



City of Westminster

Item No:	
Date:	14 October 2021
Licensing Ref No:	21/05452/LIPN - New Premises Licence
Title of Report:	38 Berwick Street London W1F 8RT
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 June 2021		
Applicant:	Toi Moi Ltd		
Premises:	Toi & Moi		
Premises address:	38 Berwick Street London W1F 8RT	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form the premises intend to trade as a cafe.		
Premises licence history:	This is an application for a new premises licence and therefore has no licence history.		
Applicant submissions:	None		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol:				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:0	09:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	07:30
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	30 June 2021 (withdrawn 17 August 2021)
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail within the operating schedule to promote the Licensing Objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p> <p>Following agreement of additional conditions, the Metropolitan Police representation was withdrawn on 17 August 2021</p>	
Responsible Authority:	Licensing Authority
Representative:	Jessica Donovan
Received:	01 July 2021
<p>I write in relation to the application submitted for a new premises licence for Toi & Moi, 38 Berwick Street, London, W1F 8RT.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The application seeks the following:</p> <p>Retail sale of Alcohol (On and Off sales)</p> <p>Monday to Sunday 09:00-22:00</p> <p>Hours premises are open to the public</p> <p>Monday to Sunday 07:30 to 22:30</p> <p>The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and RTN1.</p>	

Policy RTN1 (B) states

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

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.

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

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.

The Licensing Authority note that the application falls within Westminster core hours for Restaurants

The Core hours for restaurants are:

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.

The Licensing Authority note that the applicant has proposed the following condition in their operating schedule:

2. The consumption of alcohol at the premises shall only be by a person seated and for consumption by such a person as ancillary to food.

However, The Licensing Authority encourages the applicant to consider MC38 in order to bring it in line with RTN1:

MC38 The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course. Please accept this as a formal representation

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	14 June 2021
<p>Another application for an alcohol licence from a 'cafe' - the last one granted on D'Arblay St last month to a 'family run neighbourhood cafe' immediately went for happy hour cheap beer, wine and £5 cocktails.</p> <p>Cafes are morphing into bars throughout Soho, and with 12 months of outdoor drinking imposed on a mixed use street with many residents we simply do not want any more.</p> <p>If Cumulative Impact has any meaning whatsoever, please do not grant any more new licences - there is no 'proof' that we can see that they will not add to cumulative impact, and plenty of evidence for those granted to have done exactly that.</p>	

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>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:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>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.</p> <p>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>
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.

	<p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>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.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>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.</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>Policy RTN1(B) applies</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

	<p>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.</p> <p>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</p>
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

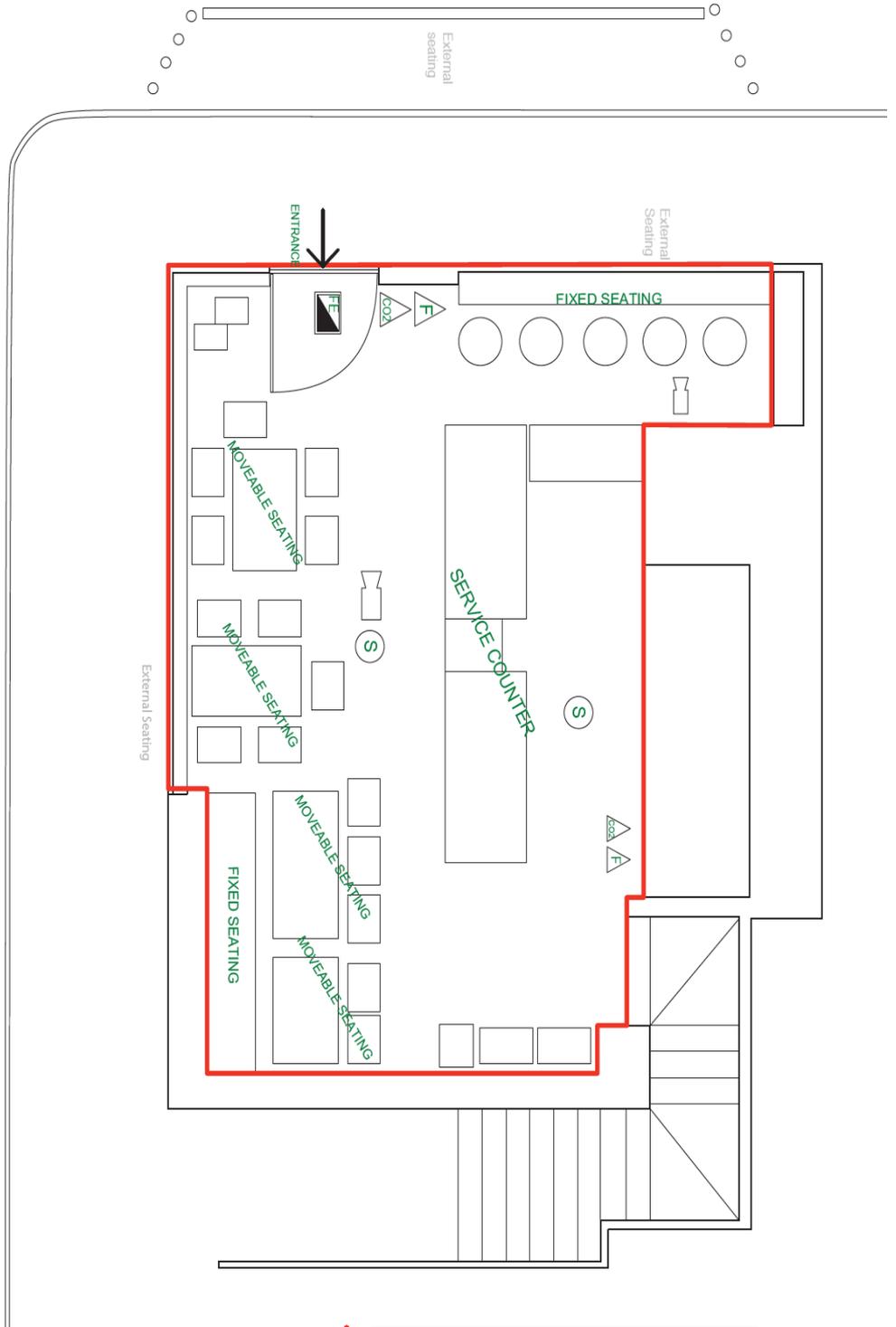
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police representation	30 June 2021 (withdrawn 17 August 2021)
5	Licensing Authority representation	01 June 2021
6	Interested Party representation	14 June 2021



LEGEND	
	8 WATT MAINTAINED FIRE EXIT LUMINAIRE
	FIRE EXTINGUISHER CO2
	FIRE EXTINGUISHER FOAM
	FIRE EXTINGUISHER CO2
	FIRE BLANKET
	SMOKE DETECTOR
	SOUNDER
	30 MIN PROTECTION FIRE DOOR TO FULLY COMPLY WITH B.S.

AREA OF LICENSABLE ACTIVITIES

PROPOSED GROUND FLOOR PLAN

TOI & MOI CAFE
38 Berwick St, Soho, London W1F 8RT

APPLICATION FOR A PREMISES LICENCE

TOI & MOI 38 BERWICK STREET, LONDON, W1F 8RT

21/05452/LIPN

APPLICANT SUBMISSIONS

INTRODUCTION

1. The applicant has operated the premises as a café since 2014. The application is made to introduce the sale of alcohol until 10.00 pm alongside the applicant's new extended food menu. A copy of the new menu is appended.
2. The applicant hopes that diversifying the business will help generate additional revenue to cover a significant shortfall following various challenges brought about by the Covid-19 pandemic.
3. The premises has a total capacity of approximately 52 (excluding staff) split over the ground floor and lower ground floor. The premises has benefited from additional external seating as part of the City Council's alfresco dining scheme. The extent of external seating will be reduced now that the wider alfresco scheme in Soho has come to an end.

The Application

4. The proposed hours for the sale of alcohol are well within Core Hours, as follows:

	Sale of Alcohol (on & off)	Opening Hours
Monday – Sunday	09:00 – 22:00	07:30 – 22:30

5. The operating schedule includes a comprehensive list of conditions to ensure the promotion of all four licensing objectives, including:
 - a. *The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a café.*
 - b. *The consumption of alcohol at the premises shall only be persons seated and for consumption by such a person as ancillary to food.*
 - c. *The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated.*

6. In addition, the applicant has agreed further conditions with the Metropolitan Police.

Representations

7. There are no representations from the Metropolitan Police, Environmental Health Consultation Team or the Soho Society.

8. The Licensing Authority have lodged a representation, which the applicant understands is primarily based on Policy CIP1, rather than any specific concerns.

9. The application attracted a single local resident objection. The applicant has engaged with the objector but understands that the representation is maintained. Copies of correspondence with the local resident objector are appended.

10. The applicant understands that the objector's primary concerns relate to the number of licensed premises in Soho and cumulative impact.

Cumulative Impact Policy CIP1

11. The premises is located in the West End Cumulative Impact Zone, which presents a presumption to refuse applications for pubs, bars, fast-food premises, music and dancing or similar premises.

12. The premises cannot, and will not, operate as a pub, bar, fast-food premises, music and dancing or similar entertainment venue. This is controlled by the conditions proposed in the operating schedule, in particular those conditions set out in paragraph 5 above.
13. The Policy states that the Licensing Authority must consider the individual circumstances of the application and therefore make a determination on whether the proposal for a 10pm conditioned café licence is likely to undermine the reasons for the CIP1 Policy¹. The applicant invites the Licensing Sub-Committee to determine that the very modest proposals will not undermine the reasons for the CIP Policy.
14. For the same reasons, a small capacity 10pm conditioned café premises licence is unlikely to add to existing levels of cumulative impact.
15. As a result, the presumption to refuse in Policy CIP1 should not be applied to the application.

Policy RTN1

16. The Licensing Authority representation encourages the applicant to agree Model Condition 38 (MC38):

MC38 The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

17. A number of items on the applicant's food menu satisfy the 'Substantial Table Meal' requirement in MC38. However, a significant amount of the applicant's menu, albeit substantial, would not necessarily satisfy the strict requirements of the 'Substantial Table Meal' definition set out above.
18. The applicant's all day breakfast menu and selection of pancakes is very popular amongst the Soho Community. These food items are substantial and consumed by customers seated at a table but could not be characterised as "a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal".

¹ Policy paragraph D11, D12 and D16).

19. As a result, the applicant invites the Licensing Sub Committee to impose the conditions proposed with the application and not MC38. The combination of the conditions proposed, in particular those set out in paragraph 5 above, together with the modest terminal hours, means that there is substantive compliance with the policy objectives in Policy RTN1 and no realistic possibility of the premises adding to cumulative impact.

20. The Policy therefore indicates that the application ought to be considered under Policy RTN1 and therefore can be granted:

“If the proposed operation of a premises does not meet all or part of the definition within the premises use policies the Licensing Authority will have regard to the policy that most closely relates to that operation”²

21. Perhaps most importantly, the conditions prevent the premises from operating as a bar or pub. Nor will it be alcohol led.

Licensing Objectives & Licensing Objectives Policies

22. The application proposes a comprehensive operating schedule of premises-specific and model conditions to ensure the promotion of the Licensing Objectives and satisfaction of the criteria set out in each Licensing Objective Policy.

23. The Licensing Sub-Committee’s key expert advisors on the Licensing Objectives, being the Police and Environmental Health Consultation Team, have not made representations and have expressed no concerns under the Licensing Objectives.

SUMMARY

24. The modest size of the premises, food led style of operation, conditions and early terminal hours together ensure that the premises will promote the Licensing Objectives and not add to Cumulative Impact in the West End. The premises cannot, and will not, operate as one of the categories of premises subject to a presumption to refuse under Policy CIP1.

² Page 5 of the Policy

25. The applicant invites the Licensing Sub-Committee to grant the application accordingly. In doing so, Members can signal their support to a popular and longstanding independent Soho business trying its best to survive in the most difficult of circumstances.

THOMAS & THOMAS PARTNERS LLP

OCTOBER 2021

Letter to objector



03 August 2021

TOI & MOI CAFE

Dear [REDACTED]

Toi and Moi Licence Application

I hope this letter finds you safe and well.

Westminster Council have provided me with a copy of your comments in respect of my licence application. Thank you for taking the time to provide your feedback.

As you may know, I am a longstanding Soho business owner who has struggled terribly during the Covid-19 pandemic. I made the application to help give my business a lifeline to ensure it's medium to long-term survival.

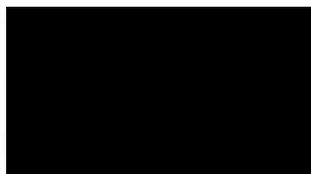
I appreciate your concerns about the premises morphing into a bar. I confirm that is not my intention. I simply seek to add alcohol to the existing well-established café business operation. Please find enclosed document summarising the terms of the application. You will see I have proposed relatively modest hours. In addition, proposed conditions 1 and 2 mean that the premises must continue to operate as a café with alcohol only sold to seated persons eating on the premises only. I hope this helps to address your specific concerns.

Over the years I have formed strong relationships with the local community. If possible, I would appreciate the opportunity to work with you to address your concerns. Otherwise, I may have to wait months for Westminster councillors to determine my application at a hearing.

My contact details are below. Please do not hesitate to contact me if you would like to discuss my proposals further, either by phone, email or a meeting in person.

Thank you very much for your consideration of this letter.

Yours sincerely



Toi & Moi 38 Berwick Street London W1F 8RT

Application for a Premises Licence

Drinks menu



TOI & MOI CAFÉ

HOT DRINKS

COFFEE

ESPRESSO	SINGLE/DOUBLE	2.50/2.70
MACCHIATO	SINGLE/ DOUBLE	2.70/2.90
AMERICANO		2.80/3.00
LATTE		3.20/3.40
CAPPUCCINO		3.20/3.40
FLAT WHITE		3.35
MOCHA		3.40/3.60
LATTE TOI&MOI		4.50
CHAI LATTE		3.70/3.90
BABYCCINO		2.50

Our House Syrup Selection

Caramel/ Hazelnut/ Vanilla/ Gingerbread/ Honey
 Milk Alternatives & Extra Shots of Espresso
 Soya Milk/ Almond Milk/ Oat Milk +0.70
 All Our Espresso Based Coffee are served as a Double-shot

HOT CHOCOLATE

HOT CHOCOLATE	3.50/3.70
WHITE HOT CHOCOLATE	3.60/3.90
ORANGE HOT CHOCOLATE	3.80/4.00
TOI&MOI HOT CHOCOLATE	4.90
Gingerbread Syrup, Nutella, Cream & Marshmallow	



Add Cream OR Marshmallow +0.50
 Milk Alternatives Available +0.70

TEA

ENGLISH BREAKFAST/ EARL GREY	3.00
PEPPERMINT/ GREEN TEA/ RED BUSH/ STRAWBERRY KIWI/ CAMOMILE	
PERSIAN ROSE PETALS & CINNAMON STICK	3.90
ORGANIC LEMON VERBENA (thé à la verveine)	5.00
FRESH MINT & GINGER TEA	4.00

All Teas are Organic Loose Leaf & Our Green Tea Comes From China

COLD DRINKS

FRESHLY SQUEEZED JUICES

PICK ME PLZ!	4.90
<i>Apple / Orange</i>	
RAINBOW	5.50
<i>Mix of Apple, Orange, Carrot with Ginger</i>	

SMOOTHIES

MANGO & PASSIONFRUIT	5.00
<i>Mix with Desiccated Coconut</i>	
TRIPLE BERRY SMOOTHIE	4.95

GREEN SMOOTHIES

FLAT TUMMY	5.99
<i>(Spinach, Apple, Banana, Strawberry, Peanut Butter, Maple Syrup & Milk)</i>	

IMMUNE BOOSTER <small>Vegan Friendly</small>	5.90
<i>(Spinach, Apple, Banana, Cucumber, Ginger, Maple Syrup & Almond Milk)</i>	

FRAPPES & COLD COFFEE

COFFEE FRAPPE	4.50
<i>Add Caramel, Vanilla, Hazelnut Syrup</i>	
OREO MOCHA FRAPPE	5.50
ICED LATTE / ICED AMERICANO	4.90/4.70
<i>Add Caramel, Vanilla, Hazelnut or Ginger Bread Syrup</i>	
ICED CHAI LATTE	4.90
<i>Add Espresso Shot</i>	
<i>Add Cream +0.50</i>	

ICED TEA

PEACH ICED TEA	4.50
PASSION FRUIT AND LEMON ICED TEA	4.90

MILKSHAKES

OREO	5.95
BANANA	5.95
MARS BAR	5.95
CHOCOLATE	5.95
STRAWBERRY	5.95
REESE'S PEANUT BUTTER	5.95

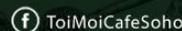
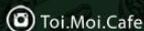
TOI&MOI ROCK&ROLL	6.20
<i>Strawberry & Waffle Crumble</i>	
<i>Add Cream +0.50</i>	

SOFT DRINKS 2.50/3.00

COKE/ DIET COKE/ STILL WATER/ SPARKLING WATER

DESSERTS - We Offer a Wide Selection of Fresh Homemade Cakes Every Day.
 Please Refer to the Display Fridge Next to the Bar.

PRIVATE DINNING CELEBRATION & MEETINGS - Emails Us or Ask our Staff,
 for Enquiry Toi.moi.cafe@gmail.com



Food menu



TOI & MOI CAFÉ

BREAKFAST & BRUNCH

FRENCH CONTINENTAL BREAKFAST Coffee, Freshly Squeezed Orange Juice, White and Brown Toast with Jam & Butter With Option or Choosing Croissant or Pain Au chocolate	13.90
FULL ENGLISH BREAKFAST Bacon, Sausage, Eggs, Hash Brown, Beans, Mushrooms, Tomato & Toast	11.50
VEGGIE BREAKFAST ✓ Veggie Sausage, Eggs, Hash Brown, Beans, Hummus, Mushrooms, Tomato & Sourdough Toast	11.50
VEGAN BREAKFAST Hummus, Avocado, Mushrooms, Grilled Tomato with Salsa Relish and Multi Grain Seeds on Sourdough Toast	10.99
BREAKFAST CIABATTA Sausage, Bacon & Eggs in Ciabatta Bread	7.50
MONACO FRENCH TOAST with Corn Flakes, Berries & Maple Syrup	9.99
HOME MADE PORRIDGE With Seasonal Fruits, Chia seeds & Granola Crunch Milk alternatives available	5.99

EGGS & OMELETTES

EGGS ROYAL Poached Eggs, Smoked Salmon, Hollandaise Sauce Served On Muffin Bread	11.00
EGGS BENEDICT Poached Eggs, Ham, Hollandaise Sauce served on Muffin Bread	11.00
EGGS FLORENTINE ✓ Poached Eggs, Smashed Avocado, Spinach, Hollandaise Sauce, Mix seeds served on Muffin Bread	10.50
POACHED EGGS, SMOKED SALMON & SMASHED AVOCADO On Sourdough Toast	12.00
POACHED EGGS, CRISPY BACON & SMASHED AVOCADO On Sourdough Toast	11.80
SCRAMBLED EGGS OR FRIED EGGS ON SOURDOUGH TOAST	9.00
HAM & CHEESE OMELETE CHEESE OMELETE Add Hash browns +2.50 MUSHROOM & SPINACH OMELETTE ✓	10.00 8.50 10.00

(ALL OMELETTES SERVED ON SOURDOUGH)

TOI & MOI SPECIALS

TOI & MOI FLIRTY PLATE Bacon, Sausage, 2 Stacks of Pancakes, Mushrooms, Halloumi Cheese, Ice-cream & Fresh Orange Slices	14.90
PRINCESS PANCAKE Stacks of Pancakes Topped With Home Made Dark Chocolate Sauce, Oreo Biscuits Flakes & Rose Petals	12.00
TOI & MOI BUN Poached Eggs, Bacon, Hollandaise Sauce served on Pretzel Bun	12.00

PANCAKES, WAFFLES, CREPES

MAPLE SYRUP SERVED ON THE SIDE

FRUITILICIOUS PANCAKE OR WAFFLE With Mix Berries	11.50
CHEEKY PANCAKE OR WAFFLE With Bacon & Egg	11.50
BANANA SPLIT PANCAKE With Ice Cream, Almond Flakes & Topped with Caramel Sauce	11.90
CORN PANCAKE ✓ Poached Eggs, Avocado, Topped with multi grain seeds and Salsa Relish	11.50
CREPES WITH BANANA & NUTELLA Add Ice-cream or Berries	9.90 +2.50
SALTED BUTTER CARAMEL CREPES	10.99

TOASTIES & CROISSANTS

BACON, CHEESE & TOMATO CROISSANTS	5.99
HAM & CHEESE Toastie & Crossiant	5.00
TUNA CHEESE & MAYO TOASTIE	5.99
TRENDY AVOCADO TOASTIE ✓ Avocado, Spinach, Cheddar and Feta Cheese, Pepper, Pesto & Tomato	5.90

SANDWICHES

BACON OR SAUSAGE SANDWICH Add Egg, Cheese or Tomato +1	5.50
CHICKEN POULET Grilled Chicken Breast, Avocado, Pepper, Pesto & Cheddar Cheese served on Poulet Bun	6.00
FUNKY CHICKEN Chicken Breast, Lettuce & Mayonnaise served on Pretzel Bun	5.50
SMOKEY SALMON BAGEL Salmon, Cream Cheese, Cucumber & Rocket	6.00
JUICY CHICKEN BAGUETTE Chicken, Red Onion, Lettuce & Tomato served with Creamy Curry Sauce	6.50
MOZZARELLA ✓ Mozzarella, Pesto, Tomato & Rocket served on Ciabatta Bread	5.99
GOAT CHEESE TOAST WITH CUCUMBER, WALNUTS & HONEY ✓ (CHEVRE MIEL)	6.99

SALADS & SOUPS

ORGANIC SOUP OF THE DAY SERVED WITH BREAD	5.90
CHICKEN CAESAR SALAD	8.50
TUNA AVOCADO SALAD Topped with Mix Grain Seeds & Balsamic Glaze	8.90
GRILLED VEGETABLE SALAD ✓ Grilled Seasonal Vegetables, Mixed Seeds & Feta Cheese	8.50
GOAT CHEESE SALAD ✓ Hot Goat Cheese on Toast with Honey & Pomegranate Dressing	9.90
FALAFEL OR HALLOUMI SALAD ✓	8.90

*Dear customers, please inform our staff if you have any allergies or dietary requirements.
*12.5% discretionary service charge will be added to your bill.
Thank you!

WRAPES

CHICKEN WRAP Hummus, Lettuce, Pepper & Avocado	7.00
FALAFEL WRAP ✓ Comes with Tahini Sauce, Lettuce, Tomato & Pink Turnip Pickles	6.50
HALLOMI WRAP ✓ With Mint Yogurt Sauce, Olives, Lettuce, Cucumber & Tomato	7.00
VEGAN WRAP Grilled Vegetables with Hummus	6.99 ADD CHIPS +3.50

SIDES

FRIES	3.50
HALLOUMI CHEESE (4 SLICES)	4.90
HOME MADE FALAFEL (4 PIECES)	4.90
HOME MADE HUMMUS WITH SOURDOUGH BREAD	5.90
BACON, SMOKED SALMON, SAUSAGE, HAM, HASH BROWN, VEGGIE SAUSAGE, AVOCADO TOMATO, MUSHROOMS, SPINACH, BAKED BEANS, EGGS & CHEESE	2.50 2.00
ICE CREAM BOWL	4.99

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

9. The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a café.

10. The consumption of alcohol at the premises shall only be by a person seated and for consumption by such a person as ancillary to food.
11. Substantial food and 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.
12. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated.
13. The number of persons seated in the premises at any one time shall not exceed [TBA with EHCT] persons excluding staff.
14. There shall be no self-service of alcohol
15. 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.
16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

17. 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.
18. 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.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
21. 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.
22. Except for deliveries of bread, dairy and fresh groceries, no deliveries to the premises shall take place between 23.00 hours and 08.00 hours.
23. Except for alcohol consumed by persons who are seated in an external seating area appropriately authorised for the use of tables and chairs, off sales of alcohol shall be in sealed containers only and limited to wine and beer only.
24. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
25. 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 be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. any faults in the CCTV system.
 - f. any visit by a relevant authority or emergency service.
27. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

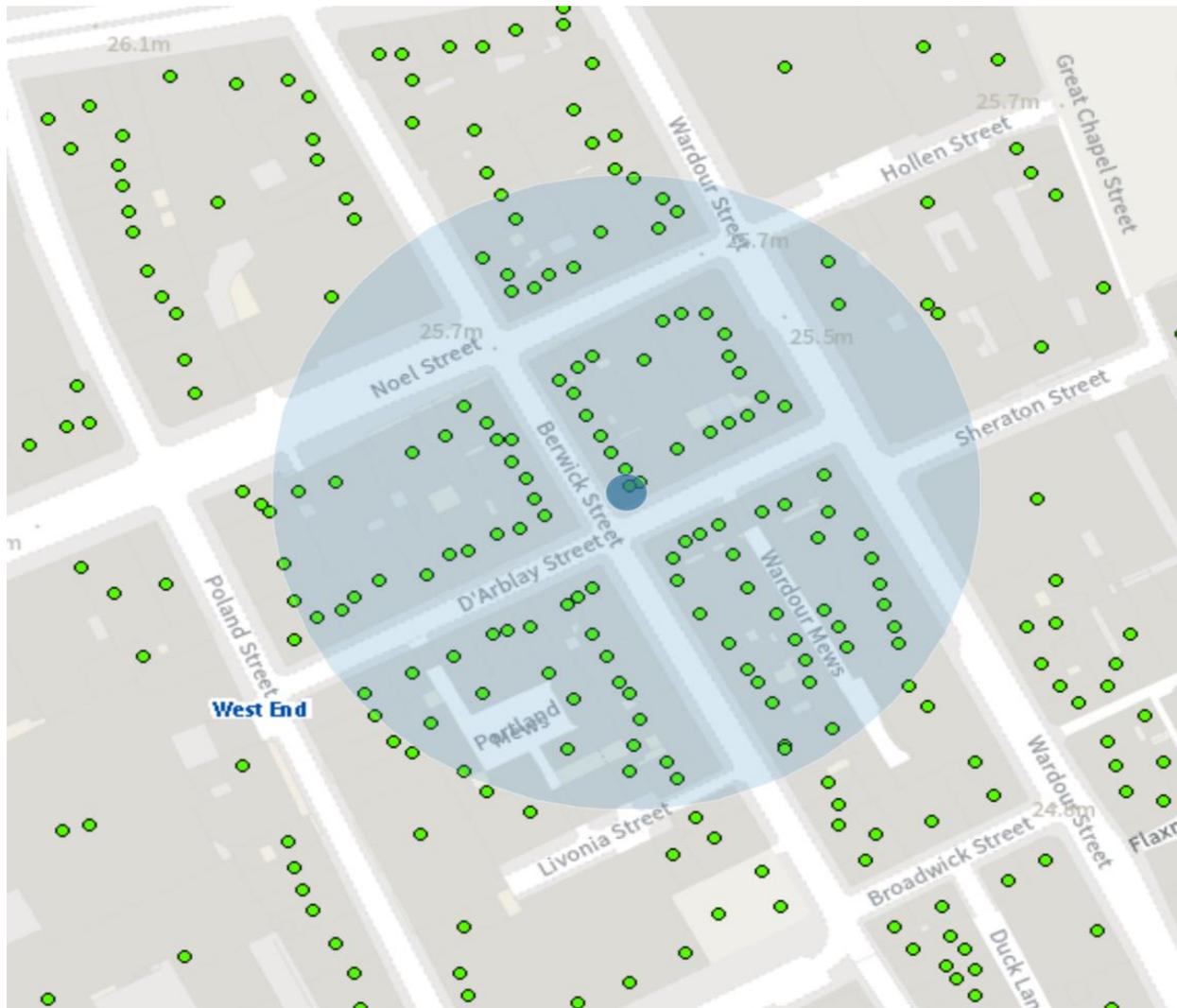
28. Before the premises are open to the public, the plans deposited with the application or subsequently substituted plans will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed

Conditions proposed by the Environmental Health

None

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

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



Resident count: 49

Licensed premises with 75m of 38 Berwick Street, London, W1F 8RT				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/11988/LIPCH	Tommi's Burger Joint	37 Berwick Street London W1F 8RS	Not Recorded	Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
18/06968/LIPT	Conko	72 Berwick Street London W1F 8TD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30

21/05520/LIPN	Fadiga	Basement And Ground Floor 71 Berwick Street London W1F 8TB	Restaurant	Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
18/11501/LIPN	Not Recorded	36 Berwick Street London W1F 8RR	Not Recorded	Sunday; 07:30 - 22:30 Monday to Saturday; 07:30 - 22:30
14/00062/LIPVM	Blanchette	Basement And Ground Floor 9 D'Arblay Street London W1F 8DR	Cafe	Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30
21/07838/LIPVM	Vasco Piero's Pavilion Restaurant	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday; 12:00 - 23:30 Tuesday; 12:00 - 23:30 Wednesday; 12:00 - 23:30 Thursday; 12:00 - 23:30 Friday; 12:00 - 23:30 Saturday; 12:00 - 23:30 Sunday; 12:00 - 23:30
21/07812/LIPDPS	Ceru	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday to Sunday; 12:00 - 23:30
20/07106/LIPN	The Breakfast Club	33 D'Arblay Street London W1F 8EU	Cafe	Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:00
20/04508/LIPN	Not Recorded	28 D'Arblay Street London W1F 8EW	Not Recorded	Sunday; 10:00 - 23:30 Monday to Saturday; 08:00 - 23:00
18/01923/LIPVM	Korkers (Basement) And Mustafas Thai Cottage (Ground Floor)	Ground Floor 34 D'Arblay Street London W1F 8EX	Not Recorded	Not Recorded; XXXX - XXXX
11/09937/LIPVM	Copita	27 D'Arblay Street London W1F	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday;

		8EN		10:00 - 23:30
18/03839/LIPDPS	The George Public House	1 D'Arblay Street London W1F 8DG	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
16/02387/LIPDPS	The Melt Room	26 Noel Street London W1F 8GY	Restaurant	Saturday; 11:00 - 21:00 Sunday; 11:00 - 21:00 Monday to Friday; 08:30 - 21:00
19/10000/LIPN	Not Recorded	Basement And Ground Floor 27 Noel Street London W1F 8GZ	Cafe	Friday; 11:00 - 21:00 Monday to Thursday; 11:00 - 20:30 Saturday to Sunday; 11:00 - 20:30
19/02746/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Sunday; 11:30 - 23:00 Monday to Saturday; 10:00 - 23:30
20/00364/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Sunday; 11:30 - 23:00 Monday to Saturday; 10:00 - 23:30
19/04604/LIPN	Not Recorded	77 Berwick Street London W1F 8TH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/01200/LIPDPS	Maharani Restaurant	77 Berwick Street London W1F 8TH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/13733/LIPDPS	Imli Ltd	167 - 169 Wardour Street London W1F 8WR	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 01:00
21/05012/LIPDPS	Pho	163 - 165 Wardour Street London W1F 8WN	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
10/01916/LIPT	St Moritz	161 Wardour Street London W1F 8WJ	Restaurant	Monday to Sunday; 09:00 - 03:30

18/02508/LIPV	Daisy Green	Ground Floor 2 - 4 Noel Street London W1F 8GB	Cafe	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sundays before Bank Holidays; 08:00 - 00:30
15/11669/LIPDPS	Dalla Terra Vetro	16 D'Arblay Street London W1F 8EA	Not Recorded	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30
19/03056/LIPVM	BRGR	Ground Floor 187 Wardour Street London W1F 8ZB	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 Sunday; 12:00 - 00:00
21/07228/LIPDPS	AMICI	Basement 187 Wardour Street London W1F 8ZB	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 11:00 - 00:00 Friday to Saturday; 11:00 - 00:30
18/15656/LIPDPS	Oxford Street Youth Hostel	14 Noel Street London W1F 8GJ	Club or institution	Monday to Sunday; 00:00 - 00:00
18/05695/LIPN	Not Recorded	Basement And Ground Floor 189 Wardour Street London W1F 8ZD	Restaurant	Saturday; 12:00 - 22:00 Sunday; 12:00 - 20:00 Monday to Wednesday; 12:00 - 22:00 Thursday to Friday; 12:00 - 23:00

17/14875/LIPRW	(Delicatessen)	Basement And Ground Floor Munro House 9 Poland Street London W1F 8PY	Cafe	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00
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