

Licensing Sub-Committee Report

Item No:	
Date:	28 November 2019
Licensing Ref No:	19/10058/LIPN - New Premises Licence
Title of Report:	35 Riding House Street London W1W 7EA
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 August 2019		
Applicant:	Crudo Cevicheria Ltd		
Premises address:	35 Riding House Street London W1W 7EA	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	According to the application form the premises will trade as a coffee shop		
Premises licence history:	This a new premises licence application and therefore no premises history exists		
Applicant submissions:	The premises have a small seating area for approximately 8-12 people.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	N/A
End:	21:00	21:00	21:00	21:00	21:00	21:00	N/A
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	N/A
End:	21:00	21:00	21:00	21:00	21:00	21:00	N/A
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	1 October 2019 (Withdrawn)
<p>I refer to the application for a new Premises Licence for the above premises. This representation is based on the Operating Schedule and the submitted plans, for the ground floor and the basement both titled with the address and dated 20th September 2018. The applicant is seeking the following on the ground floor and basement:</p> <ol style="list-style-type: none"> 1. To allow the Supply of Alcohol 'on' the premises Monday to Saturday 11:00-21:00 hours. 2. To allow the provision of Recorded Music 'indoors' Monday to Friday 11:00-21:00 hours and Sunday 12:00-21:00 hours. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> 1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety. 2. The provision of Recorded Music may cause an increase in Public Nuisance in the area. <p>The applicant has proposed conditions within the Operating Schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.</p> <p>It is unclear from the layout plan if there is a customer WC available for use. Reference should be made to the British Standard 6465-1:2009 Sanitary Installations if customers are going to dine in the premises. At least 1 WC should be provided, this should have a lobby to ensure good separation from the kitchen and food preparation areas.</p> <p>The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</p> <p>Following agreement of additional conditions, the Environmental Health Service withdrew their representation on 18 November 2019</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	Bryan Lewis
Received:	23 October 2019 (Withdrawn)
<p>Police object to this application, as it may not promote the licensing objectives, namely the prevention of crime and disorder for the following reasons:</p> <p>Insufficient steps provided to prevent crime and disorder. I will propose some conditions to go on the licence, for example CCTV and email them to you.</p> <p>Following agreement of additional conditions, the Metropolitan Police Service withdrew their representation on 8 November 2019</p>	

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	23 October 2019

I am writing to provide comments on the licensing application submitted under Reference no :
19/10058/LIPN

Applicant - Crudo Cevicheria Ltd of 35 Riding House Street, London W1W 7EA

I have tried to do online comments but there appear to be problems with the IDOX application. Given the impending deadline (23 October), I am submitting my comments by email but will continue to try and submit online if the facility to do so reopens.

[REDACTED], and the front door of our building is right next door to the Applicant's site. We have different addresses as we are on a corner. (The two buildings were subject to a Party Wall agreement when 35 Riding House Street was recently redeveloped.) For reference, [REDACTED] contains four residential flats. The Applicant's premises are very small indeed and are sandwiched by residential buildings on all sides being as it is on the ground floor of a residential building.

Whilst I am writing solely on my own behalf, I understand that the Applicant has not reached out to the residents in our residential building regarding the plans despite the immediate proximity of the Applicant's site. This is in marked contrast to the licensee (recently retired) of the Kings Arms pub - opposite our front door - who regularly interacted with residents as to plans/activities etc.

As such, we have no idea how the Applicant plans to ensure that our front door area (directly adjacent to the Applicants - a matter of a few feet away) is not blocked or congested by persons who are frequenting/drinking in the Applicant's establishment/outside of it or indeed how their customers' drink containers/ glasses that are left in the vicinity will be dealt with - leaving me extremely worried about access to our building and the cleanliness of the area outside the front door.

Given that the Applicants premises is tiny in comparison with local pubs (with barely a handful of seats and very little standing room for drinkers in addition to those actually eating in the site, given the primary function of the site as a food location), there is a serious concern about drinkers regularly being outside the Applicants site most likely in the warmer months but conceivably all year round given the size of the Applicant's premises - creating noise and a nuisance for the neighbors - such as me - on an extremely narrow pavement and with major litter concerns.

We have no idea what safeguards the Applicant will be instituting to ensure that :

- their customers will not congregate outside our front door thereby blocking access to our front door and causing huge inconvenience and danger to our only fire exit;
- the rubbish left by their customers will be cleared away : we already have major litter and rubbish problems after the Council withdrew bins; &

- their policies to deal with anti-social behavior and noise from their drinking customers

This is a cause of major concern and clearly needs to be reflected in the licence application and in any conditions that may be imposed on the Applicant. The pub opposite has always ensured that issues have not arisen even though they are further away from the front door.

In addition to the above, there needs to be clear conditions on how noise levels will be monitored/controlled and how after-hours drinkers will be dealt with by the Applicant so as to minimise nuisance to the residents living next door and indeed living on top of the Applicant's premises.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	22 October 29019

Whilst not an outright objection, any licence permitted should have restrictions that are considerate of the densely populated residential neighbourhood in which the premises is located - surrounded on all sides by blocks of flats. This area has endured increasing noise and disturbance from licensed premises over recent years.

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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy RNT1 applies	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

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	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

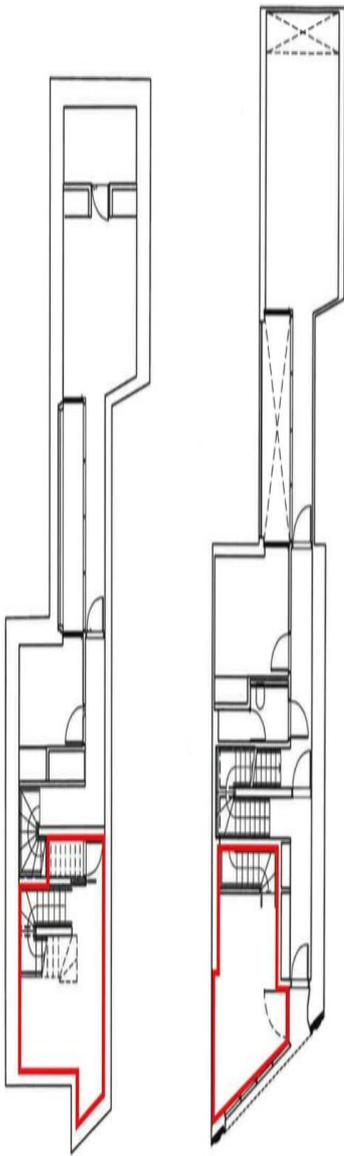
Report author:	Kevin Jackman Senior Licensing Officer
Contact:	Telephone: 0207 641 8094 Email: kjackamn@westminster.gov.uk

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

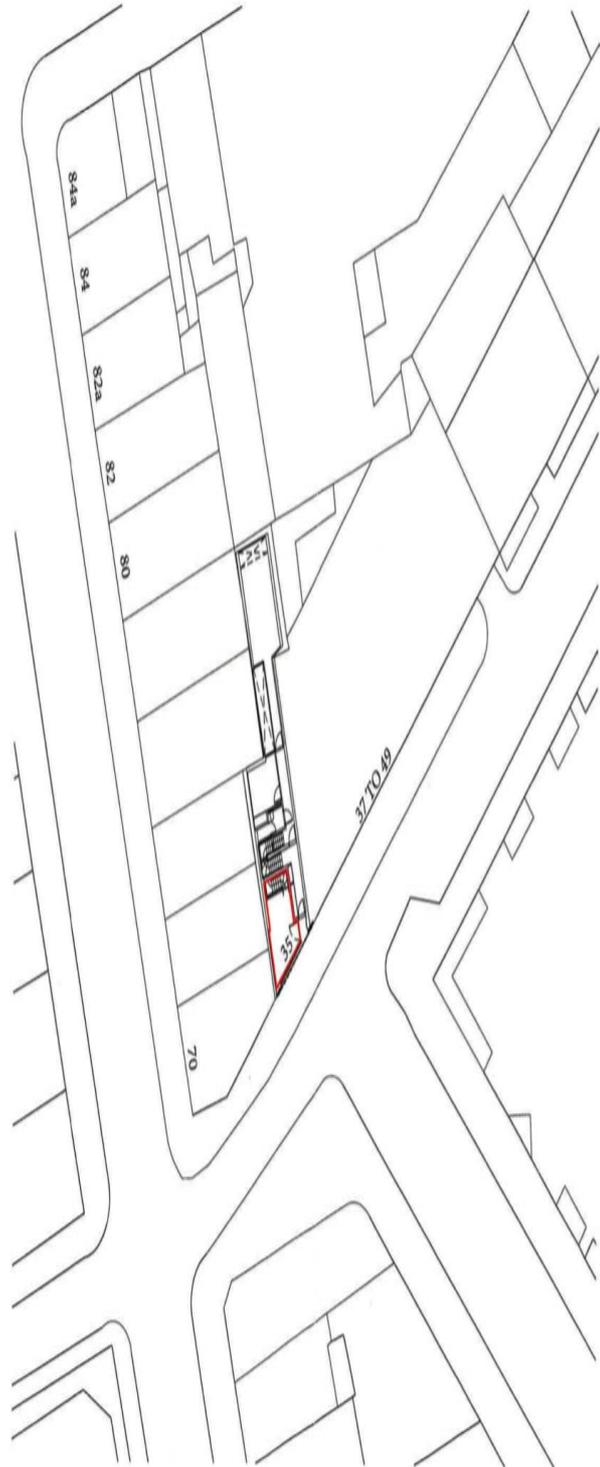
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service Representation	1 October 2019 (withdrawn 1 November 2019)
5	Metropolitan Police Service Representation	23 October 2019 (withdrawn 8 November 2019)
6	Interested Party Representation (1)	23 October 2019
7	Interested Party Representation (2)	22 October 2019

COMMERCIAL UNIT
35 RIDING HOUSE STREET
LONDON W1
SCALE 1:200
A4 PAPER SIZE



BASEMENT

GROUND FLOOR



Dave

Applicant Supporting Documents

Appendix 2

None submitted

Premises History

Appendix 3

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The number of seated persons inside the premises (excluding staff) shall not exceed 15.

10. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
12. 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.
13. 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.
14. 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.
15. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as an eatery selling ceviche, and/or other South American specialities.
16. There shall be no self-service of alcohol.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. The premises licence holder shall ensure that patrons or staff do not congregate outside nor obstruct the entrance to 70 Great Titchfield Street in any way

Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule

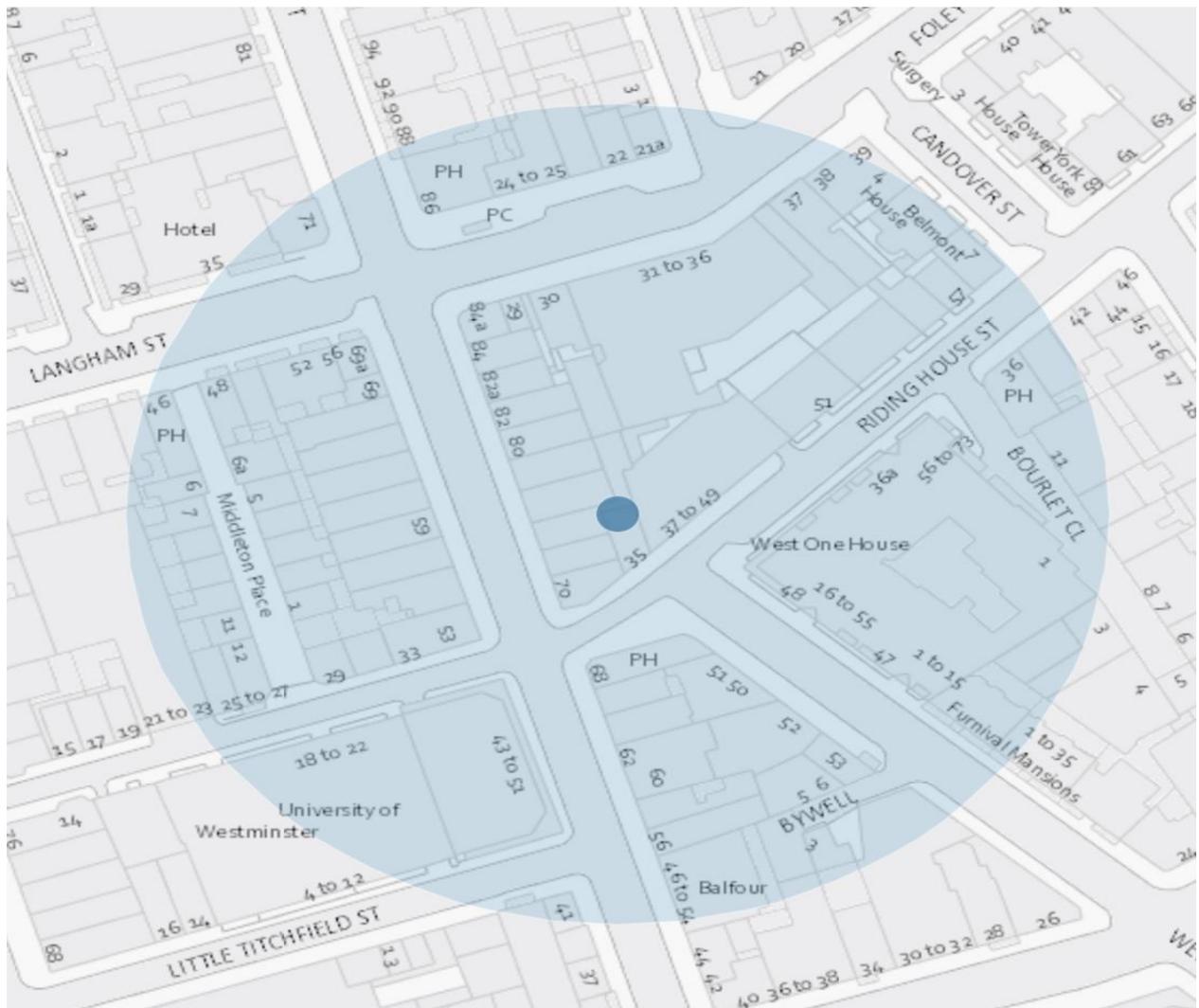
21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
22. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff

member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested

23. Patrons permitted to temporarily leave and then re-enter the premises eg to smoke shall not be permitted to take drinks or glass containers with them
24. 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 a driving licence, passport or proof of age card with the PASS Hologram
25. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. any faults in the CCTV system
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.

Conditions proposed by the Environmental Health

Conditions proposed by Environmental Health have been incorporated into conditions 9 to 20 above.



Resident count: 295

Licensed premises within 75 metres of 35 Riding Street, W1

Licence Number	Trading Name	Address	Premises Type	Time Period
18/13407/LIPVM	Meraki	80 - 82 Great Titchfield Street London W1W 7QT	Restaurant	Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Saturday; 10:00 - 01:30 Sunday; 10:00 - 00:30
19/12710/LIPDPS	The King's Arms	68 Great Titchfield	Public house or pub restaurant	Monday to Saturday;

		Street London W1W 7QL		10:00 - 23:30 Sunday; 12:00 - 23:00
16/09925/LIPCH	Scandinavian Kitchen	Basement And Ground Floor 61 Great Titchfield Street London W1W 7PP	Restaurant	Monday to Sunday; 08:00 - 23:00
06/06474/WCCMAP	Sergio's	84-84A Great Titchfield Street London W1W 7QY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/05536/LIPCH	Mac And Wild	Ground Floor 65 Great Titchfield Street London W1W 7PS	Restaurant	Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:30 Sundays before Bank Holidays; 09:00 - 00:30
12/07336/LIPN	The Sweet Spot	60 Great Titchfield Street London	Restaurant	Monday to Sunday; 06:00 - 23:00
17/05643/LIPDPS	Homeslice	Basement And Ground Floor 52 Wells Street London W1T 3PR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/14262/LIPDPS	Riding House Cafe	43 Great Titchfield Street London W1W 7PQ	Restaurant	Monday to Thursday; 09:30 - 00:00 Friday to Saturday; 09:30 - 01:00 Sunday; 12:00 - 23:30 Sundays before Bank Holidays; 12:00 - 00:00

19/11012/LIPVM	Green Man Public House	Green Man 36 Riding House Street London W1W 7EP	Public house or pub restaurant	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 23:30 Saturday; 07:00 - 23:30 Sunday; 07:00 - 22:50
19/03209/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
13/10063/LIPDPS	West One News Ltd	Ground Floor 24-25 Foley Street London W1W 6DX	Shop	Monday to Sunday; 00:00 - 00:00
17/12454/LIPN	Not Recorded	Ground Floor 24-25 Foley Street London W1W 6DX	Restaurant	Monday to Friday; 07:00 - 22:00
19/06582/LIPDPS	Foleys Restaurant	23 Foley Street London W1W 6DU	Restaurant	Monday to Sunday; 12:00 - 23:00
19/00924/PREAPM	Not Recorded	38 Foley Street London W1W 7TW	Not Recorded	
19/09563/LIPDPS	Crown & Sceptre Public House	86 Great Titchfield Street London W1W 6SD	Public house or pub restaurant	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00
06/06856/WCCMAP	Harris Delicatessen	41 Great Titchfield Street London W1W 7PG	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/01364/LIPV	Bonnie Gull	Basement And Ground Floor 21A Foley Street London W1W 6DR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 00:00