

# Licensing Sub-Committee Report

Item No:	
Date:	5 April 2018
Licensing Ref No:	18/01482/LIPN - New Premises Licence
Title of Report:	West End Metro Ground Floor 38 Great Windmill Street London W1D 7LU
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>



<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	02:00	02:00	02:00	02:00	02:00	02:00	02:00

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	06 March 2018
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul> <p>The premises is located within the West End Cumulative Impact area and as such various policy points must be considered, namely CIP1 and OS2.</p> <p>Paragraph 2.5.26 of the Council's Statement of Licensing Policy 2016 states that "the council is concerned that alcohol loading from off licence sales is a significant problem in the West End and adversely affects the licensing objectives". The Licensing Authority acknowledges that the applicant has offered conditions that go some way in mitigating the potential adverse effects on the licensing objectives; however, the applicant must also demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas. Unless the applicant can satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted it will be for Licensing Sub-Committee Members to determine this application given its location within the West End Cumulative Impact area.</p> <p>Please accept this as a formal representation.</p>	

<b>Responsible Authority:</b>	Metropolitan Police Service <b>(Withdrawn)</b>
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	15 March 2018

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.

The venue is situated in the West End Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

An officer from this unit will be in contact with you shortly to discuss the application. However, it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

**Following the agreement of conditions, the Police have withdrawn their representation.**

<b>Responsible Authority:</b>	Environmental Health Service <b>(Withdrawn)</b>
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	15 March 2018

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.

**Following the Applicant's agreement of the conditions proposed by the Police and those offered within the operating schedule, EH have withdrawn their representation.**

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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 CIP1 applies	(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 OS2 applies	Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

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

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

**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	09 February 2018
<b>5</b>	Licensing Authority	06 March 2018
<b>6</b>	Metropolitan Police Service (Withdrawn)	15 March 2018
<b>7</b>	Environmental Health Service (Withdrawn)	15 March 2018

There is no licence or appeal history for the premises.

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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.
- 5(iii). Where the permitted price given by Paragraph 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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**

- 6. All sales of alcohol for consumption off the premises shall be sealed containers only, and shall not be consumed on the premises.
- 7. No licensable activities shall take place at the premises until the premises has been assess
- 8. The promise 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 the police or an authorised officer throughout the preceding 31 day period.
- 9. A staff member staff 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 to the public. This staff member shall be able to show police recent data or footage with the absolute minimum of delay when requested.
- 10. Outside the hours authorised for the sale of alcohol, all alcohol within the trading area to be secured behind locked grilles/ screens or secured behind locked cabinet doors so as to prevent access to the alcohol by both customers and staff save for restocking.

### **Amended condition as requested by the Police**

- 10a.** Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
11. A 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 driving licence, passport or proof of age card with the PASS Hologram.
12. The premise shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder: sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc.) prior to being allowed to sell alcohol.

**Amended condition as requested by Police to replace conditions 11 & 12**

The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.

13. No single cans or bottles of beer, lager cider or spirit mixtures to be sold.

**Amended condition as requested by the Police**

- 13a.** No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

**Conditions proposed by the Police and agreed by the Application to form part of the operating schedule**

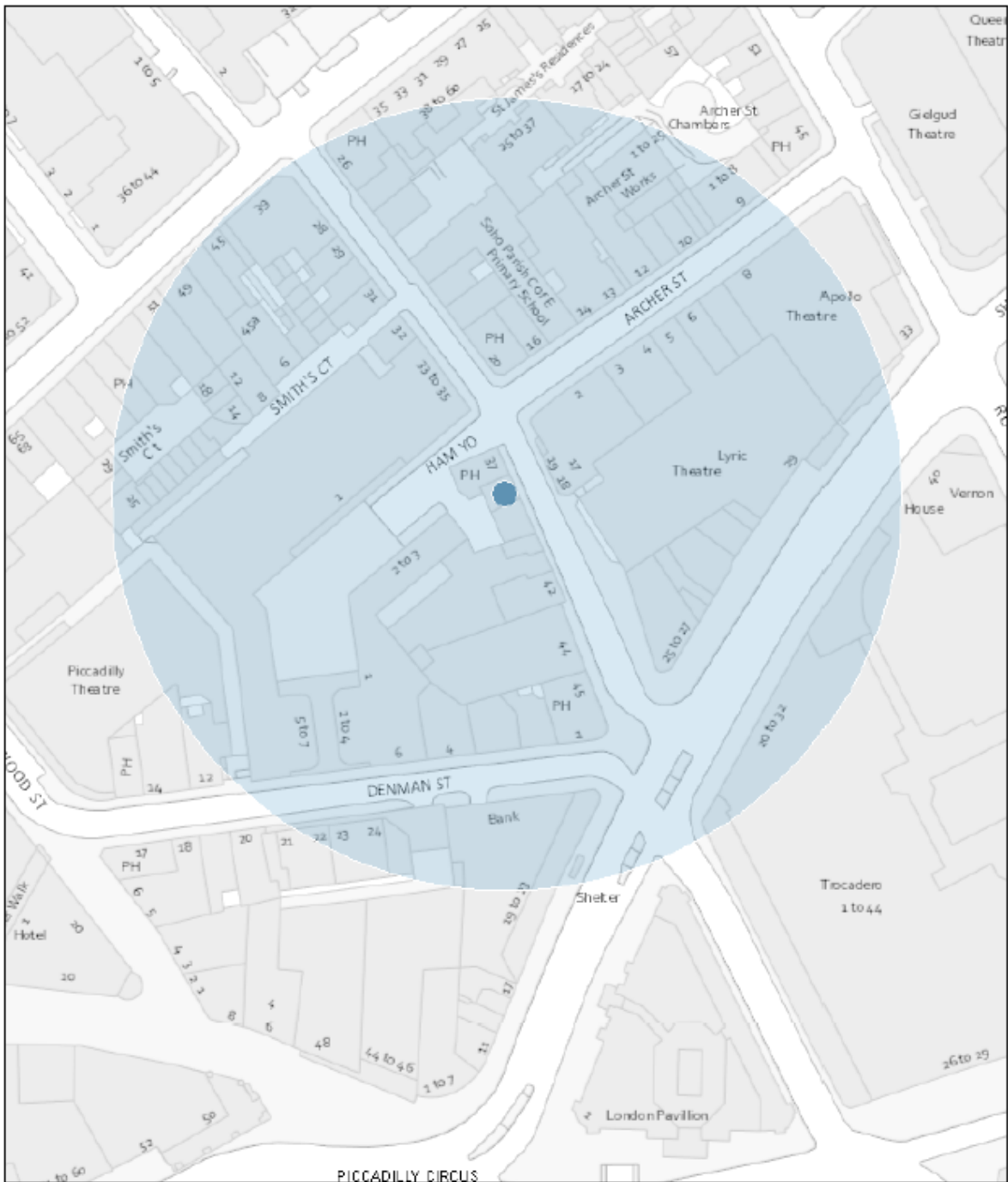
14. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
15. No more than **(15)**% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
16. No miniature bottles of spirits of below 35cl shall be sold from the premises.
17. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
18. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
19. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
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) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

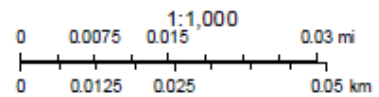
21. On the Day of London Pride:-

- i. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
- ii. The premises will not externally advertise local promotions of alcohol.
- iii. No sales of alcohol in bottles or glass containers are made during this period.
- iv. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.

### West End Metro - 38 Great Windmill Street



March 22, 2018



**Resident Count: 147**

Licence Number	Trading Name	Address	Premises Type	Time Period
14/07220/LIPN	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street London W1D 7LX	Restaurant	Monday to Saturday; 11:00 - 01:00   Sunday; 11:00 - 00:00
14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
09/02935/LIPV	The Windmill	17-19 Great Windmill Street London W1D 7LQ	Night clubs and discos	Monday to Saturday; 09:00 - 05:30   Sunday; 09:00 - 03:00

15/12078/LIPDPS	Engawa	2 Ham Yard London W1D 7DT	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
18/00892/LIPVM	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Hotel, 4+ star or major chain	Not Recorded; XXXX - XXXX
17/00087/LIPT	Sophie's Steakhouse	42 - 44 Great Windmill Street London W1D 7LU	Restaurant	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 23:00
17/15045/LIPDPS	Sophies	42 - 44 Great Windmill Street London W1D 7LU	Restaurant	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 23:00
16/12867/LIPCH	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 10:00 - 22:50

14/01113/LIPDPS	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 23:00   Sundays before Bank Holidays; 09:00 - 00:00
16/03531/LIPVM	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 23:00   Sundays before Bank Holidays; 09:00 - 00:00
08/06982/LIPDPS	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue London W1D 7EG	Theatre	Monday to Sunday; 09:00 - 00:00
17/11682/LIPVM	Shaftesbury Food And Wine	Ground Floor Middle Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Shop	Monday to Sunday; 07:00 - 01:00



16/06157/LIPT	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Restaurant	Monday to Thursday; 05:00 - 00:00   Friday to Saturday; 05:00 - 01:00   Sunday; 05:00 - 23:00
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
11/00199/LIPT	Melati Restaurant	21 Great Windmill Street London W1D 7LB	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

15/09941/LIPVM	St James' Tavern Public House	45 Great Windmill Street London W1D 7NE	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:30   Sundays before Bank Holidays; 07:00 - 00:00
17/09833/LIPCH	Shoryu Soho	2-3 Denman Street London W1D 7HA	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
06/06847/WCCMAP	Chilli Shaker Indian Cuisine	4 Denman Street London W1D 7HD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/02858/LIPVM	Andina	31 Great Windmill Street London W1D 7LP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

17/08789/LIPDPS	Bocca Di Lupo	Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Monday to Saturday; 07:30 - 00:00   Sunday; 11:00 - 23:30
10/10055/LIPRW	Gelupo	7 Archer Street London W1D 7AU	Cafe	Tuesday to Saturday; 11:00 - 01:00   Sunday to Wednesday; 11:00 - 23:00
15/02567/LIPVM	Blacklock	25 Great Windmill Street London W1D 7LH	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 22:30
17/09357/LIPN	Fiorucci	39-43 Brewer Street London W1F 9UD	Shop	Saturday to Sunday; 08:00 - 20:00
17/09581/LIPDPS	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 03:00
12/00344/LIPVM	Golden Nugget Casino	22-32 Shaftesbury Avenue London W1D 7EU	Casino or gambling club	Monday to Saturday; 10:00 - 06:30   Sunday; 12:00 - 06:30

17/10791/LIPDPS	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 03:00
15/06012/LIPCH	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/12672/LIPDPS	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/02730/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
16/07291/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
14/05537/LIPVM	Apollo Theatre	Apollo Theatre 31-33 Shaftesbury Avenue London W1D 7EA	Theatre	Monday to Sunday; 09:00 - 00:00

10/06471/LIPRW	Scoop Fine Italian Gelato	53 Brewer Street London W1F 9UD	Shop	Monday to Sunday; 11:00 - 22:00   Monday to Sunday; 10:00 - 02:00
18/01374/LIPT	The Dog House	23B Shaftesbury Avenue London W1D 7EF	Restaurant	Monday to Saturday; 10:00 - 05:00   Sunday; 12:00 - 05:00
18/01377/LIPT	The Diner	19 Shaftesbury Avenue London W1D 7ED	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:00
17/09836/LIPCH	Japan Centre	19 Shaftesbury Avenue London W1D 7ED	Shop	Monday to Saturday; 08:00 - 23:30   Sunday; 12:00 - 23:00
10/03172/LIPN	Kim's Mart	24-25 Denman Street London W1D 7HS	Shop (large)	Monday to Sunday; 09:00 - 22:00