



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	10 May 2018
Licensing Ref No:	18/02022/LIPV - Premises Licence Variation
Title of Report:	Vapiano 84 - 86 Wardour Street London W1F 0TG
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:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: spring3@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 February 2018		
Applicant:	Vapiano Limited		
Premises:	Vapiano		
Premises address:	84 - 86 Wardour Street London W1F 0TG	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a restaurant.		
Variation description:	<p>According to the application, the variation seeks to:</p> <ol style="list-style-type: none"> 1. Amend conditions 26 and 27 2. To add a condition <p>The varied and added conditions are sought to permit deliveries by companies such as Deliveroo and Uber EATS.</p> <p>The full details of the variation can be found at section 1-D of the report.</p>		
Premises licence history:	The premises has benefitted from a premises licence since 2013. Full details of the premises licence history can be found at Appendix 3 of the report.		
Applicant submissions:	There are no submissions from the Applicant.		
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			Both
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	No change		Basement, Ground and First Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday	23:00	01:00				
Saturday						
Sunday	N/A					
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sunday's before Bank Holidays: 23:00 – 00:00			No change	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	00:00	No change		Basement, Ground and First Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday	11:00	01:00				
Saturday						
Sunday	12:00	23:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sunday's before Bank Holidays: 11:00 – 00:00			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	00:30	No change		Basement, Ground and First Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday	07:00	01:30				
Saturday						
Sunday	07:00	23:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sunday's before Bank Holidays: 11:00 – 00:00				No change	

1-D Conditions being varied, added or removed	
Condition	Proposed variation
Condition 26: There shall be no take away of hot food and hot drinks after 23:00.	Condition 26: There shall be no take away of hot food and hot drinks for immediate consumption after 23:00
Condition 27: There shall be no sales of alcohol for consumption off the premises, save for persons who have dined at the premises.	Condition 27: There shall be no sales of alcohol for consumption off the premises, save for persons who have dined at the premises or are being delivered a substantial table meal to a bona fide address
Add the following condition:	Notwithstanding condition 13, deliveries of alcohol and the provision of late night refreshment (where applicable) shall be permitted to be made from the premises until 23:00 hours on Sundays, 00:00 hours Mondays to Thursdays, 01:00 Fridays to Saturdays and 00:30 on Sundays before bank holidays.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Ms Daisy Gadd
Received:	21 March 2018

I write in relation to the application submitted for a variation of the premises licence for Vapiano, situated at 84-86 Wardour Street.

The variation application being considered seeks to amend conditions 26 and 27 and add an additional condition to permit the sale of alcohol and provision of late night refreshment during the extended hours for delivery services only.

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely PN1, CIP1, FFP2 and HRS1.

The Licensing Authority believes that there is insufficient information contained within the application that sets out how the licensee will reduce the impact of public nuisance from the contracted delivery drivers. The Licensing Authority requires the following additional information to fully consider the likely impact on the Licensing Objectives, specifically public nuisance:

- A) What controls will the licensee have in place to ensure that public nuisance isn't created via the additional hours of operation and the delivery service. The licensee should consider the potential public nuisance caused by the gathering of delivery drivers outside the premises, littering and vehicle noise.
- B) How will the licensee control delivery drivers employed by a third party under the delivery contract if they are found to be causing public nuisance.
- C) What measures will the licensee provide to mitigate any risk of increased public nuisance to residents in the area.

The Licensing Authority are concerned that adding the delivery element to the operation of the premises is likely to cause public nuisance in the local area and will subsequently add to cumulative impact in the cumulative impact areas. Given the use of the area as a commercial and residential locality, the Licensing Authority have further concerns over the operation of a delivery service outside of Westminster's Core Hours Policy and how this operation will promote the licensing objectives. It is for these reasons that we object to this variation application.

Please accept this as a formal representation to this application.

Responsible Authority:	Environmental Health Service
Representative:	Mr Maxwell Koduah
Received:	22 March 2018

I refer to the application for the variation of the Premises Licence for the above mentioned premises. These premises are located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The licensee is seeking to vary their licence to enable the delivery of alcohol and hot food and drink from the premises. To enable this the licensee proposes to amend the licence as follows:

1. To amend condition 26 from:

There shall be no take away of hot food and hot drinks after 23:00

so that it reads:

There shall be no take away of hot food and hot drinks for immediate consumption after 23:00

2. To amend condition 27 from:

There shall be no sales of alcohol for consumption off the premises, save for persons who have dined at the premises

so that it reads:

There shall be no sales of alcohol for consumption off the premises, save for persons who have dined at the premises or are being delivered a substantial table meal to a bona fide address

3. To add the following new condition:

Notwithstanding condition 13, deliveries of alcohol and the provision of late night refreshment (where applicable) shall be permitted to be made from the premises until 23:00 hours on Sundays, 00:00 hours Mondays to Thursdays, 01:00 Fridays to Saturdays and 00:30 on Sundays before bank holidays.

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. To relax take away services of hot food and hot drinks by amending condition 26 may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. To amend condition 27 to allow extended off sale of alcohol via delivery may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
3. To allow extended alcohol supply and the provision of late night refreshment for consumption off the premises via a delivery service may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
4. The use of third party delivery companies may have the likely effect of increasing Public Nuisance, harming children and/or impact Public Safety within the West End Cumulative Impact area.

As applied, the application raises the following concerns:

1. The arrival, departure and congregation of delivery drivers may create public nuisance that may affect those living near the premises.
2. Congestion of the pavement and/or the roadway may impede reasonable access and therefore create a Public nuisance and impact on public safety
3. There are currently ongoing investigation of noise associated with deliveries with premises in the area including these premises and the variation application if granted may add to the current level of public nuisance in the area.
4. The licensee may not be able to control the potential impact of delivery drivers outside their premises as they will be using a third party for the provision of deliveries during the hours specified.
5. The licensee has not provided any information and how it will ensure that the operation of a the delivery from the premises will be controlled to prevent any impact on the licensing objectives
6. There is a need for further information on how the age verification will be undertaken to ensure that those who have ordered alcohol are over 18.
7. What controls will the licensee have in place or contractual agreements with the delivery company that age verification checks will be completed and how we these age verification systems will be monitored to ensure that no one under the age of 18 is sold alcohol.
8. How will the licensee ensure that the person delivering the alcohol will be over the age of 18?

The applicant has provided an additional condition in support of the application but these do not fully address the concerns of Environmental Health and additional conditions may be proposed.

It is my view that there is insufficient information to address the concerns that I have raised above within and accompanying this application. As such if further information is not forthcoming, the granting of this variation as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

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

Further correspondence from EH to Applicant's Agent

Dear Mrs Gayle Marilyn

As you are aware, on 16th April, a meeting was held at above premises in respect of above application. At the meeting, your client, was represented by Vicky O'Neil (head of marketing) and Neil Mccann, from your office. The following issues were discussed at the meeting:

- The proposed hours for delivery shall be cut back to 23:00 hours
- The coverage for delivery will be about 2km radius
- Delivery drivers would wait inside the premises to collect deliveries
- Less likelihood of speculative drivers hanging around the premises as orders are not made directly to drivers
- Delivery companies shall implement Challenge 25 policy
- Drivers will use either push bikes or motor bikes (moped) as cars are not allowed within W1
- Licensee to use terms of contracts & renewal to control conduct of drivers indirectly

Neil promised to confirm the above and other commitments in an operational management plan to be submitted to all interested parties. I am yet to receive the said plan.

Please advise Mark to bring forward the said plan as I need its content to make a decision around my representation.

Please note: At the time that the report was published, the Applicant's Solicitor has not confirmed, in writing, that the application is to be amended as per the discussions at the site meeting between the Licensing Authority, Environmental Health and the Applicants. Therefore, the application should be considered and determined as applied for.

2-B Other Persons	
Name:	Councillor Jonathan Glanz
Address and/or Residents Association:	Westminster City Hall, 5 The Strand WC2N 5HR
Received:	20 March 2018
<p>Dear Annette</p> <p>I am writing in my capacity as West End Ward Councillor in support of concerns expressed by constituents living in Meard Street.</p> <p>I fully support those concerns, and would therefore urge that the Application be refused and/or conditioned in such a way as to address those concerns.</p> <p>I am particularly concerned as to the approach to obtain a License to undertake take-away from the premises, together with the associated disturbance which would be caused by a Deliveroo-type operation from the premises, and would therefore urge you to ensure that no such permission or License is given.</p>	
Received:	20 March 2018
<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 Cumulative Impact 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 2016.</p> <p>Application summary</p> <p><i>The applicant seeks to extend the terminal hour for deliveries of alcohol and the provision of late night refreshment from the premises until 23.00 hours on Sundays, 00.00 hours Mondays-Thursdays, 01.00 Fridays and Saturdays, and 00.30 on Sundays before Bank Holidays, stating that these variations “..are sought to permit deliveries by companies such as Deliveroo and UberEATS.”</i></p>	

The premises are located in the heart of the West End Cumulative Impact Area, close to the junction of Wardour and Meard Streets, where noise levels already breach WHO, EU and Government guidelines. Meard Street – slightly south of Vapiano - is comprised of private domestic residences (with just a few small commercial premises), and on the other side of Vapiano (slightly to the north) are the Soho Lofts, a large residential block at 90 Wardour Street. Opposite Meard Street is Peter Street, which is also highly residential. Already saturated with licensed premises, Wardour Street is one of the busiest local thoroughfares, bisecting Soho between Oxford Street and Shaftesbury Avenue, and there are various residential streets and alleyways branching immediately off the street and in the near vicinity. Given the residential concentration surrounding these premises, we are concerned that the applicant seeks a terminal operating hour each day that directly contravenes Westminster's accepted core hours. Further, the application explicitly states that the terminal hour variations are being applied for to facilitate deliveries of food and drink by professional delivery companies. Given the location, this raises further concerns about continued erosion of residential amenity due to the certain increase in delivery drivers, meaning congestion and parking problems, as well as more noise from motorbikes and drivers later into the night. It should also be noted that pedestrianised Meard Street is already used as a convenient short cut for bikes between Wardour and Dean Streets, and more delivery drivers will inevitably use this route and further exacerbate the problem. The application also seeks to amend existing conditions 26 and 27 to allow off-sales of food and alcohol beyond defined core hours until the proposed terminal hour, stating that hot food and drinks will not be "for immediate consumption". In practice, this is almost impossible to enforce and will lead to consumption nearby, resulting in an increase in rubbish and discarded food in the surrounding environment.

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, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

Please let me know if any proposals are made to amend the application; particularly in respect of the opening hours.

Received: 07 March 2018

We object to this substantial alteration to the licence.

The effect will be to attract even more noisy and polluting motor bikes and traffic to add to that which already affects the immediate vicinity of residential Meard Street late into the night. There will be a cumulative impact due to the parking problems which already affect Wardour Street at all hours.

Delivery bikes (including motor bikes) already regularly use pedestrianised Meard Street as a cut-through between Dean Street and Wardour Street and this change to the licence of a restaurant so near to the junction of Meard Street and Wardour Street would only exacerbate that problem.

Further, as the proposed licence changes would also allow off-sales of alcohol via delivery services for the first time, it will also no doubt significantly increase all the types of nuisance and problems at other times by increasing the demand for Vapiano meal deliveries.

The licence changes also seek to allow late night take-away service of hot food and drink so long as "not for immediate consumption". This is a meaningless and unenforceable restriction which drives a coach and four through existing licence condition 26 and would lead to even more people eating their take-aways in quiet Meard Street which is just around the corner from this restaurant. This type of activity from other restaurants already leads to anti-social behaviour, litter and worse on a nightly basis in Meard Street (and elsewhere) and so should not be allowed.

Received: 13 March 2018

I strongly object to Va Piano's request for extended hours, this will only serve to compound the already stretched late night noise levels (especially in Wardour St) & the concomitant state of the area's rubbish & night soil.stained pavements

Received: 09 March 2018

10:08 PM on 09 Mar 2018 This is a major change re the licence. If it goes ahead, the residential Meard Street on the corner, already under considerable noise pressure, will suffer yet more noise - for the extended hours will attract more and more traffic, into the night.

Meard Street already suffers from motorbikes - although part pedestrianised (bikes and

Motorbikes often ignore that) - with the air pollution as well as noise. With late night take-away - and alcohol - all this will be aggravated, disturbing residents.

Let us not fall for the condition of: not for immediate consumption. Who would be around to enforce that? There would just be more noise, more litter, more rowdy behaviour, more urination in doorways. If you consult complaints to councillors, you would see how much nuisance, from noise to litter; from late deliveries to rowdy behaviour, the street suffers. Please do not add to it.

That is why I - and other residents - strongly object to the proposed changes.

Received:

13 March 2018

Comment:3:34 PM on 13 Mar 2018 Wardour street already has multiple issues relating to nighttime noise, rubbish and congestion. Noise levels in the immediate area of the premises already breach WHO, EU and Government guidelines by WCC own admission. Delivery companies arriving and leaving the premises at the proposed late hour will undoubtedly increase the noise disturbance to local residents. There will be an increase in traffic congestion as result of delivery companies parking illegally as their are no designated parking places for this type of service.

Commercial waste build up is already a noted problem in the area. No provision has been made for where the commercial waste will be stored by the premises overnight. Soho, and particularly Wardour Street have been designated as a high stress zone. Endeavours by commercial establishments to increase their revenues at the expense of the residents right to the peaceful enjoyment of their homes is simply unacceptable.

Received:

13 March 2018

Comment:9:50 AM on 13 Mar 2018 My objection is based on the fact that this part of Soho is a high stress area and as residents we don't benefit and only either deal with and or suffer from the fall out.

By granting this extended license the consequence for residents, particularly on Meard Street as it is a pedestrian street, is that more passers by with food and alcohol cause a nuisance here and litter with rubbish and food waste. Noise is a particular issue for this residential street. Extended licenses cause more problems with noise, hooligan behaviour, drug dealing and use of drugs and the consequence of this. This is serious problem that is not being addressed. Most recently Friday 9th March, I was consistently woken with unacceptable social behaviour 4 times between midnight and 5am including my door bell rung and as well as the rest of the building. When I looked out of my window it was either drunk passers by but more importantly a lot of drug dealing lit by street lights in the middle of the pedestrian road. Groups of dealers and buyer. At one point 10-12 people blazingly dealing.

There are also the delivery food bikes who cut through all the streets in Soho, particularly the pedestrian streets dangerously. When I had a dog until recently, it was only a quick reaction by me that saved her several times.

I have nothing against this restaurant and have eaten there however licensing and extended hours in Soho has to be really looked at and re-thought. it causes most of the socially unacceptable problems daily than any thing else.

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>
Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy RNT2 applies	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
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. 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

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

Report author:	Mrs Shannon Pring Senior Licensing Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Licensing Authority	21 March 2018
5	Environmental Health Service	22 March 2018
6	Representation	20 March 2018
7	Representation	20 March 2018
8	Representation	07 March 2018
9	Representation	09 March 2018
10	Representation	09 March 2018
11	Representation	13 March 2018
12	Representation	13 March 2018

There are no additional submissions from the Applicant.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/03376/LIPN	New premises licence application	11/07/2013	Granted by Licensing Sub-Committee
14/03209/LIPV	Application to vary the premises licence	22/05/2014	Granted under delegated authority
15/02902/LIPDPS	Application to vary the designated premises supervisor	01/05/2015	Granted under delegated authority
15/09269/LIPDPS	Application to vary the designated premises supervisor	24/11/2015	Granted under delegated authority
16/12527/LIPDPS	Application to vary the designated premises supervisor	03/01/2017	Granted under delegated authority
16/13316/LIPDPS	Application to vary the designated premises supervisor	03/01/2017	Granted under delegated authority
18/02022/LIPV	Current application		

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 variation to a 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 shall only operate as a restaurant
- (i) in which customers make their food and drinks orders at a counter to a member of staff or at a table offered by a member of staff
 - (ii) in which all meals and drinks will be consumed whilst customers are seated.
 - (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 (unless disposable crockery is specifically requested by the guest)
 - (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. "
10. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirement to the Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

12. 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 opened to the public. This staff member must be able to show the Police or authorised Council Officer recent data or footage with the absolute minimum of delay when requested.
13. A Challenge 21 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.
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. Notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. 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.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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, which will record the following:
 - (a) all crimes reported at the venue;
 - (b) any complaints received regarding crime and disorder;
 - (c) any incidents of disorder;
 - (d) any faults in the CCTV system;
 - (e) any refusal of the sale of alcohol;
 - (f) any visit by a relevant authority or emergency service.
21. There shall be no self service of alcohol.
22. There shall be no take away of hot food and hot drinks after 23:00.

Proposed amendment:

- 22a.** There shall be no take away of hot food and hot drinks for immediate consumption after 23:00

23. There shall be no sales of alcohol for consumption off the premises, save for persons who have dined at the premises.

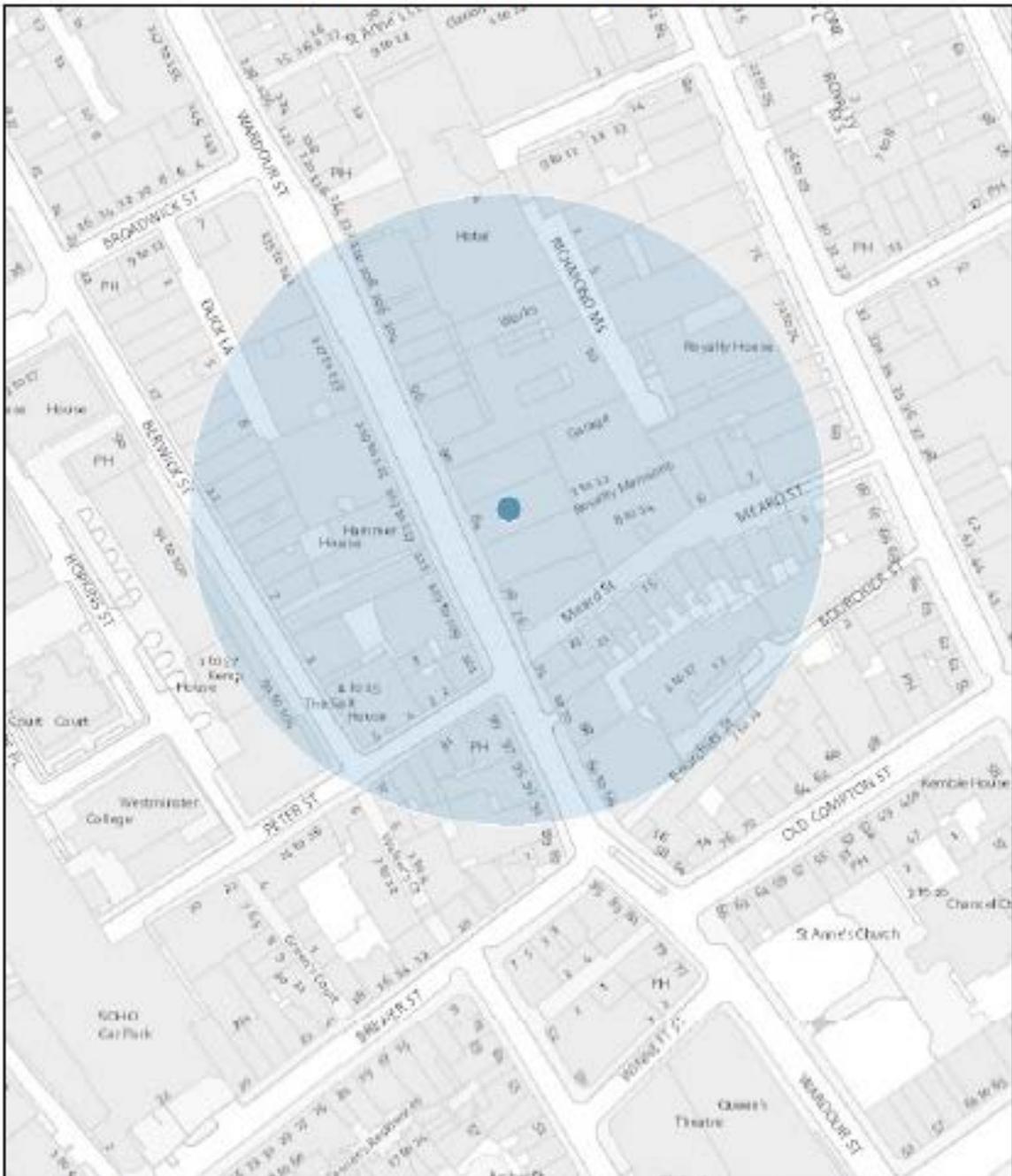
Proposed amendment:

- 23a. There shall be no sales of alcohol for consumption off the premises, save for persons who have dined at the premises or are being delivered a substantial table meal to a bona fide address.
24. The maximum number of persons (excluding staff) within the premises shall not exceed the appropriate number for the Ground Floor and Basement with no more than 240 persons within the premises at any one time or such larger number as may be determined by the Environmental Health Consultation Team.
25. The entrance door and all windows shall be kept closed after 23.00 hours except for the immediate access and egress of persons.#

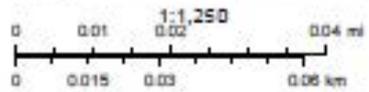
Condition proposed by the Applicant

26. Notwithstanding condition 13, deliveries of alcohol and the provision of late night refreshment (where applicable) shall be permitted to be made from the premises until 23:00 hours on Sundays, 00:00 hours Mondays to Thursdays, 01:00 Fridays to Saturdays and 00:30 on Sundays before bank holidays.

Vapiano - 84-86 Wardour Street



May 1, 2018



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Resident count: 245

Licence Number	Trading Name	Address	Premises Type	Time Period
16/13316/LIPDPS	Vapiano	84 - 86 Wardour Street London W1F 0TG	Restaurant	Monday to Thursday; 07:00 - 00:30 Friday to Saturday; 07:00 - 01:30 Sunday; 07:00 - 23:30 Sundays before Bank Holidays; 07:00 - 00:30
14/03817/LIPVM	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Club or institution	Monday; 09:00 - 01:30 Monday to Saturday; 10:00 - 23:30 Tuesday to Wednesday; 09:00 - 02:30 Thursday; 09:00 - 03:30 Friday to Saturday; 09:00 - 04:00 Sunday; 12:00 - 23:00
16/10195/LIPN	Hummus Bros	88 Wardour Street London W1F 0TH	Restaurant	Monday to Sunday; 08:00 - 22:30
17/02168/LIPDPS	Wahaca	Ground Floor To First Floor 80-82 Wardour Street London W1F 0UN	Restaurant	Monday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
17/01898/LIPVM	Amathus	Hammer House 113- 117 Wardour Street London W1F 0UN	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

17/09516/LIPVM	Amathus	Hammer House 113-117 Wardour Street London W1F 0UN	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
11/11034/LIPDPS	Banana Tree Restaurants Ltd	103 - 109 Wardour Street London W1F 0UN	Restaurant	Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
17/05557/LIPT	(Former 'Bunnychow')	74 Wardour Street London W1F 0TE	Restaurant	Monday to Saturday; 07:30 - 23:30 Sunday; 07:30 - 23:00
14/07563/LIPDPS	Four Seasons	23 Wardour Street London W1D 6PW	Restaurant	Monday to Saturday; 10:00 - 05:00 Sunday; 12:00 - 05:00
16/10215/LIPDPS	Meza - Transfer	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Monday to Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
14/09446/LIPN	Pickle And Toast	72 Wardour Street London W1F 0TD	Cafe	Monday to Wednesday; 07:00 - 23:00 Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
17/01564/LIPV	Honest Burgers	Basement And Ground Floor 4 Meard Street London W1F 0EF	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

16/13973/LIPDPS	MasQMenos	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Cafe	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:00
18/01086/LIPT	Byron	99 Wardour Street London W1F 0UF	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
13/04632/LIPN	Foxcroft & Ginger	3 Berwick Street London W1F 0DR	Cafe	Monday to Thursday; 08:00 - 23:00 Friday; 08:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30
17/09680/LIPCH	Polpetto	11 Berwick Street London W1F 0PL	Restaurant	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30
12/08457/LIPDPS	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/11472/LIPN	Starbucks	Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Thursday; 23:00 - 23:30 Friday to Saturday; 23:00 - 00:00
17/06328/LIPDPS	Freedom	Basement And Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00

17/03770/LIPDPS	Soho Hotel	Soho Hotel 4 Richmond Mews London W1D 3BD	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
16/12850/LIPDPS	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/06448/LICV	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Film and TV studio	Monday to Saturday; 12:00 - 00:00
18/01045/LIPDPS	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Club or institution	Monday to Sunday; 00:00 - 00:00