



Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Kin Cafe
Basement And Ground Floor
22 Foley Street
London
W1W 6DT

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Jessica Donovan
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: Jdonovan@westminster.gov.uk

1. Application

1-A	Applicant and premises			
Application Type:		New Premises Licence, Licensing Act 2003		
Application received date:		25 November 2020		
Applicant:		Araz Farm Feed Ltd		
Premises:		Kin Cafe		
Premises address:		Basement And Ground Floor 22 Foley Street London W1W 6DT	Ward:	West End
			Cumulative Impact Area:	None
			Special Consideration Zone:	None
Premises description:		This is an application for a new premises licence which intends to operate as a restaurant.		
Premises licence history:		The premises had the benefit of a premises licence from 2009 to 2012 in which it was surrendered.		
Applicant submissions:		Following Environmental Health's further submissions, the applicant has provided a response addressing the new policy. This can be found at Appendix 2 .		
Application amendments:		During consultation with the Metropolitan Police, the applicant agreed to reduce their hours for the sale of Alcohol on Sundays to 12:00 to 22:30. The applicant has also reduced the opening hours on Sundays to 10:00 to 23:00.		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:30	22:30	22:30	22:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	00:00	00:00	23:00
Seasonal variations/ Non-standard timings:		N/A					

2. Representations

2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	23 December 2020

I refer to the application for a new premises licence for the above premises.

The applicant has submitted a plan of the premises (no reference) showing the ground and basement floors.

The applicant is seeking the following licensable activity:

1. Supply of Alcohol 'On' the premises on Sunday to Thursday 10:00 to 22.30 hours and Friday and Saturday 10.00 to 23.30 hours.

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area.

Environmental Health also makes the following further comments:

- I understand the premises has already been operating as a non-licensed restaurant and a premises history check of Environmental Health records shows no issues with regards to nuisance reported against the premises.
- Conditions and some undertakings have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns. In any case some of the undertakings will need to be converted into enforceable conditions based on the Council's 'model' conditions.
- Before the start of licensable activities the premises will need to be visited by Environmental Health for Public Safety and to check that the submitted plans are an accurate reflection of the premises.
- Clarification is requested if the proposed external licensable area on the ground floor shown on the plans is a private forecourt or on the public highway.
- The provision of sanitary accommodation for any proposed public capacity is recommended to be in line with the guidance set out in British Standard 6465 and separate facilities for staff provided in compliance with guidance to Food Hygiene legislation.

The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a further site visit after which Environmental Health may propose additional conditions for the proposed use.

Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 15 December 2020</i>)
Representative:	PC Adam Deweltz
Received:	04 December 2020

Basement And Ground Floor, 22 Foley Street, London, W1W 6DT - 20/11005/LIPN

I can confirm Westminster Police Licensing have received your application for the above premises.

I have been through the operating schedule and I am very happy with what you have proposed.

There is one thing Police require – Would it be possible to bring the hours for the supply of alcohol on a Sunday back to 12:00 please? Westminster's core hours policy for the supply of alcohol on the premises on Sunday is Midday to 22:30.

I look forward to hearing from you.

Following an agreement with the applicant to reduce the hours to core hours on Sundays, the Metropolitan Police withdrew their representation on 15 December 2020.

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	19 December 2020		

I am writing in response to the letter received on the 26th of November 2020 regarding the application reference 20/11005/LIPN. Name of applicant: Araz Farm Feed Ltd.

In the licence plan proposed, the licensed premises includes an area outside the front of the premises. Despite their not applying for 'off-sales' this would still mean the applicant would be able to sell alcohol for consumption in this area until the times in the application form unless there is a condition preventing this. The noise caused from this will [REDACTED]
[REDACTED], thus causing a nuisance in our home environment.

In the application Araz Farm Feed Ltd. seeks permission to sell alcohol for consumption on and off the premises between 10am and 10.30pm Sun-Thurs; 10am to 11.30 pm Fri-Sat; and 9am to 10.30pm Sun. The premises opening times would be 7am to 11pm Sun-Thurs, 7am to midnight Fri-Sat each day.

As a resident [REDACTED] the proposed premises location (22 Foley St, Fitzrovia, W1W 6DT) - I, my wife and every other occupant of our building, oppose the application due to the noise that is already experienced from the surrounding hospitality venues until 11.30pm and sometimes 1am at night.

The surrounding area has for long been peaceful and we do not wish for this to change.

When people drink at the nearby venues there is always noise. Keeping bars open late only makes that situation worse. Given that this application will be another venue serving alcohol

until late into the evenings it will bring an excessive amount of disturbance to the surrounding residents, not to mention [REDACTED] the proposed location.

Araz Farm Feed Ltd.

If you would like a further commentary on the rejection of this application, please do reach out.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	02 December 2020		

I am writing in response to the letter received on the 26th of November 2020 regarding the application reference 20/11005/LIPN. Name of applicant: Araz Farm Feed Ltd.

I have made representation regarding the application online via the "make a comment" section of your website. Please also see the below comments.

I oppose the application due to the noise that is already experienced from the surrounding hospitality venues until 11.30pm, sometimes 1am at night.

The surrounding area is actually quite peaceful given that we are in Central London and we do not want this to change. We do already experience a level of noise from the hospitality venues in the area up until 11.30pm at night which has been extended until 1am before the most recent lockdown.

When people drink there is noise and keeping the bars open only make that situation worse.

So given my points above we do not accept the proposed application submitted by Kin as there is enough issues from surround bars already and this is directly [REDACTED].

If you would like further commentary on the rejection of this application, please reach out.

Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 07 January 2021. This application for was applied for on 25 November 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 25 February 2021.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none">1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.5. The proposed hours when any music, including incidental music, will be played.6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.9. The capacity of the premises.10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and
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	<p>sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ul style="list-style-type: none"> • Restaurants <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy RTN1 (A) applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones <p>Policy SCZ1 if the premises are located within a designated zone.</p> <ol style="list-style-type: none"> 4. The application and operation of the venue meeting the definition

	<p>of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol 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 alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

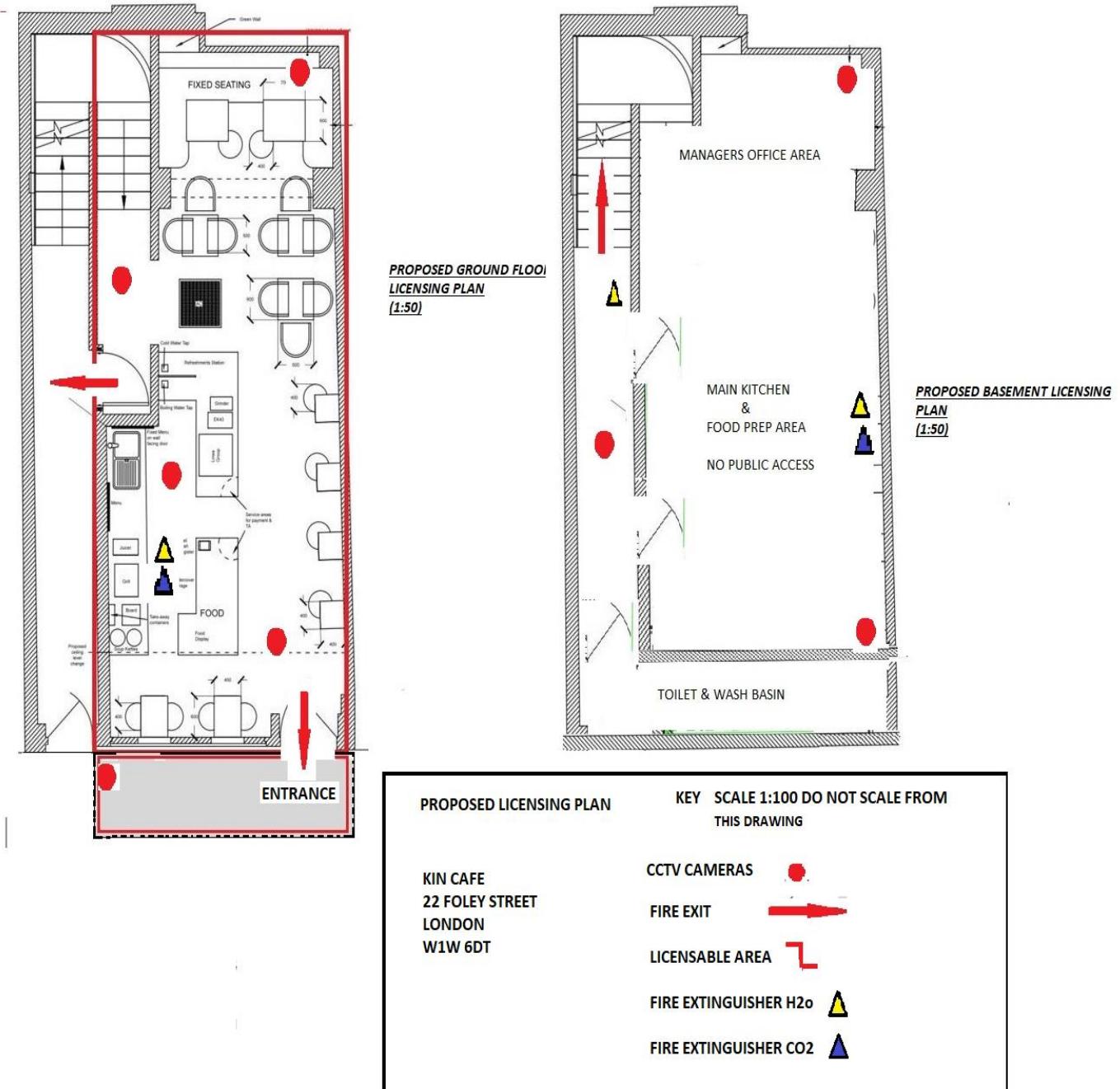
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Response from Resident 2 to the mediation email
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

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

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Representation	23 December 2020
5	Metropolitan Police Representation (<i>Withdrawn 15 December 2020</i>)	04 December 2020
6	Resident representation 1	19 December 2020
7	Resident representation 2	02 December 2020



Correspondence between the Applicant and Environmental Health

From: Noel Samaroo <info.ntad@gmail.com>
Sent: 13 January 2021 13:17
To: Drayan, Anil: WCC <adrayan@westminster.gov.uk>
Subject: Fwd: Application 20/11005/LIPN, Foley Street, 22. (conds). 11.01.21

Dear Anil,

After consulting with the applicant I can confirm that we are in agreement to all of the proposed a conditions.

We are also adding to our staff training.

Guiding principles

1. Understanding and identifying abuse and neglect
2. Physical abuse
3. Emotional abuse
4. Sexual abuse and exploitation
5. Neglect

Taking action

6. Being alert to signs of abuse and neglect.

This training will be fully documented.

Kind regards

Noel Anthony Samaroo
NTAD CONSULTANTS LTD

----- Forwarded message -----

From: **Drayan, Anil: WCC** <adrayan@westminster.gov.uk>
Date: Mon, 11 Jan 2021, 18:05
Subject: Application 20/11005/LIPN, Foley Street, 22. (conds). 11.01.21
To: INFO.NTAD@GMAIL.COM <INFO.NTAD@gmail.com>

Hi Noel

Please find attached my proposals for your application.

Note the advice on the new Policy.

Also I propose 3 additional conditions and have 'tidied up' your proposed conditions.

REFERENCE 20/11005/LIPN

FROM EH Consultation Team, 4th Floor, City Hall
REFERENCE 20/053209/EHCT
BEING DEALT WITH BY Anil Drayan
TELEPHONE / E-MAIL 07931546137 / adrayan@westminster.gov.uk
DATE 11 January 2021

KIN CAFE, BASEMENT AND GROUND FLOOR, 22 FOLEY STREET, LONDON

Further to my representations to this application.

Since the application was made the Council has revised its Statement of Licensing Policy which is available on the Council's website at:

- https://www.westminster.gov.uk/sites/default/files/411_20_wcc_licensing_policy_document_007.pdf

One of the new requirements under the Policy is that all licensed premises must demonstrate compliance with policy CH1 (see page 36). Free training and advice on this can be found at:

- [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What to do if you're worried a child is being abused.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What%20to%20do%20if%20you%20re%20worried%20a%20child%20is%20being%20abused.pdf)

The applicant must confirm how compliance with policy CH1 will be achieved.

Following confirmation that the external area shown on the plans is a private forecourt Environmental Health proposes the following additional conditions to those already proposed in the operating schedule:

- (i) There shall be a maximum of 3 tables and 6 chairs placed on the forecourt immediately outside the premises.
 - (ii) All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
 - (iii) All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

Environmental Health also proposes rewording of the conditions offered in the operating schedule as follows (this includes removal of duplicate conditions):

1. The premises shall only operate as a restaurant;
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (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,
 - (iv) which do not provide any takeaway service of food or drink for immediate

- consumption,
- (v) which do not provide any takeaway service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

2. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall always be available for inspection at the premises by the police or an authorised officer of the Council whilst the premises is open.
4. 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.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
7. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (i) The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - (ii) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - (iii) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (iv) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
8. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system

- (g) any refusal of the sale of alcohol
(h) any visit by a relevant authority or emergency service
9. The DPS will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
 10. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
 11. 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.
 12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of Local Residents and businesses and leave the area quietly.
 13. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
 14. 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.
 15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
 16. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
 17. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 18. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
 19. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25. 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.
 20. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.

Please contact me if you require further advice or clarification on the above.

**Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team**

Regulatory Support Team 2

Regards

Anil

Mr Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team
Regulatory Support Team 2

Dir. Tel : 07931546137
E-mail : adrayan@westminster.gov.uk
Website : www.westminster.gov.uk

Westminster City Council
City Management & Communities
15th Floor
City Hall
64 Victoria Street, London
SW1E 6QP

Response from Resident 2 to the mediation email

Appendix 3

From: [REDACTED]
To: Donovan, Jessica: WCC; [REDACTED]
[REDACTED]

Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Date: 28 January 2021 10:57:41

Attachments: image008.png

Hey Jessica,

We would like to maintain our objection please.

I have copied in the other residents of the building who are also of the same opinion. It's not an issue to have Kin serve alcohol but we do have an issue with the proposed times that they would be trading until as the noise carries in our street and this establishment is [REDACTED]

I trust that you will write to us with the outcome.

Many thanks in advance

From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Sent: 28 January 2021 10:52

To: [REDACTED]

Subject: RE: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hi [REDACTED],

A representation can either be an objection against an application or it could be in support of application. In your case you are objecting to the application.

Based on the information you have been given by the applicant and the information contained in the application please could I ask you to confirm if you wish to maintain objection against the application or would you like to withdraw your objection.

Kind Regards

Jessica Donovan

Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP
Direct line: 07815665265
Contact Centre: 020 7641 6500

Email: jdonovan@westminster.gov.uk

Team E-mail: licensing@westminster.gov.uk

Web: www.westminster.gov.uk

P Before printing, think about the environment

From: [REDACTED]
Sent: 28 January 2021 10:41

To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hey Jessica,

Apologies I do not understand what you mean by representation. Can you explain please.

Thanks

[REDACTED]
From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Sent: 28 January 2021 10:34
To: [REDACTED]
Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hi [REDACTED],

Thank you for your email.

I can confirm that a decision has not been made on this application. Should representations remain the application will be listed for a Licensing Sub-Committee hearing in which the application will be determined by the members of the committee. Please could I ask you to confirm if you wish to maintain or withdraw your representation.

Kind Regards

Jessica Donovan

Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP
Direct line: 07815665265
Contact Centre: 020 7641 6500
Email: Jdonovan@westminster.gov.uk
Team E-mail: licensing@westminster.gov.uk
Web: www.westminster.gov.uk

P Before printing, think about the environment

From: [REDACTED]
Sent: 27 January 2021 11:09
To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hey Jessica,

Thanks for the clarity on the opening hours.

I think that the point has been missed that it is not ideal to have a company trading underneath our living accommodation until that late but if the council are going to approve it, I guess that there is nothing more we can say.

Thanks

From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Sent: 26 January 2021 12:33
To: [REDACTED]
Subject: RE: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hi [REDACTED],

Thank you for your email.

I can confirm that the applicant has agreed to reduce the hours for sale by retail of alcohol on Sundays to 12:00-22:30 (Originally applied for as 10:00-22:30). However their opening hours on Sunday will be 10:00-23:00 (Originally applied for as 07:00-23:00).

Therefore if granted the applicant will be able to sell alcohol until 22:30 and close at 23:00 on Sundays.

The hours for sale of alcohol and the opening hours Monday-Saturday have not been amended by the applicant and will stay as applied for in the application

Sale of Alcohol:

Monday-Thursday: 10:00-22:30
Friday-Saturday- 10:00–23:30
Sunday: 12:00-22:30

Opening Hours:

Monday-Thursday: 07:00-23:00
Friday-Saturday: 07:00-00:00
Sunday: 10:00-23:00

I hope this helps to alleviate your concerns.

Kind Regards

Jessica Donovan

Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP
Direct line: 07815665265
Contact Centre: 020 7641 6500
Email: jdonovan@westminster.gov.uk
Team E-mail: licensing@westminster.gov.uk
Web: www.westminster.gov.uk

P Before printing, think about the environment

From: [REDACTED]
Sent: 25 January 2021 10:42
To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Subject: Fw: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hey Jessica,

Can you clarify the below please as it looks conflicting?

The applicant has also agreed with the Metropolitan Police Service to reduce the hours for sale by retail of alcohol on **Sundays to 12:00-22:30**

The applicant has agreed to reduce their opening hours on a **Sunday to 10:00-23:00**.

Are you suggesting that Kin will be open on a Sunday until 23.00 but need to stop selling alcohol at 22.30? To be honest that is really disappointing to hear that they will be open so late on a Sunday as the noise from downstairs travels up into my flat (they are directly below) and I cannot imagine that people being allowed to stand outside on the street for smoking will keep the noise to a minimum. Noise travels.

During the week can you confirm when they will be allowed to trade until as that information is also missing.

Thanks
[REDACTED]

From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>

Sent: 20 January 2021 14:29

Subject: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Dear Sir/Madam,

Following your representation to the above application. I can confirm that the applicant has now agreed to Environmental Health's proposed conditions (please see attached).

The applicant has also agreed with the Metropolitan Police Service to reduce the hours for sale by retail of alcohol on Sundays to 12:00-22:30.

The applicant has agreed to reduce their opening hours on a Sunday to 10:00-23:00.

The applicant has also proposed the following two conditions:

1. Smokers to be restricted to (4) people at any one time
2. There are to be no drinks taken outside after 22:00 Monday to Sunday.

The applicant has also confirmed that they are also adding the following to their staff training.

Guiding principles

1. Understanding and identifying abuse and neglect
2. Physical abuse
3. Emotional abuse
4. Sexual abuse and exploitation
5. Neglect

Taking action

6. Being alert to signs of abuse and neglect.

This training will be fully documented.

I would be grateful if you could consider the information provided and confirm whether this satisfies your concerns and whether you wish to withdraw your representation.

Kind Regards

Jessica Donovan

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Premises History**Appendix 4**

Application	Details of Application	Date Determined	Decision
09/04415/LIPN	New premises application	28.08.2009	Granted by Licensing Sub-Committee (Licence surrendered 18.12.2012)
09/08583/LIPRW	Removal of a works condition	23.01.2010	Granted Under Delegated Authority

Appendix 5

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. Smokers to be restricted to (4) people at any one time.
10. There are to be no drinks taken outside after 22:00 Monday to Sunday.

Conditions proposed by the Environmental Health Service and agreed with the applicant so as to form part of the operating schedule.

11. The premises shall only operate as a restaurant;
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (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,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
12. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall always be available for inspection at the premises by the police or an authorised officer of the Council whilst the premises is open.
14. 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.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
16. 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.
17. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (i) The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - (ii) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - (iii) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (iv) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

18. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
19. The DPS will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
21. 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.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of Local Residents and businesses and leave the area quietly.
23. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
24. 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.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
26. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
28. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
29. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25. 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.

30. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.
31. There shall be a maximum of 3 tables and 6 chairs placed on the forecourt immediately outside the premises.
32. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

Residential Map and List of Premises in the Vicinity

Appendix 6



Resident count: 481

Licensed premises within 75 Metres of Basement And Ground Floor, 22 Foley Street, London, W1W 6DT

Licence Number	Trading Name	Address	Premises Type	Time Period
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
19/06582/LIPDPS	Foleys Restaurant	23 Foley Street London W1W 6DU	Restaurant	Monday to Sunday; 12:00 - 23:00
17/12454/LIPN	Not Recorded	Ground Floor 24-25 Foley Street London W1W 6DX	Restaurant	Monday to Friday; 07:00 - 22:00
13/10063/LIPDPS	West One News Ltd	Ground Floor 24-25 Foley Street London W1W 6DX	Shop	Monday to Sunday; 00:00 - 00:00
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
06/06474/WCCMAP	Sergio's	84-84A Great Titchfield Street	Restaurant	Monday to Saturday; 10:00 - 00:30

		London W1W 7QY		Sunday; 12:00 - 00:00
19/00924/PREAPM	Not Recorded	38 Foley Street London W1W 7TW	Not Recorded	
19/07803/LIPVM	Bellaria Restaurant	Basement And Ground Floor 71 Great Titchfield Street London W1W 6RB	Cafe	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 23:30 Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
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
19/14252/LIPDPS	The Grange Langham Court Hotel	31-35 Langham Street London W1W 6BU	Hotel, 3 star or under	Monday to Saturday; 10:00 - 00:30 Monday to Sunday; 00:00 - 00:00 Sunday; 12:00 - 00:00
20/08757/LIPDPS	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