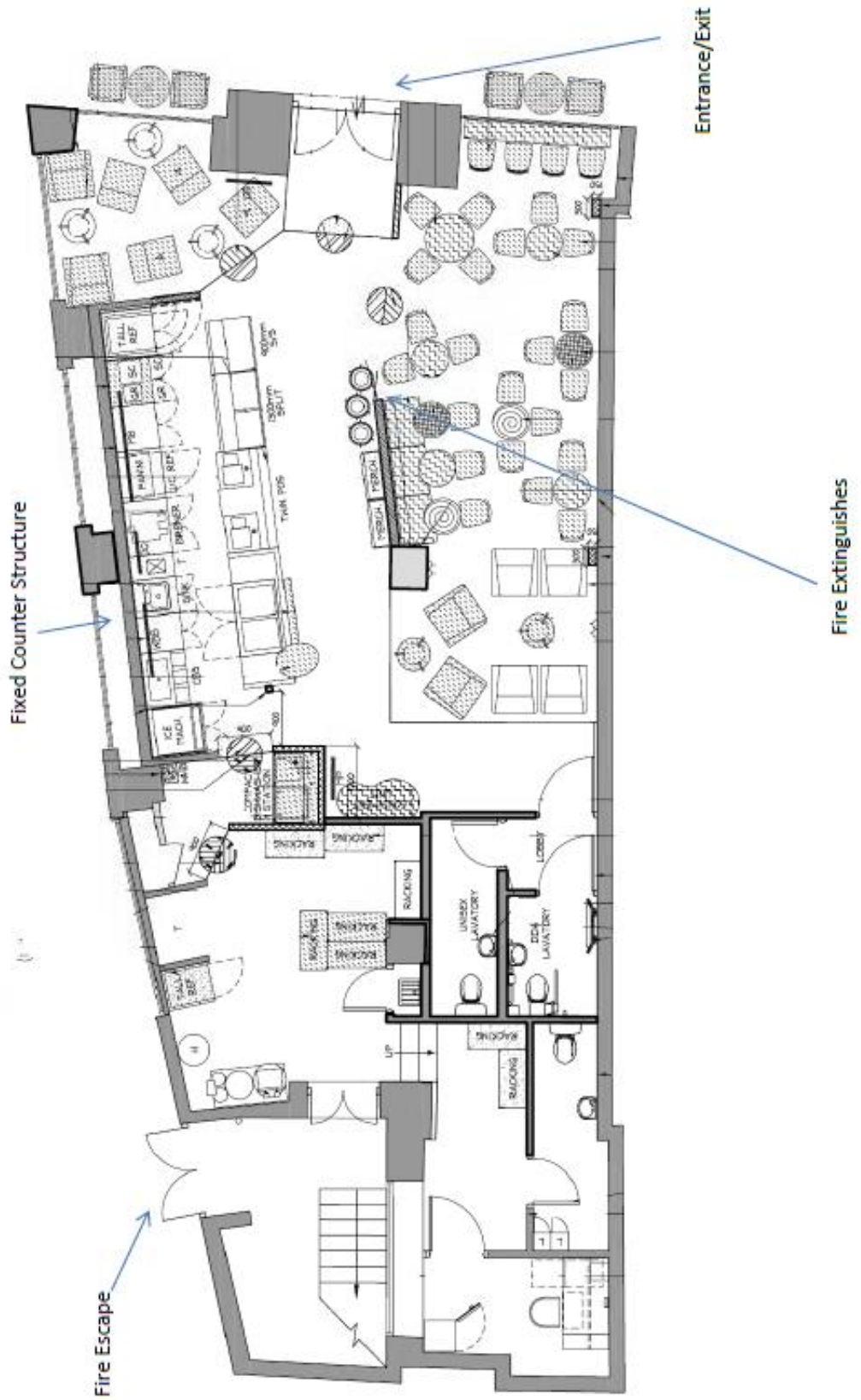
Report author:	Mr Robin Senior Licensing Officer (Street Trading)
Contact:	Telephone: 020 7641 4605 Email: rgrey@westminster.gov.uk

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

Background Documents – Local Government (Access to Information) Act 1972		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application for a premises licence to be granted	21 October 2016
5	Plans of the premises	21 October 2016
6	Representation from Westminster City Council's Environmental Consultation Team	15 November 2016
7	Representation from the Metropolitan Police Service	17 November 2016
8	Representation from The Soho Society	18 November 2016
9	Conditions Proposed by the Metropolitan Police Service	24 November 2016
10	E-mail from Applicant accepting the conditions proposed by the Metropolitan Police Service	07 December 2016
11	Conditions Proposed by Westminster City Council's Environmental Health Consultation Team	08 December 2016
12	Decision of the Licensing Sub-Committee No. 2 of 31 May 2012 that granted a premises licence in respect of the premises for the period 01 July 2012 to 30 September 2012.	31 May 2012
13	Premises Licence that had effect for the period 01 July 2012 to 30 September 2012.	20 July 2012



TM 60-66 Wardour Street Floor Plan



Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

Application	Details of Application / Notice	Date Determined	Decision
12/02238/LIPN	New premises licence effective for the period 01/07/12 to 30/09/12	31/05/12	Granted by a Sub-Committee

Appendix 4

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

None

Conditions consistent with the operating schedule

1. **The prevention of crime and disorder**
The store work closely with the company partners and Asset Protection to identify and minimise risks to the partners and the public. The store itself has monitored CCTV.
2. **Public safety**
In addition to the security mentioned above, the company promotes a minimum number of staff on shift at all times to enhance public safety.
3. **The prevention of public nuisance**
In addition to the measures described in promoting the second licensing objective, our view is that our store provides a relaxing environment in which measures of the public can utilise as a haven. Behaviour or anything promoting disturbances or nuisance is not encouraged or tolerated at Starbucks.
4. **The protection of children from harm**
In addition to these measures described in promoting the second licensing objective, our employees are instructed to report any unaccompanied children under the age of 16 to security. Also on every shift a member of staff is likely to administer first aid if necessary.

Conditions proposed by the Police and accepted by the applicant

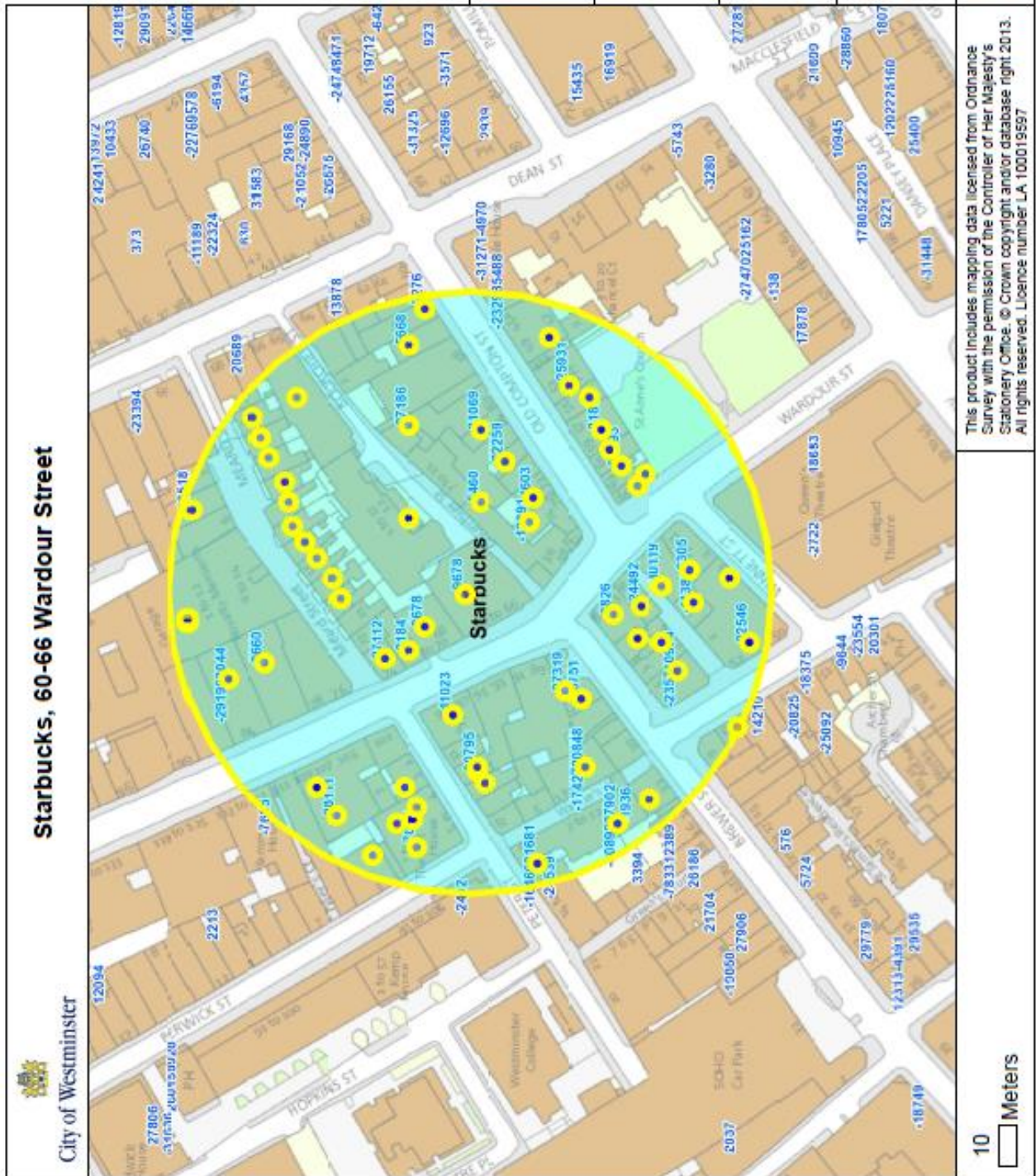
The following conditions were proposed by the police on 24 November 2016 and were accepted by the applicant on 07 December 2016 so now form part of their operating schedule:

5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
8. After midnight there shall be no glass drinkware sold by the premises. At this time, any glass drinkware will be cleared from customer area, once it is no longer in use.
9. There shall be one SIA door supervisor, to be employed on Thursday, Friday and Saturdays from 23:00 hours until the end of licensable hours. The Door Supervisor's SIA licence shall be displayed at all times.
10. Outside tables and chairs shall be removed or rendered unusable by 23:00 hours

Conditions proposed by the Environmental Health

11. The number of persons accommodated at the premises (excluding staff) shall not exceed:
Ground floor 50 persons
12. There shall be no takeaway of hot food or hot drink after 23:00 hours.
13. 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.
14. 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.

15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish including bottles shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.



Residential / Proposed Residential	213
Under Construction	None
Other Uses	None
Proportion Residential of all Uses	None

Data Source: Uniform Database
Date: 30/11/2016

**Premises within 75 metres of: Starbucks, Ground Floor
National House
60-66 Wardour Street**

p / n	Name of Premises	Premises Address	Licensed Hours
3826	O' Bar	83-85 Wardour Street London W1D 6QE	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
-2276	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
30795	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
4603	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Monday to Sunday 10:00 - 00:30
20193	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
27319	Soho Food And News	2 Brewer Street London W1F 0SD	Monday to Sunday 09:00 - 03:00
28111	Banana Tree Restaurants Ltd	103 - 109 Wardour Street London W1F 0UN	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-24492	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-16466	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-13391	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
27112	Bunnychow	74 Wardour Street London W1F 0TE	Sunday 07:30 - 23:00 Monday to Saturday 07:30 - 23:30
-9678	Freedom	Basement And Ground Floor National House 60-66 Wardour Street London W1F 0TA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
13518	Honest Burgers	Basement And Ground Floor 4 Meard Street London W1F 0EF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-2357	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
5460	Jackson + Rye	56 Wardour Street London W1D 4JG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31069	La Polenteria	64 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
31681	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-17427	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30

30848	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-1936	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Monday to Sunday 09:00 - 01:00
3678	MasQMenos	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:00
22259	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Monday to Sunday 00:00 - 00:00
-30119	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
25751	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 01:00
10974	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-10636	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
3183	The House Of Ho Ltd	55-59 Old Compton Street London W1D 6HP	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30
8044	Vapiano	84 - 86 Wardour Street London W1F 0TG	Monday to Thursday 07:00 - 00:30 Sundays before Bank Holidays 07:00 - 00:30 Friday to Saturday 07:00 - 01:30 Sunday 07:00 - 23:30
27186	Balans Restaurant	Ground Floor 60 - 62 Old Compton Street London W1D 4UG	Monday 09:00 - 03:30 Tuesday to Sunday 09:00 - 05:00
-11023	Byron	99 Wardour Street London W1F 0UF	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
-16062	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
8184	Pickle And Toast	72 Wardour Street London W1F 0TD	Friday 07:00 - 00:00 Monday to Wednesday 07:00 - 23:00 Thursday 07:00 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 22:30
-30892	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-7615	Foxcroft & Ginger	3 Berwick Street London W1F 0DR	Friday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00 Saturday 09:00 - 00:00 Sunday 09:00 - 22:30
2660	Wahaca	Ground Floor To First Floor 80-82 Wardour Street London W1F 0UN	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:00
5668	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street London W1D 4UN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-25931	Comptons Of Soho Public House	51 - 53 Old Compton Street London W1D 6HN	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00
-11383	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Sunday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 01:00

27902	The Boulevard Theatre	8 - 9 Walker's Court London W1F 0BY	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Monday to Sunday 09:00 - 22:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
-29199	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Monday 09:00 - 01:30 Tuesday to Wednesday 09:00 - 02:30 Thursday 09:00 - 03:30 Friday to Saturday 09:00 - 04:00 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
6305	Duke Of Wellington	77 Wardour Street London W1D 6QA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22546	Rupert Street Cafe Bar	50 Rupert Street London W1D 6DR	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 - 22:50