

# Licensing Sub-Committee Report

|                    |  |
|--------------------|--|
| Item No:           |  |
| Date:              | 5 August 2021  |
| Licensing Ref No:  | 21/01359/LIPV - Premises Licence Variation                   |
| Title of Report:   | 66-68 Brewer Street<br>London<br>W1F 9TP                     |
| Report of:         | Director of Public Protection and Licensing                  |
| Wards involved:    | West End   |
| Policy context:    | City of Westminster Statement of Licensing Policy            |
| Financial summary: | None   |
| Report Author:     | Miss Karyn Abbott<br>Senior Licensing Officer                |
| Contact details    | Telephone: 07866 019698<br>Email: kabbott@westminster.gov.uk |

## 1. Application

|                                   |  |                                    |          |
|-----------------------------------|--|------------------------------------|----------|
| <b>1-A Applicant and premises</b> |  |                                    |          |
| <b>Application Type:</b>          | Variation of a Premises Licence, Licensing Act 2003  |                                    |          |
| <b>Application received date:</b> | 25 February 2021   |                                    |          |
| <b>Applicant:</b>                 | EI Pastor Limited  |                                    |          |
| <b>Premises address:</b>          | 66-68 Brewer Street<br>London<br>W1F 9TP   | <b>Ward:</b>                       | West End |
|                                   |  | <b>Cumulative Impact Area:</b>     | West End |
|                                   |  | <b>Special Consideration Zone:</b> | None     |
| <b>Premises description:</b>      | The premises is currently operating as a restaurant.   |                                    |          |
| <b>Variation description:</b>     | <p>This variation application seeks to permit the following:</p> <p>To update the plans with minor changes and to vary conditions as follows. Proposed Plans can be found at <b>Appendix 1</b>.</p> <p>Vary condition 10 from</p> <p>10. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.</p> <p>To</p> <p>10. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal. Save in the areas shaded pink on the plans where intoxicating liquor may be sold or supplied without a full table meal to seated customers.</p> <p>Vary condition 15 from</p> <p>15. In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request.</p> <p>To</p> <p>15. In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions or where customers are seated in the area shaded pink on the plans. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request.</p> |                                    |          |

|                                  |   |
|----------------------------------|---|
|                                  | <p>Delete condition 20 as this is covered by the mandatory conditions</p> <p>20. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.</p> <p>Condition 23 becomes condition 22 and vary from</p> <p>23. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 83 persons; Basement 50 persons.</p> <p>To</p> <p>22. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 90 persons; Basement 60 persons.</p> |
| <b>Premises licence history:</b> | <p>The premises has had the benefit of a premises licence since August 2020. The current premises (21/00761/LIPDPS) licence can be viewed at <b>Appendix 3</b> of this report.</p> <p>The premises previously had the benefit of a further licence which lapsed in 2020. The licence history can be found at <b>Appendix 4</b>.</p>   |
| <b>Applicant submissions:</b>    | None  |
| <b>Applicant amendments:</b>     | Conditions have been agreed during the consultation period with Metropolitan Police Service and these conditions can be found at <b>Appendix 5</b> .  |

| 1-B Current and proposed licensable activities, areas and hours |               |       |                |      |                 |           |
|---|---------------|-------|----------------|------|-----------------|-----------|
| Late night refreshment - Basement                               |               |       |                |      |                 |           |
| Indoors, outdoors or both                                       |               |       | Current :      |      |                 | Proposed: |
|   |               |       | Both           |      |                 | No Change |
|   |               |       |                |      |                 |           |
|   | Current Hours |       | Proposed Hours |      | Licensable Area |           |
|   | Start:        | End:  | Start:         | End: | Current:        | Proposed: |
| Monday  | 23:00         | 01:00 | No Change      |      | Basement        | No Change |
| Tuesday   | 23:00         | 01:00 |                |      |                 |           |
| Wednesday   | 23:00         | 01:00 |                |      |                 |           |
| Thursday  | 23:00         | 01:00 |                |      |                 |           |
| Friday  | 23:00         | 01:00 |                |      |                 |           |
| Saturday  | 23:00         | 01:00 |                |      |                 |           |
| Sunday  | 23:00         | 00:00 |                |      |                 |           |
| Seasonal variations/<br>Non-standard timings:                   | Current:      |       |                |      | Proposed:       |           |
|   | None          |       |                |      | No Change       |           |
|   | None          |       |                |      | No Change       |           |

| Late night refreshment – <b>Ground Floor</b>  |               |       |                |      |                 |           |
|---|---------------|-------|----------------|------|-----------------|-----------|
| Indoors, outdoors or both                     |               |       | Current :      |      |                 | Proposed: |
|   |               |       | Both           |      |                 | No Change |
|   | Current Hours |       | Proposed Hours |      | Licensable Area |           |
|   | Start:        | End:  | Start:         | End: | Current:        | Proposed: |
| Monday  | 23:00         | 00:30 | No Change      |      | Ground Floor    | No Change |
| Tuesday                                       | 23:00         | 00:30 |                |      |                 |           |
| Wednesday                                     | 23:00         | 00:30 |                |      |                 |           |
| Thursday                                      | 23:00         | 00:30 |                |      |                 |           |
| Friday  | 23:00         | 00:30 |                |      |                 |           |
| Saturday                                      | 23:00         | 00:30 |                |      |                 |           |
| Sunday  | 23:00         | 00:00 |                |      |                 |           |
| Seasonal variations/<br>Non-standard timings: | Current:      |       |                |      | Proposed:       |           |
|   | None          |       |                |      | No Change       |           |
|   | None          |       |                |      | No Change       |           |

| Sale by Retail of Alcohol - Basement          |               |       |                |      |                 |            |
|---|---------------|-------|----------------|------|-----------------|------------|
| On or off sales                               |               |       | Current :      |      |                 | Proposed:  |
|   |               |       | Both           |      |                 | No Change  |
|   | Current Hours |       | Proposed Hours |      | Licensable Area |            |
|   | Start:        | End:  | Start:         | End: | Current:        | Proposed:  |
| Monday  | 07:00         | 01:00 | No Change      |      | Basement        | No Changed |
| Tuesday                                       | 07:00         | 01:00 |                |      |                 |            |
| Wednesday                                     | 07:00         | 01:00 |                |      |                 |            |
| Thursday                                      | 07:00         | 01:00 |                |      |                 |            |
| Friday  | 07:00         | 01:00 |                |      |                 |            |
| Saturday                                      | 07:00         | 01:00 |                |      |                 |            |
| Sunday  | 07:00         | 23:30 |                |      |                 |            |
| Seasonal variations/<br>Non-standard timings: | Current:      |       |                |      | Proposed:       |            |
|   | None          |       |                |      | No Change       |            |
|   | None          |       |                |      | No Change       |            |

| Sale by Retail of Alcohol – Ground Floor |               |       |                |      |                 |           |
|--|---------------|-------|----------------|------|-----------------|-----------|
| On or off sales                          |               |       | Current :      |      |                 | Proposed: |
|  |               |       | Both           |      |                 | No Change |
|  | Current Hours |       | Proposed Hours |      | Licensable Area |           |
|  | Start:        | End:  | Start:         | End: | Current:        | Proposed: |
| Monday                                   | 07:00         | 00:00 | No Change      |      | Ground Floor    | No Change |
| Tuesday                                  | 07:00         | 00:00 |                |      |                 |           |
| Wednesday                                | 07:00         | 00:00 |                |      |                 |           |
| Thursday                                 | 07:00         | 00:00 |                |      |                 |           |
| Friday                                   | 07:00         | 00:00 |                |      |                 |           |
| Saturday                                 | 07:00         | 00:00 |                |      |                 |           |
| Sunday                                   | 07:00         | 23:30 |                |      |                 |           |
| Seasonal variations/<br>Non-standard     | Current:      |       |                |      | Proposed:       |           |
|  | None          |       |                |      | No Change       |           |
|  | None          |       |                |      | No Change       |           |

|                 |  |  |
|-----------------|--|--|
| <b>timings:</b> |  |  |
|-----------------|--|--|

| Hours premises are open to the public         |               |       |                |      |                           |                           |
|---|---------------|-------|----------------|------|---------------------------|---------------------------|
|   | Current Hours |       | Proposed Hours |      | Premises Area             |                           |
|   | Start:        | End:  | Start:         | End: | Current:                  | Proposed:                 |
| Monday  | 07:00         | 01:00 | No Change      |      | Basement and Ground Floor | Basement and Ground Floor |
| Tuesday                                       | 07:00         | 01:00 |                |      |                           |                           |
| Wednesday                                     | 07:00         | 01:00 |                |      |                           |                           |
| Thursday                                      | 07:00         | 01:00 |                |      |                           |                           |
| Friday  | 07:00         | 01:00 |                |      |                           |                           |
| Saturday                                      | 07:00         | 01:00 |                |      |                           |                           |
| Sunday  | 07:00         | 01:00 |                |      |                           |                           |
| Seasonal variations/<br>Non-standard timings: | Current:      |       |                |      | Proposed:                 |                           |
|   | None          |       |                |      | No Change                 |                           |
|   | None          |       |                |      | No Change                 |                           |

| <b>1-C      Layout alteration</b>  |
|--|
| Ground Floor- General furniture re-arrangement, mostly loose furniture and some banquettes. 50% reduction in bar stools. |
| Basement – General furniture re-arrangement.   |

| 1-D Conditions being varied  |   |
|--|---|
| Condition  | Proposed variation  |
| 10. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.   | 10. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal. Save in the areas shaded pink on the plans where intoxicating liquor may be sold or supplied without a full table meal to seated customers.  |
| 15. In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request. | 15. In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions or where customers are seated in the area shaded pink on the plans. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request. |
| 23. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 83 persons; Basement 50 persons.   | 22. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 90 persons; Basement 60 persons.  |

| Conditions being removed  |                   |                    |
|---|-------------------|--------------------|
| Condition   |                   |                    |
| 20. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises. |                   |                    |
| Adult entertainment:  | Current position: | Proposed position: |
|   | None              | No Change          |

## 2. Representations

| 2-A Responsible Authorities   |   |
|---|---|
| <b>Responsible Authority:</b>   | Metropolitan Police Service   |
| <b>Representative:</b>  | PC Nicole Sondh   |
| <b>Received:</b>  | 4 <sup>th</sup> March 2021 ( <b>Withdrawn 1<sup>st</sup> April 2021</b> ) |
| <p><b>RE: Variation of Premises Licence – El Pastor, 66-68 Brewer Street, W1F 9TP</b></p> <p>I am writing with reference to the above application for which I am in receipt of.</p> <p>The applicant is looking to vary both the floor plans of the premises and also amend some of the conditions within the licence.</p> <p>With regards to the change in conditions where it has been applied to serve alcohol to those seated within in the pink area without taking a table meal are you able to clarify the following;</p> <ol style="list-style-type: none"> <li>1. How will those seated within this area be managed, I note that these seats located at the bar?</li> <li>2. Are people able to attend the premises primarily to drink or will the bar area be used for people to drink prior to being shown to their table to have a meal?</li> <li>3. Will there be a last entry time for use of the bar area?</li> </ol> <p>If the latter of question 2 is not the case then you would be operating as a bar as well as a restaurant and so it would be prudent for condition 20 to remain on the licence. This is not covered by the mandatory conditions.</p> <p>In addition to this given that the applicant is applying for the ancillary condition to be removed for the sale of alcohol in certain areas and also that the premises is located in the Cumulative Impact Zone with the ability to sell alcohol beyond core hours has the applicant considered the employment of security staff at the venue? This would allay some concerns in relation to the impact these changes may have on the licensing objective in the Prevention of Crime and Disorder.</p> <p><b>Conditions agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 1<sup>st</sup> April 2021. The agreed conditions can be found at Appendix 5.</b></p> |   |

|                               |  |
|-------------------------------|--|
| <b>Responsible Authority:</b> | Environmental Health Service   |
| <b>Representative:</b>        | Sally Fabbricatore   |
| <b>Received:</b>              | 23 <sup>rd</sup> March 2021 ( <b>Withdrawn 1<sup>st</sup> April 2021</b> ) |

I refer to the application for a variation application for the above premises. The premises already benefits from licence 21/00761/LIPDPS.

**The premises are situated in the West End Cumulative Impact Zone as stated in City of Westminster's Statement of Licensing Policy.**

The applicant has submitted a layout plan for the ground floor and basement, drawing number 4411\_07\_02 rev B and 4411\_07\_01 respectively and both dated Nov 20.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities on the **ground floor and basement**:

1. To update the plans attaching to the premises licence with minor changes.
2. To vary certain conditions as follows;
  - **Condition 10** from: *Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.* To: *Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal. Save in the areas shaded pink on the plans where intoxicating liquor may be sold or supplied without a full table meal to seated customers.*
  - **Condition 15** from: *In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request.* To: *In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions or where customers are seated in the area shaded pink on the plans. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request.*
  - **To delete condition 20:** *There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.*
  - 23 (becomes 22). The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 90 persons; Basement 60 persons.

I wish to make the following representations in relation to the above application in that the amendment to the plans and changes to the conditions may have the likely effect of causing an increase in Public Nuisance in the Cumulative Impact Zone and may impact on Public Safety.

The granting of this application as presented would have the likely effect of causing an increase in Public Nuisance in the Cumulative Impact Zone and may impact on Public Safety.

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

**Following agreement of conditions between the applicant and the Metropolitan Police. The Environmental Health Service as a responsible authority withdrew their representation on 1<sup>st</sup> April 2021. The agreed Police conditions can be found at Appendix 5.**

| 2-B Other Persons   |  |
|---|--|
| Name:   | [REDACTED]   |
| Address and/or Residents Association:   | [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] |
| Received:   | 22 <sup>nd</sup> March 2021  |
| <p>We write to make a relevant representation to the above application on behalf of [REDACTED]<br/>[REDACTED]</p> <p>[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.</p> <p>About [REDACTED]</p> <p>[REDACTED] 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.</p> <p><b>Application summary</b><br/><b>Premises Variation :</b></p> <ul style="list-style-type: none"><li>• Variation application to update the plans attached to the premises licence with minor changes, and to vary certain conditions attached to the premises licence as follows,</li><li>• <b>10.</b> Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal. Save in the areas shaded pink on the plans where intoxicating liquor may be sold or supplied without a full table meal to seated customers.</li><li>• <b>15.</b> In the Basement, alcohol shall only be supplied by waiter/waitress service to customers who are seated, save for private pre-booked functions or where customers are seated in the area shaded pink on the plans. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the police or Westminster City Council officers on request.</li><li>• <b>20.</b> (Deleted as this is now covered by the mandatory conditions)</li><li>• <b>23.</b> (becomes 22). The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 90 persons; Basement 60 persons.</li></ul> |  |



- No changes are proposed to the regulated hours, activities or other conditions.

#### Current licence

##### Licensable activities authorised by the licence:

Sale by retail of alcohol. Late Night Refreshment.

##### Sale of Alcohol:

**Mon - Sat:** 07:00 - 01:00 Basement.

**Mon - Sat:** 07:00 - 00:00. Sun: 07:00 - 23:30 Ground Floor.

##### Late Night Refreshment:

**Mon - Sat:** 23:00 - 01:00 Basement.

**Mon - Sat:** 23:00 - 00:30. Sun: 23:00 - 00:00 Ground Floor.

**Opening hours of the premises: Mon- Sun:** 07:00 - 01:00

**Capacity:** Ground Floor 83. Basement 50. **Total = 133**

#### The application

- **Bars;** the proposed change to Condition 10 with the removal of alcohol being ancillary to consumption of a table meal in the areas shaded pink on the plans will create two new bars in the West End Cumulative Impact Zone. The Cumulative Impact Policy CIP1 and the Public Houses and Bars Policy PB1 and Music and Dance Premises and Similar Entertainment Policy MD1, clearly states its policy to refuse such applications other than to vary the existing licence hours within the core hours policy and variation to reduce the overall capacity. This application fails both tests, as in particular it proposes to **increase capacity from 133 to 150**, which includes an increase in the **basement area of 10**. Furthermore it breaches the Restaurants Policy RTN1 which states at Clause C, 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.'* This application should therefore be refused. However, if an exception to policy is found then any bar use should be restricted to 9pm and thereafter the rest of the condition comes back into force.
- **Licensable Activities;** the application states no changes are proposed to activities or other conditions, however the Soho Society notes the following description of the basement offer in 'Eater London' on 4th March 2021 (<https://london.eater.com/2021/3/4/22313026/el-pastor-soho-new-london-restaurant-opening>) it states, *'On the lower ground floor, the (Harts) group are offering another glimpse into a potential post pandemic hospitality trend; the commingling of food and music. There will be, 'a house party vibe, DJ decks, and a Funktion 1 sound system.'* If this is the case then the applicant should have applied for the provision of regulated entertainment in the form of recorded music and arguably live music, to allow them to operate in this way after 23:00. We therefore ask the Licensing Authority to further investigate and obtain a more detailed description of the proposed operation of these premises.
- **Operating Schedule;** it is disappointing that there is scant information/detail provided within the application and operating schedule which fully describes the nature of this operation, considering the new Licensing Statement of Licensing Policy 2021 clearly highlights this particular issue, the document states (p.6) ...*'applicants should include as much detail as possible in the operating schedule to enable responsible authorities and other parties to understand the operation of the venue.'* This has not happened in this case, it places us and residents at a disadvantage in not being able to fully address the potential impact of this application on the licensing objectives.
- **Noise breakout:** in light of the above we are concerned with potential noise breakout and propose the model condition MC11 be adopted in order to protect residential amenity.

- **Night time economy;** Soho is at the forefront of the late-night economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing disturbance and anti-social behaviour. In Soho between **1am and 3am there are 107 licensed premises, capacity information being available for 91 premises gives a total of 18,305.** Of the **107, 60 premises hold 1am to 1.30am licences, with a capacity of 9,249 for 45 premises.**
- **Residents;** live along the length of Brewer St who already experience late night noise and disturbance and anti-social behaviour in the form of street fouling. We are particularly concerned that these residents will be disturbed by intoxicated people leaving the premises at 1.00am and will probably make their way to Old Compton Street to seek out additional late night bars and entertainment.
- **Soho post COVID -19;** with the huge success of the roll of the vaccine programme, coupled with the ambition to vaccinate the majority of the population by the summer, we anticipate Soho to quickly recover to pre-COVID times. This is evidenced by the numbers of people who returned to the area during the summer of 2020, in our view the numbers of people were higher than pre-pandemic times. As a result the high level of cumulative impact identified within the Cumulative Impact Assessment 2020 will continue to rise which is a concern for many residents.

#### **Statement of Licensing Policy 2021**

Reviewing the Statement of Licensing Policy, the following policies apply to this application.

**Core Hours Policy;** A) Applications within the core hours are set within the policy, they will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the SoLP. B) Applications for hours outside of the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to 14 points which includes the following:

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.

#### **Clause C**

##### **6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday: 10am to 11.30pm

Friday and Saturday: 10am to 12am

Sunday: 9am to 10.30pm

##### **8. Restaurants**

Monday to Thursday: 10am to 11.30pm

Friday and Saturday: 10am to 12am

Sunday: 9am to 10.30pm

**Cumulative Impact Policy CIP1: A.** It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than to:

1. Vary the hours within the Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

*D4. 'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone*

*arises from the number of people there late at night, a considerable number of them being intoxicated.'*

*D.23. 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'*

### **Restaurants Policy RTN1**

**B.** Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

2. The application meeting the requirements of policies CD1, PS1, PN1, and CH1.
2. The hours for licensable activities are within the councils Core Hours Policy HRS1.
3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

**C.** For the purposes of this policy a restaurant is defined as:

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.

**Public Houses and Bars Policy PB1 and Music and Dance Premises and Similar Entertainment Policy MD1:** both state, *'it is the Licensing Authority's Policy to refuse applications within the West End Cumulative Impact Zone other than,*

1. *Applications to vary the existing licence hours within the councils Core Hours Policy*
2. *Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises'*

**The Public Houses and Bars Policy PB1;** states at **F82.** *'Among specific premises types assessed within the 2020 Cumulative Impact Assessment, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity.'* It continues, *'The Assessment identified that pubs and bars were significantly associated with greater likelihood of reported crime, disorder and nuisance.'*

We have provided evidence of the large number of late night premises in Soho between the hours of 1am - 3am, the Cumulative Impact Assessment 2020 highlights the rate of incidents/crime to be 10-13 times higher than anywhere else in the borough, this application to create a new bar should therefore be rejected.

### **The Licensing Objectives**

This application fails the policy test and also fails to promote the licensing objectives, we therefore object on the following grounds.

### **Prevention of Crime and Disorder - CD1**

Under this Policy the criteria applied is, *'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'*

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, ***it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.*** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related

callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%). Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). Total = 50,594.
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street.

For residents living in Soho the findings of the Cumulative Impact Assessment is unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. Drug dealing historically is a particular problem, groups of dealers congregate to sell drugs and specifically target people as they leave premises. There are more dealers in the area at night than during the day. This is directly linked to the large number of late night venues which creates the drug market.

To add additional bars to a small area already saturated with late night licences will only increase crime and disorder and fail to promote the licensing objectives.

#### **Prevention of Public Nuisance Policy PN1**

Under this Policy the criteria applied states, *'the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

As described above, residents along the length of Brewer Street who already experience late night noise and disturbance and anti-social behaviour in the form of street fouling. We are particularly concerned that these residents will be disturbed by intoxicated people leaving the premises at 1.30am and will probably make their way to Old Compton Street to seek out additional late night bars and entertainment.

#### **Public Safety Policy - PS1**

Under this objective the applicant needs to *'... demonstrate that the public will be safe within and in the vicinity of the premises,'* and goes on to state *'Crime, disorder and antisocial*

*behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.'* Drunk and highly intoxicated people on the streets late at night are very vulnerable requiring support and to prevent them from becoming victims of crime. To help people who become vulnerable on a night out Westminster City Council with the LGBT foundation has established the Soho Angels. As the Committee will know, these are group of volunteers who, pre-Covid worked on Friday and Saturday nights between 10pm and 5am helping vulnerable or distressed people on a night out. They worked with St. John Ambulance to provide medical assistance at an eight-bedded night hub in St. Anne's Church on Dean Street. In their first year of operation they helped over 1,200 people, with medical assistance being given to 230 cases of which 80 were classed as serious incidents, and 40 crimes were reported. This is further evidence of the impact of the high number of late night uses and large numbers of people out on the streets such that a dedicated team of volunteers is required to help the vulnerable, keeping them safe from harm.

### **Licensing Policy 2021 - Cumulative Impact**

This area has been identified by the Westminster City Council (Statement of Licensing Policy, 2021) as under stress because of 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 (D16. of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises. The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing 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 this historic area.

### **Conclusion**

The application proposes new bars in the West End CIZ. As evidenced throughout this representation any increase in the number of people on the streets late at night will add to cumulative impact in the CIZ and fail to promote the licensing objectives, we therefore respectfully request this application is rejected.

Please do not hesitate to contact us if you require any further information.

## **3. Policy & Guidance**

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

### **Policy CIP1 applies**

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

|                                   |   |
|-----------------------------------|---|
| <p><b>Policy HRS1 applies</b></p> | <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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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 sporting venues due to the nature of the operation.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> |
|-----------------------------------|---|

|                            |   |
|----------------------------|---|
|                            | <p><b>8. Restaurants</b></p> <p>Monday to Thursday: 9am to 11.30pm.<br/> Friday and Saturday: 9am to 12am.<br/> Sunday: 9am to 10.30pm.<br/> 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>  |
| <b>Policy RTN1 applies</b> | <p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>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.</li> <li>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.</li> </ol> |

#### 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

|                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Premises Plans                                       |
| <b>Appendix 2</b> | Applicant supporting documents                       |
| <b>Appendix 3</b> | Current Premises Licence 21/00761/LIPDPS             |
| <b>Appendix 4</b> | Premises history                                     |
| <b>Appendix 5</b> | Proposed conditions                                  |
| <b>Appendix 6</b> | Residential map and list of premises in the vicinity |

|                       |  |
|-----------------------|--|
| <b>Report author:</b> | Miss Karyn Abbott<br>Senior Licensing Officer                |
| <b>Contact:</b>       | Telephone: 07866 019698<br>Email: kabbott@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.**

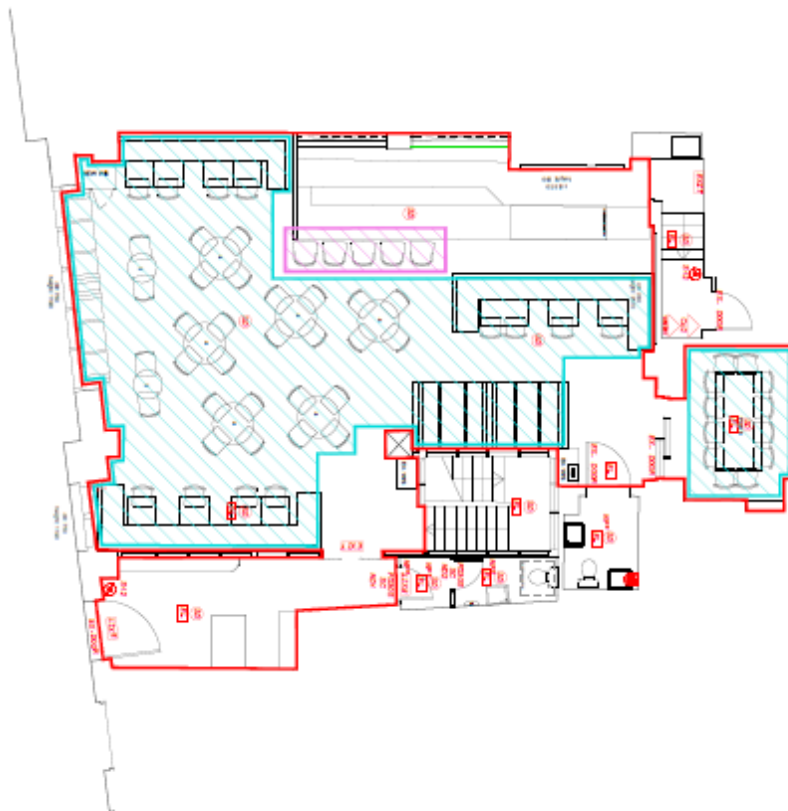
#### **Background Documents – Local Government (Access to Information) Act 1972**

|          |   |                              |
|----------|---|------------------------------|
| <b>1</b> | Licensing Act 2003  | N/A                          |
| <b>2</b> | City of Westminster Statement of Licensing Policy                           | 7 <sup>th</sup> January 2021 |
| <b>3</b> | Amended Guidance issued under section 182 of the Licensing Act 2003         | April 2018                   |
| <b>4</b> | Metropolitan Police Service ( <b>Withdrawn 1<sup>st</sup> April 2021</b> )  | 4 <sup>th</sup> March 2021   |
| <b>5</b> | Environmental Health Service ( <b>Withdrawn 1<sup>st</sup> April 2021</b> ) | 23 <sup>rd</sup> March 2021  |
| <b>6</b> | Representation 1  | 22 <sup>nd</sup> March 2021  |



## Appendix 1

## Premises Plans



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**Proposed Ground Floor Learning Plan**  
**Module 1:20**

**BASEMENT FLOOR COVERS:**  
INTERNAL COVERS: 50  
GARLAND FLOOR COVERS:  
INTERNAL COVERS: 50

**TOTAL:149**

[illegible]



**Applicant Supporting Documents**

**Appendix 2**

None



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

Premises licence

WARD: West End  
UPRN: 100023470099

Regulation 33, 34

Premises licence number:

21/00761/LIPDPS

Original Reference:

20/05766/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

66-68 Brewer Street  
London  
W1F 9TP

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

|                     |                               |
|---------------------|-------------------------------|
| Monday to Saturday: | 23:00 to 01:00 (Basement)     |
| Monday to Saturday: | 23:00 to 00:30 (Ground Floor) |
| Sunday:             | 23:00 to 00:00                |

**Sale by Retail of Alcohol**

|                     |                               |
|---------------------|-------------------------------|
| Monday to Saturday: | 07:00 to 01:00 (Basement)     |
| Monday to Saturday: | 07:00 to 00:00 (Ground Floor) |
| Sunday:             | 07:00 to 23:30                |

**The opening hours of the premises:**

Monday to Sunday: 07:00 to 01:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

El Pastor Limited  
The Old Hall Main Street  
Market Overton  
Oakham  
Rutland  
England,  
LE15 7PL

**Registered number of holder, for example company number, charity number (where applicable)**

09975503

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Sam Hart

**Please note:** It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** 2005/02908/LAPERG  
**Licensing Authority:** London Borough of Hammersmith & Fulham

**Date:** 23 February 2021

This licence has been authorised by Karyn Abbott on behalf of the Director - Public Protection and Licensing.

#### Annex 1 – 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.

(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.
- (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.
- (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**

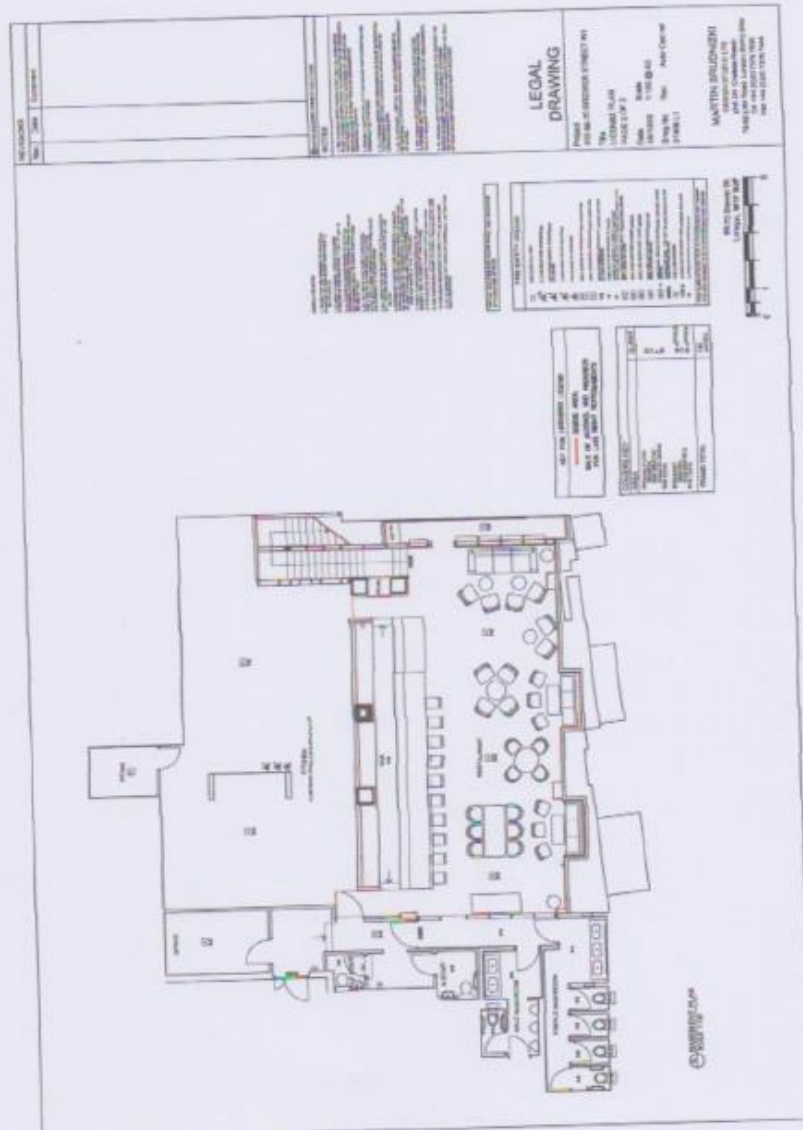
None

### Annex 3 – Conditions attached after a hearing by the licensing authority

9. The premises may remain open for the sale of alcohol and provision of late night refreshment on New Year's Eve to the start of the permitted hours on New Year's Day.
10. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.
11. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.
12. The premises will maintain a comprehensive CCTV system that ensures all entry and egress points are monitored, and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
13. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection times.
14. On the Ground Floor, alcohol shall only be supplied by waiter / waitress service. Such service shall only be to customers who are seated.
15. In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request.
16. An incident log shall also be retained at the premises for inspection by the Police and Westminster City Council Officers on request, and this shall record all refusals of alcohol sales and ejections from the premises.
17. No beers, lagers or ciders shall be sold or supplied between 07:00 hours and 10:00 hours.
18. Draught sales of alcohol shall be limited to a maximum of three types of beers or lagers at any one time and the maximum alcohol content of any alcohol so supplied shall not exceed 6% ABV.
19. The sale or supply of alcohol for consumption off the premises shall be limited to beers or wines only and shall only be supplied in sealed containers and shall not be consumed on the premises. Such alcohol shall only be sold or supplied to persons as ancillary to a meal consumed at the premises.
20. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
21. Non intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
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 to the public. This staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.

23. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 83 persons; Basement 50 persons.

Architectural floor plan of a restaurant layout. The plan shows a bar area at the top, a kitchen area at the bottom left, and a service counter running along the bottom. The main seating area is divided into several sections with different table configurations: round tables, square tables, and rectangular tables. A north arrow and a scale bar are located in the bottom right corner.





**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 100023470099

Regulation 33, 34

Premises licence number:

21/00761/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

66-68 Brewer Street  
London  
W1F 9TP

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

|                     |                               |
|---------------------|-------------------------------|
| Monday to Saturday: | 23:00 to 01:00 (Basement)     |
| Monday to Saturday: | 23:00 to 00:30 (Ground Floor) |
| Sunday:             | 23:00 to 00:00                |

**Sale by Retail of Alcohol**

|                     |                               |
|---------------------|-------------------------------|
| Monday to Saturday: | 07:00 to 01:00 (Basement)     |
| Monday to Saturday: | 07:00 to 00:00 (Ground Floor) |
| Sunday:             | 07:00 to 23:30                |

**The opening hours of the premises:**

|                   |                |
|-------------------|----------------|
| Monday to Sunday: | 07:00 to 01:00 |
|-------------------|----------------|

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

El Pastor Limited  
The Old Hall Main Street  
Market Overton

Oakham  
Rutland  
England,  
LE15 7PL

Registered number of holder, for example company number, charity number (where applicable)

09975503

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Sam Hart

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 23 February 2021

This licence has been authorised by Karyn Abbott on behalf of the Director - Public Protection and Licensing.

**Licence & Appeal History**

| <b>Application</b> | <b>Details of Application</b>  | <b>Date Determined</b> | <b>Decision</b>                   |
|--------------------|--|------------------------|-----------------------------------|
| 20/05766/LIPN      | <p>Late Night Refreshment<br/>Monday to Saturday:<br/>23:00 to 01:00<br/>(Basement)<br/>Monday to Saturday:<br/>23:00 to 00:30 (Ground Floor)<br/>Sunday: 23:00 to 00:00</p> <p>Sale by Retail of Alcohol<br/>Monday to Saturday:<br/>07:00 to 01:00<br/>(Basement)<br/>Monday to Saturday:<br/>07:00 to 00:30 (Ground Floor)<br/>Sunday: 07:00 to 00:00</p> | 26 August 2020         | Granted under Delegated Authority |
| 21/00746/LIPT      | Transfer of Premises Licence Holder from Universities Superannuation Scheme Limited to El Pastor Limited   | 23 February 2021       | Granted under Delegated Authority |
| 21/00761/LIPDPS    | Designated Premises Supervisor Variation   | 18 February 2021       | Granted under Delegated Authority |

**There is no appeal history**

**Previous Licence & Appeal History**

| <b>Application</b> | <b>Details of Application</b>  | <b>Date Determined</b> | <b>Decision</b>                    |
|--------------------|--|------------------------|------------------------------------|
| 05/11077/LIPN      | <p>Late Night Refreshment<br/>Monday to Saturday<br/>23:00 to 00:30<br/>Sunday 23:00 to 00:00</p> <p>Sale by Retail of Alcohol<br/>Monday to Saturday<br/>10:00 to 00:00<br/>Sunday 12:00 to 23:30</p> | 15 December 2005       | Granted by Licensing Sub-Committee |



|                 |   |                  |                                    |
|-----------------|---|------------------|------------------------------------|
| 06/08671/WCCMAP | Master Licence  | 15 December 2005 | Granted by Licensing Sub-Committee |
| 07/12000/LIPT   | Transfer of Premises Licence Holder from AAYA Ltd to Aaya Ltd   | 4 March 2008     | Granted under Delegated Authority  |
| 08/00993/LIPV   | Variation Application   | 28 March 2008    | Granted under Delegated Authority  |
| 09/00432/LIAN   | Interim Authority Notice from Aaya Ltd to Mr Nigel Geoffrey Atkinson                                  | 19 February 2009 | Granted under Delegated Authority  |
| 09/01920/LIPT   | Transfer of Premises Licence Holder from Mr Nigel Geoffrey Atkinson to Licensed Solutions Limited     | 18 May 2009      | Granted under Delegated Authority  |
| 09/06312/LIPT   | Transfer of Premises Licence Holder from Licensed Solutions Limited to Restaurants Etc (Soho) Limited | 7 December 2009  | Granted under Delegated Authority  |
| 09/06436/LIPV   | Variation Application   | 5 November 2009  | Granted by Licensing Sub-Committee |
| 09/06743/LIPDPS | Designated Premises Supervisor Variation  | 7 December 2009  | Granted under Delegated Authority  |
| 10/08263/LIPV   | Variation Application   | 16 December 2010 | Granted by Licensing Sub-Committee |
| 14/06296/LIPDPS | Designated Premises Supervisor Variation  | 1 September 2014 | Granted under Delegated Authority  |
| 15/00829/LIPDPS | Designated Premises Supervisor Variation  | 18 June 2015     | Granted under Delegated Authority  |
| 15/06347/LIPDPS | Designated Premises Supervisor Variation  | 14 August 2015   | Granted under Delegated Authority  |
| 16/11486/LIPCH  | Change of Licensee Details  | 24 October 2016  | Granted under Delegated Authority  |
| 16/11577/LIPDPS | Designated Premises Supervisor Variation  | 14 March 2017    | Granted under Delegated Authority  |
| 17/01783/LIPDPS | Designated Premises Supervisor Variation  | 14 March 2017    | Granted under Delegated Authority  |
| 18/05298/LIPDPS | Designated Premises Supervisor Variation  | 10 May 2018      | Granted under Delegated Authority  |

**\*\* Licence Lapsed in August 2020 \*\***

**There is no appeal history**

### Temporary Event Notice History

| Application     | Details of Application | Date Determined  | Decision       |
|-----------------|------------------------|------------------|----------------|
| 18/04986/LITENP | Temporary Event Notice | 9 May 2018       | Notice Granted |
| 18/09849/LITENN | Temporary Event Notice | 31 August 2018   | Notice Granted |
| 18/09851/LITENN | Temporary Event Notice | 24 August 2018   | Notice Granted |
| 18/14710/LITENN | Temporary Event Notice | 17 May 2019      | Notice Granted |
| 18/14980/LITENN | Temporary Event Notice | 3 December 2018  | Notice Granted |
| 18/15003/LITENN | Temporary Event Notice | 4 December 2018  | Notice Granted |
| 18/15399/LITENN | Temporary Event Notice | 11 December 2018 | Notice Granted |
| 19/05402/LITENN | Temporary Event Notice | 9 May 2019       | Notice Granted |
| 19/06871/LITENN | Temporary Event Notice | 7 August 2019    | Notice Granted |

***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 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 may remain open for the sale of alcohol and provision of late night refreshment on New Year's Eve to the start of the permitted hours on New Year's Day.
10. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.

#### **Condition 10 is proposed to be varied by the applicant to the following:**

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal. Save in the areas shaded pink on the plans where intoxicating liquor may be sold or supplied without a full table meal to seated customers.

11. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.
12. The premises will maintain a comprehensive CCTV system that ensures all entry and egress points are monitored, and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
13. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection times.
14. On the Ground Floor, alcohol shall only be supplied by waiter / waitress service. Such service shall only be to customers who are seated.
15. In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request.

#### **Condition 15 is proposed to be varied by the applicant to the following:**

In the Basement, alcohol shall only be supplied by waiter / waitress service to customers who are seated, save for private pre-booked functions or where customers are seated in the area shaded pink on the plans. The details of the nature of any private function, including the name and address of the organiser shall be recorded in a book kept at the premises which may be inspected by the Police or Westminster City Council officers on request.

16. An incident log shall also be retained at the premises for inspection by the Police and Westminster City Council Officers on request, and this shall record all refusals of alcohol sales and ejections from the premises.
17. No beers, lagers or ciders shall be sold or supplied between 07:00 hours and 10:00 hours.
18. Draught sales of alcohol shall be limited to a maximum of three types of beers or lagers at any one time and the maximum alcohol content of any alcohol so supplied shall not exceed 6% ABV.

19. The sale or supply of alcohol for consumption off the premises shall be limited to beers or wines only and shall only be supplied in sealed containers and shall not be consumed on the premises. Such alcohol shall only be sold or supplied to persons as ancillary to a meal consumed at the premises.

**Condition 20 is proposed to be removed by the applicant**

20. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
21. Non intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
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 to the public. This staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.
23. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 83 persons; Basement 50 persons.

**Condition 23 is proposed to be varied by the applicant to the following:**

The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed: Ground Floor 90 persons; Basement 60 persons.

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

24. Promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises are permitted Monday – Thursday between the hours of 10:00hrs and 21:00hrs only.
25. Patrons seated at the bar area shall not exceed Five on the ground floor and Ten in the basement.
26. There shall be no patrons permitted entry to the bar area on both the ground floor and the basement after 00:00 Monday to Saturday.
27. A Challenge 21 or 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.

## Residential Map and List of Premises in the Vicinity

## Appendix 6

### 66-68 Brewer Street, London



Resident Count = 50

| Licensed premises within 75 metres of 66-68 Brewer Street |                            |   |                                |   |
|---|----------------------------|---|--------------------------------|---|
| Licence Number  | Trading Name               | Address                                   | Premises Type                  | Time Period   |
| 18/07205/LIPDPS   | The Crown                  | The Crown 64 Brewer Street London W1F 9TP | Public house or pub restaurant | Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00 |
| 19/03264/LIPDPS   | Nordic Bakery              | 14A Golden Square London W1F 9JG          | Not Recorded                   | Saturday; 10:00 - 19:00   Sunday; 12:00 - 19:00   Monday to Friday; 10:00 - 20:00   |
| 06/06182/WCCMAP   | Kulu Kulu Sushi            | 76 Brewer Street London W1F 9TX           | Restaurant                     | Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30   |
| 19/15758/LIPT   | Mash Brewer Street Limited | 77 Brewer Street London W1F 9ZN           | Restaurant                     | Monday to Sunday; 11:30 - 01:30   |
| 09/00851/LIPCHT   | One Stop Food &            | Ground Floor 1                            | Shop                           | Sunday; 10:00 -   |



|                 |                           |  |                            |   |
|-----------------|---------------------------|--|----------------------------|---|
|                 | Wine                      | Lower John Street<br>London W1F 9DT  |                            | 22:30   Monday to<br>Saturday; 08:00 -<br>23:00   |
| 18/09020/LIPCHT | Nala Restaurant           | Basement North<br>And Ground Floor<br>North 1 Lower John<br>Street London W1F<br>9DT | Restaurant                 | Monday to Sunday;<br>08:00 - 23:00  |
| 16/14006/LIPRW  | Kiln                      | 58 Brewer Street<br>London W1F 9TL   | Restaurant                 | Sunday; 12:00 -<br>22:30   Monday to<br>Thursday; 10:00 -<br>23:30   Friday to<br>Saturday; 10:00 -<br>00:00                            |
| 18/08331/LIPDPS | Rapha Racing              | 85 Brewer Street<br>London W1F 9ZN   | Shop                       | Monday to Sunday;<br>08:00 - 21:00  |
| 20/04992/LIPDPS | Hachi                     | Ground Floor 56<br>Brewer Street<br>London W1F 9TJ                                   | Restaurant                 | Sunday; 12:00 -<br>00:00   Monday to<br>Saturday; 10:00 -<br>00:30  |
| 14/02198/LIPDPS | The Source Cafe           | 78 Brewer Street<br>London W1F 9TY   | Cafe                       | Friday to Saturday;<br>08:00 - 02:30  <br>Sunday to Thursday;<br>08:00 - 02:00  |
| 19/09763/LIPCH  | Kare Kurry                | 19 Air Street<br>London W1B 5AG  | Restaurant                 | Sunday; 10:00 -<br>22:30   Monday to<br>Saturday; 08:00 -<br>23:00  |
| 21/01870/LIPN   | Not Recorded              | Basement And<br>Ground Floor 10<br>Golden Square<br>London W1F 9JA                   | Shop                       | Monday to Sunday;<br>09:00 - 21:00  |
| 08/11314/LIPD   | Rice Wine Shop            | 82 Brewer Street<br>London W1F 9UA   | Shop                       | Sunday; 10:00 -<br>22:30   Monday to<br>Saturday; 08:00 -<br>23:00  |
| 20/08393/LIPDPS | Il Conte<br>Restaurant    | Ground Floor 17 Air<br>Street London W1B<br>5AF                                      | Restaurant                 | Sunday; 12:00 -<br>00:00   Monday to<br>Saturday; 10:00 -<br>00:30  |
| 20/05638/LIPN   | Marian Goodman<br>Gallery | 5 - 8 Lower John<br>Street London W1F<br>9DY   | Museums & Art<br>Galleries | Monday to Sunday;<br>10:00 - 18:00  |
| 20/03783/LIPCH  | Arang Restaurant          | Basement And<br>Ground Floor 9<br>Golden Square<br>London W1F 9HZ                    | Restaurant                 | Sunday; 12:00 -<br>00:00   Monday to<br>Saturday; 10:00 -<br>01:30  |
| 21/05304/LIPCH  | Honest Burgers            | 84 Brewer Street<br>London W1F 9UB   | Restaurant                 | Sunday; 12:00 -<br>00:00   Sunday;<br>12:00 - 01:00  <br>Monday to Saturday;<br>10:00 - 03:30  <br>Monday to Saturday;<br>09:00 - 03:30 |
| 21/01342/LIPT   | Prezzo                    | Ground Floor 36 -<br>38 Glasshouse   | Restaurant                 | Sunday; 12:00 -<br>00:00   Monday to  |

|                 |                     |                                     |            |   |
|-----------------|---------------------|-------------------------------------|------------|---|
|                 |                     | Street London W1B 5DL               |            | Saturday; 10:00 - 00:30   |
| 06/05475/WCCMAP | Taro Kaz Restaurant | 61 Brewer Street London W1F 9UW     | Restaurant | Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 01:00                         |
| 16/13460/LIPVM  | Mele E Pere         | 46-52 Brewer Street London W1F 9TF  | Restaurant | Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 00:00                         |
| 20/10513/LIPDPS | Wholefoods          | 20 Glasshouse Street London W1B 5AR | Shop       | Saturday; 09:00 - 22:30   Sunday; 12:00 - 18:30   Monday to Friday; 07:30 - 22:30 |