



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	12 May 2022
Licensing Ref No:	21/14515/LIPV - Premises Licence Variation
Title of Report:	Jaks 43 South Molton Street London W1K 5RS
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 December 2021		
<b>Applicant:</b>	Valentin Seferi		
<b>Premises:</b>	Jaks		
<b>Premises address:</b>	43 South Molton Street London W1K 5RS	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises trade as a restaurant, bar and café.		
<b>Variation description:</b>	This variation seeks to extend the hours for licensable activities to 3:00a.m. and the opening hours to 3:30 a.m. Monday to Sunday.		
<b>Premises licence history:</b>	<p>The premises were granted a premises licence on conversion in October 2005. The licence was the subject of review in August 2013 where further conditions were added and a further review in May 2014 where the licence was revoked by the Licensing Sub Committee.</p> <p>In May 2016, a new premises licence was granted in respect of the premises and it is this licence (current licence number 18/07071/LIPV) which is the subject of this application. A copy of the current licence is attached at <b>Appendix 1</b> of this report.</p> <p>A full licence history for the premises appears at <b>Appendix 3</b>.</p>		
<b>Applicant submissions:</b>	The applicant has supplied a number of supporting documents which appear at <b>Appendix 2</b>		
<b>Applicant amendments:</b>	Following consultation with Environmental Health, the applicant has restricted the variation for the hours for regulated entertainment to the basement only.		

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Regulated Entertainment</b>						
<b>Films, live music, recorded music and anything of a similar description (Basement only)</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	01:00	10:00	03:00	Basement to second floor	No change
<b>Tuesday</b>	10:00	01:00	10:00	03:00		
<b>Wednesday</b>	10:00	01:00	10:00	03:00		
<b>Thursday</b>	10:00	01:00	10:00	03:00		
<b>Friday</b>	10:00	01:00	10:00	03:00		
<b>Saturday</b>	10:00	01:00	10:00	03:00		
<b>Sunday</b>	12:00	01:00	12:00	03:00		
<b>Seasonal Variations/non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	To extend to 03:00 on New Year's Day.				No change	

<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>			<b>Current :</b>		<b>Proposed:</b>	
			Indoors		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	01:00	23:00	03:00	Basement to second floor	No change
<b>Tuesday</b>	23:00	01:00	23:00	03:00		
<b>Wednesday</b>	23:00	01:00	23:00	03:00		
<b>Thursday</b>	23:00	01:00	23:00	03:00		
<b>Friday</b>	23:00	01:00	23:00	03:00		
<b>Saturday</b>	23:00	01:00	23:00	03:00		
<b>Sunday</b>	23:00	01:00	23:00	03:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	To extend to 03:00 on New Year's Day.				No change	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On and Off		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	01:00	10:00	03:00	Basement to second floor	No change
<b>Tuesday</b>	10:00	01:00	10:00	03:00		
<b>Wednesday</b>	10:00	01:00	10:00	03:00		
<b>Thursday</b>	10:00	01:00	10:00	03:00		
<b>Friday</b>	10:00	01:00	10:00	03:00		
<b>Saturday</b>	10:00	01:00	10:00	03:00		
<b>Sunday</b>	12:00	01:00	12:00	03:00		

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	To extend to 03:00 on New Year's Eve.	No change

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:00	01:30	07:00	03:30	Basement to second floor	No change
<b>Tuesday</b>	07:00	01:30	07:00	03:30		
<b>Wednesday</b>	07:00	01:30	07:00	03:30		
<b>Thursday</b>	07:00	01:30	07:00	03:30		
<b>Friday</b>	07:00	01:30	07:00	03:30		
<b>Saturday</b>	07:00	01:30	07:00	03:30		
<b>Sunday</b>	07:00	01:30	07:00	03:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	

<b>1-C</b>	<b>Layout alteration</b>
No change of layout is proposed.	

<b>1-D</b>	<b>Conditions being varied, added or removed</b>	
No change of conditions is proposed.		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No change

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Dave Morgan
<b>Received:</b>	13 January 2022 ( <b>withdrawn 25 February 2022</b> )
<p>With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are <b>objecting</b> to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder.</p> <p>Although the venue is not situated within the Cumulative Impact Area, the hours sought are beyond those of Westminster Councils Core Hours Policy and we have concerns that this application may cause further Policing problems in the area.</p> <p>I propose one further condition for your consideration:</p> <ul style="list-style-type: none"> <li>• There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 0100.</li> </ul> <p>If you wish to discuss the application further, please feel free to contact me.</p> <p><b>Following an agreement of a further condition with the applicant, the Metropolitan Police Service withdrew their representation on 25 February 2022. Please see the agreed condition at Appendix 4.</b></p>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	5 January 2022
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.</p> <p>The hours sought are in excess of the 'Core Hours' as defined by the City Council's Licensing Policy and I am concerned about the increased likelihood that Public Nuisance may be caused to nearby local residents.</p>	

<b>2-B</b>	<b>Other Persons</b>
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████
<b>Received:</b>	12 January 2022
Dear Sir/Madam	
Re: Premises Licence Reference 21/14515/LIPV Application for Extension of Closing Times for	

Jak's Bar and Restaurant South Molton Street London W1

As you can see from my address I am a resident of Mayfair. I live approximately [REDACTED] from the above premises.

As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end I wish to object to the proposed new late night closing application of the premises above.

I firmly believe that to grant a late night closing licence for the already identified West End Cumulative Impact Area will have a damaging effect on the area. The licence the applicant has applied for will lead to additional anti-social behaviour and noise pollution. It will absolutely have a negative impact on the residents living in this predominately residential neighbourhood.

Any addition of further late night venues will only exacerbate an already intolerable situation. Crime and disorder along with a sever public nuisance will surely ensue.

I therefore wish to register a very strong objection against this application.

Please confirm in your usual manner that you have received my objection in good time and that it will be lodged for the LSC for consideration.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 January 2022

I wish to object to Jak's' application (21/14515/LIPV) to extend their licence to 3am. I believe that an extension to hours for this premises which advertises itself as a bar/club will cause problems for the residential community surrounding it.

South Molton Street is a pedestrian precinct which currently has 26 flats. Preparatory work has already started to add 33 more flats along this street including an allocation of affordable flats. Most of the flats are clustered around or opposite Jak's. There are an additional 12 flats in the section of Brook Street at the south end of South Molton Street plus bedrooms overlooking South Molton Lane behind, all within an area that in the past has been affected by people and vehicles coming to and leaving from this address.

This area has many settled residents who have lived here for anything up to 50 years. They have had to live with late-night licences in the past in South Molton Street and the surround which have all caused noise issues and anti-social behaviour, including fights in the middle of the night, that have disturbed their sleep. Eventually every one of these premises either had their licence revoked or were redeveloped out of existence before the process was complete.

With the best will in the world, having vehicles, parked or waiting, and people, walking or congregating, on these streets in the middle of the night causes disturbance. The later the licence, the worse it gets. It is commendable that Jak's tries to send customers out via Oxford Street, but not entirely practical given the difficult logistics of this location.

I am sure that Mr. Safari wishes to run a well-managed establishment, but late-night licences inevitably affect their surround. Late licences attract people moving on from premises with an earlier closing hour, usually by car or taxi/minicab. We have seen this many times before. He can suggest, but cannot control, how people arrive or leave, where they choose to park or where their own taxis/minicabs drop them off/pick them up.

Vehicles are only allowed in South Molton Street between 7am and 11am in the morning, Monday through Saturday, so people wishing to drive home or take a taxi/minicab must pick up their vehicle down in Brook Street, in South Molton Lane or in/via the top of Davies Street. Currently Davies Street northbound is closed for an indeterminate amount of time, so vehicles must turn in and turn around after coming in via Oxford Street. There is even a plan to eventually close Davies Street off from Oxford Street. Moreover, whichever way people exit, they and/or their vehicles will be under bedroom windows in narrow streets where sounds are amplified during the night when ambient noise levels drop.

Furthermore, once a licence is granted, there is no control over how it evolves. It is not the enterprise which is being licensed, but the premises. What is currently proposed is not necessarily what will endure as the history of this site has shown us. 43 South Molton Street was for many years a quiet Japanese restaurant which never caused any problems.

The site then went through at least 3 iterations, each one worse than the last, until someone managed to call the police and to lean out of a window to film the fight which finally led to this licence being revoked.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 January 2022

Jaks is situated in a paved street that has both residential and business property either side of the street, surrounding streets have a lot of residential streets, a Cross Rail Station is due to open in an adjoining Street where there is already an Underground Station which will be a 24 hour station when the 24 hour tube returns, for Jaks to stay open till 3.30 in the morning will cause problems for local residents, there will be a very high risk of noise from revellers heading to the stations mentioned and beyond the stations, residents living beside the stations include front line workers as well as other workers they need their rest, there is the very high risk of taxis, pedicabs gathering in the streets by Jaks which will cause disturbance.

Already residential private gardens are being used by people who have been to pubs and clubs for various purposes including anti social behaviour entry to the gardens are gained by climbing fences and locked gates, when the unwanted visitors leave they very often leave behind rubbish, this problem will increase if Jaks stay open till 3.30 in the morning then reopen a few hours later. People who have been to other drinking venues in the area may head to Jaks when the venue they have been at closes, once at Jaks they may be refused entry because they have already been drinking, this could be a flash point for trouble which will be extra disturbance for local residents, there will also be the risk of those refused entry hanging about in South Molton Street where there are benches and causing noise.

I object very strongly to this application being granted.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 January 2022

After the retail businesses in South Molton St have closed the street is a fairly quiet enclave. There are a reasonable number of residents in the immediate area of these premises and more are planned. Mayfair Residents Group wishes to support those local residents who are objecting to this

extension in hours which will almost inevitably increase nuisance to those living nearby, especially when the premises shut up shop in the early hours.

**Name:** [REDACTED]

**Address and/or Residents Association:** [REDACTED]  
[REDACTED]  
[REDACTED]

**Received:** 14 January 2022

Dear Sirs,

I am writing in my capacity as West End Ward Councillor.

I support the concerns raised by local residents and others in connection with this proposal, and object to the extension of the Licence to 3am, as this is an inappropriate location for such extended operation, and is likely to contribute to anti-social behaviour and criminality in the area.

It is also likely to increase noise and disturbance to nearby residents, and it is not therefore in accordance with the Licensing Objectives.

**Name:** [REDACTED]

**Address and/or Residents Association:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:** 13 January 2022

Regarding this application we would like to object highly.

Already we have unsocial behaviour due to the establishments around us already, more so when jaks was amika there was so much trouble and anti social issues.

There were many fights and other issues like drugs like previously coupled with more of an influx of dealers and by granting a 3 am licence would simply fuel such anti social behaviour. There is also the added problem with cabs which would create more noise and traffic which in turn would cause noise and regularly.

I have children that live within our property which would be unfair for them to be around and exposed to such behaviour, furthermore as a parent i have to be concerned about the their welfare.



### 3. Policy & Guidance

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

#### **Policy HRS1 applies**

- 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.
- 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:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  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.
  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.
  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.
  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.
<b>Policy RNT(A) 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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. 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, except if provided via an ancillary delivery service to customers at their residential or workplace address.</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

<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises Licence 18/07071/LIPV
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@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 representation	13 January 2022 <b>(withdrawn 25 February 2022)</b>
<b>5</b>	Environmental Health representation	05 January 2022
<b>6</b>	Interested party representation (1)	12 January 2022
<b>7</b>	Interested party representation (2)	13 January 2022
<b>8</b>	Interested party representation (3)	13 January 2022
<b>9</b>	Interested party representation (4)	13 January 2022
<b>10</b>	Interested party representation (5)	14 January 2022
<b>11</b>	Interested party representation (6)	13 January 2022



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

Schedule 12  
Part A

WARD: West End  
UPRN: 100023474573

Premises licence

Regulation 33, 34

**Premises licence number:**

18/07071/LIPV

**Original Reference:**

16/02285/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Jaks  
43 South Molton Street  
London  
W1K 5RW

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Exhibition of a Film**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Performance of Live Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Playing of Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Anything of a similar description to Live Music or Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Late Night Refreshment**

Monday to Sunday: 23:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**The opening hours of the premises:**

Monday to Sunday: 07:00 to 01:30

**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:**

Seferi Valentin  
Jubilee House  
Townsend Lane  
Kingsbury  
London  
NW9 8TZ  
*Electronic Mail : pk@2-3gis.co.uk*  
*Business Phone Number : 07977 555348*

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

06584419

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

**Name:** Riad Dragusha

***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:**

<b>Licence Number:</b> PERS-LIC/3206 <b>Licensing Authority:</b> London Borough Of Camden
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**Date:** 4<sup>th</sup> November 2018

**This licence has been authorised by Miss Sam Eaton 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.

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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## **Annex 2 – Conditions consistent with the operating Schedule**

11. After 20:00 hours on any days when there is provision of licensable activities there shall be deployment of SIA registered security officers as follows:

- one for the first 75 customers (or part thereof)
- one for each 100 customers (or part thereof) in excess of 75.

The officers shall remain on duty until the last customer has left the immediate area.

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

12. The number of persons permitted in each area of the premises at any one time (excluding staff) shall not exceed :-  
  
Basement: 130  
Ground floor: 32  
First floor: 65  
Second floor: 40
13. 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.
14. The supply of alcohol on the first and second floors of the premises shall only be by waiter or waitress service to a person seated taking a substantial table meal there, including customers awaiting service, for consumption by such a person as ancillary to their meal.
15. The supply of alcohol on the ground floor shall only be by waiter or waitress service to customers who are seated and after 21:00 hours 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.
16. The basement shall be laid out with tables and chairs (providing at least 120 seating places for customer use) at all times when there is supply of alcohol in this area (final numbers to be determined on removal of 'works' conditions 10 and 11).
17. The supply of alcohol for consumption off the premises shall be in sealed containers only save for in an area appropriately authorised for the use of tables and chairs on the highway where such supply of alcohol will be:
  - o by waiter or waitress service only
  - o to customers who are seated
  - o and where there will be no more than 4 tables and 16 chairs.
18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
19. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them unless seated in the authorised external area. After 21:00 hours such patrons shall be restricted to a maximum of 10 at any one time and shall be supervised by a person licensed by the Security Industry Authority.
20. A member of management or security shall patrol South Molton Street from 23:00 hours until 30 minutes after the premises close.
21. There shall be no regulated entertainments on the ground floor or in the external area used for tables and chairs.
22. After 23:00 hours amplified live music shall be restricted to the basement.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. The exhibition of films shall be restricted to the basement and there shall be no cinema style showing of films.

25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. 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 are 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.
28. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
29. 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.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. 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.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

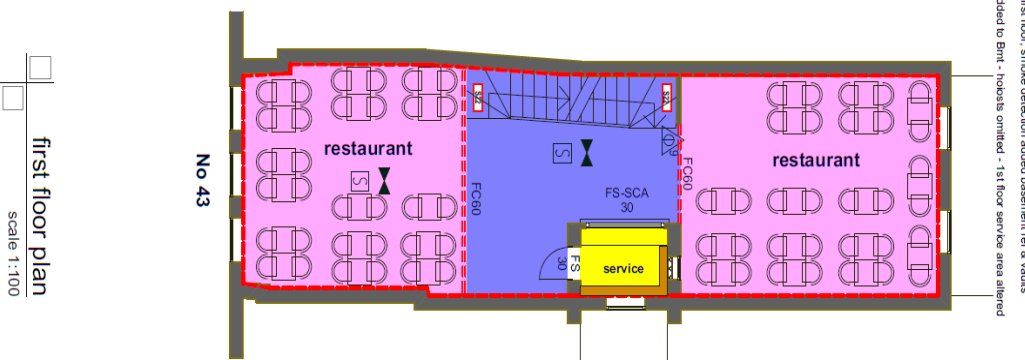
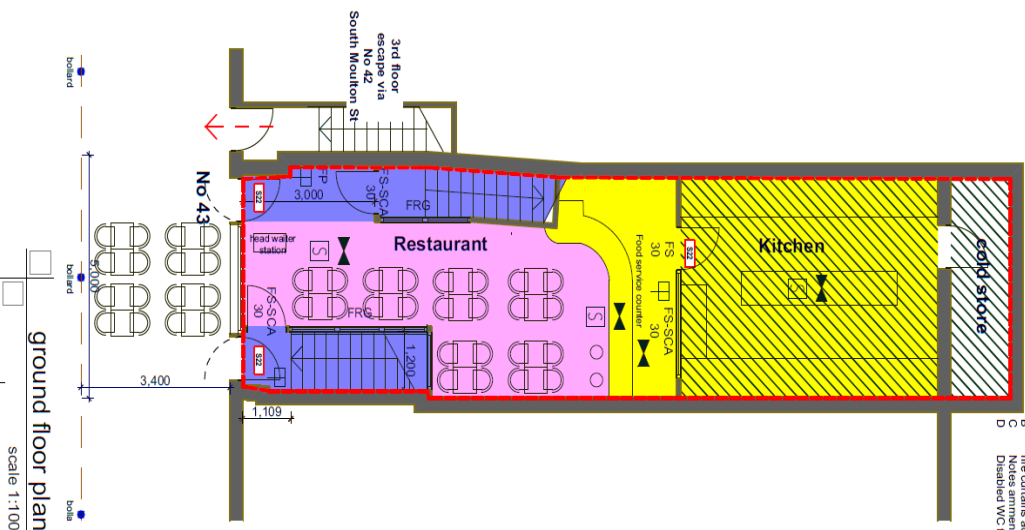
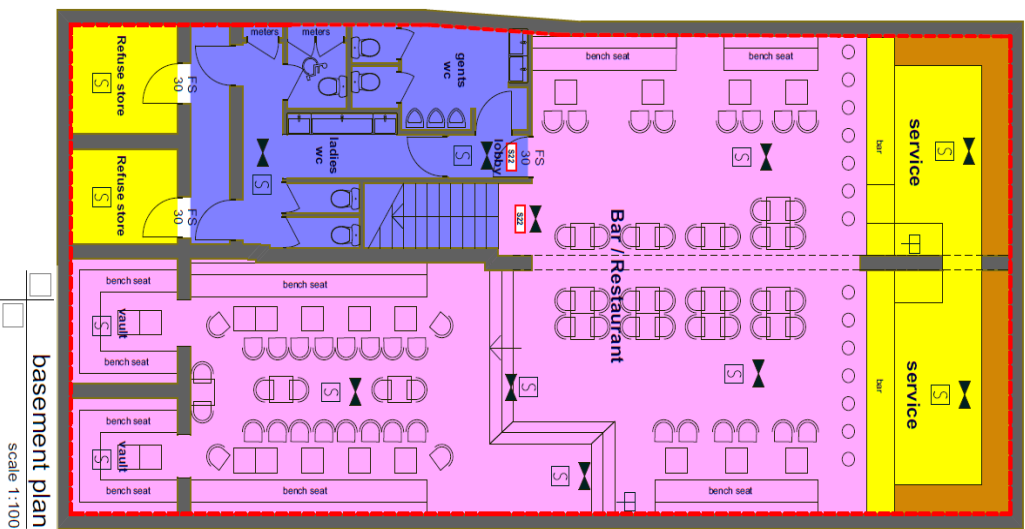
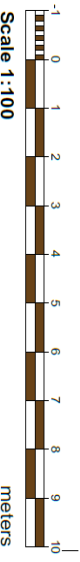
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.
37. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
38. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
39. 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 concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
40. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public..
41. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
42. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
43. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
44. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
45. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
46. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
47. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
48. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
49. The certificates listed below shall be submitted to the licensing authority upon written request:
  - o Any permanent or temporary emergency lighting battery or system

- o Any permanent or temporary electrical installation
  - o Any permanent or temporary emergency warning system
50. The premises shall operate a dispersal policy at least half an hour before the terminal hour for provision of licensable activities and until the last customer has left the immediate area, as follows:
- a. Hot and cold soft drinks must be available.
  - b. Music must be lowered.
  - c. Lights must be turned up.
  - d. Customers must be reminded that there are residents on the street and be asked to leave quietly.
  - e. Customers must be encouraged to walk towards Oxford Street.
  - f. Security staff shall supervise the exit door and the street outside, to disperse customers rapidly and quietly.
51. All staff engaged in supervising of the outside of the premises shall wear high visibility arm bands.
52. There shall be no dance floor at the premises.
53. There shall be no external promoters used at the premises.

**Annex 4 – Plans**

Attached

NB  
Tables and chairs shown for  
illustrative purposes only



Job no: drawing no: revision: scale: 1:100 @ A3  
**1513 - LP 1 D**  
 Project: 43 South Moulton Street, London W1  
 drawing: basement - 1st floor plans  
 architect: perry and bell ltd  
 21 WOODSTOCK ST  
 LONDON W1C 2AP  
 T: 020 7498 6036  
 F: 020 7498 9858  
 architect:u@perryandbell.com

- Revised Comment
- A door & partitions omitted at first floor, travel distance and widths added
  - B Fire curtains added at first floor, smoke detection added basement ref & vaults
  - C Notes amended
  - D Disabled W/C facility added to Brit - hoists omitted - 1st floor service area altered

date: 7 Dec 2015  
 drawn by: IDP  
 checked by: MIK  
 Issue Date:  
 30-12-2015  
 21-01-2016  
 24-02-2016  
 25-02-2016  
**Licence plans**

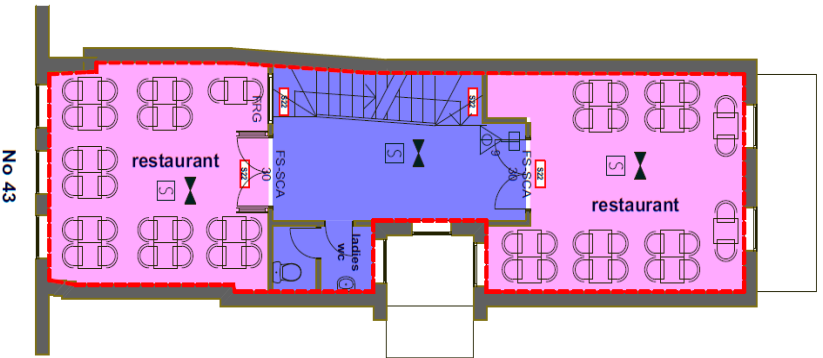
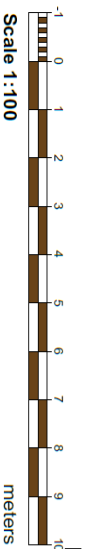
**DESIGNATION KEY**

- DESIGNATED DRINKING AREA
- DESIGNATED PUBLIC TOILET AREA, PASSAGES & STAIRS
- DESIGNATED KITCHEN / STAFF AREA
- DESIGNATED LIQUOR STORAGE
- DESIGNATED ENVIRONMENTAL HEALTH AREA
- DESIGNATED LICENCE OUTLINE
- EMERGENCY LIGHT
- SMOKE DETECTOR
- ESCAPE SIGNAGE
- CALL POINT
- FIRE EXTINGUISHER
- FIRE DOOR - SMOKE RESISTANT
- SELF CLOSING - AUTOMATIC RELEASE
- FIRE RESISTANT GLAZING
- AUTOMATIC FIRE CURTAIN 60 MIN FR

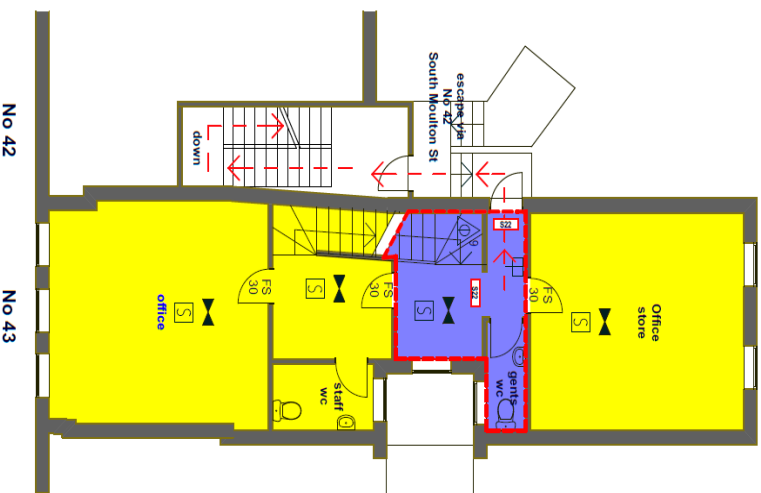




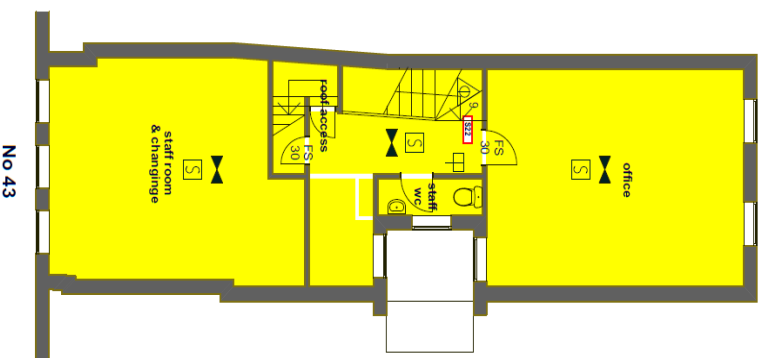
NB  
Tables and chairs shown for  
illustrative purposes only



second floor plan  
scale 1:100



third floor plan  
scale 1:100



fourth floor plan  
scale 1:100

Job no: 1513 - LP 2 C  
drawing no: 1513 - LP 2 C  
revision:  
Project: 43 South Moulton Street, London W1  
drawing: 2nd - 4th floor plans

Scale: 1:100 @ A3  
Revised by: Issue Date:  
A 30-12-2015  
B 30-12-2015  
C 26-02-2016

Date: 7 Dec 2015  
drawn by: IDP  
checked by: MJK

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ARCHITECTS  
21 WOODSTOCK ST  
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F: 020 7439 9595  
architects@perrybell.com

Issued by:  
IDP  
IDP

Licence plans

### DESIGNATION KEY

- DESIGNATED DRINKING AREA
- DESIGNATED PUBLIC TOILET AREA, PASSAGES & STAIRS
- DESIGNATED KITCHEN / STAFF AREA
- STORAGE
- DESIGNATED ENVIRONMENTAL HEALTH AREA
- DESIGNATED LICENCE OUTLINE
- EMERGENCY LIGHT
- SMOKE DETECTOR
- ESCAPE SIGNAGE
- CALL POINT
- FIRE EXTINGUISHER
- FIRE DOOR - SMOKE RESISTANT
- SCA SELF CLOSING - AUTOMATIC RELEASE
- FRG FIRE RESISTANT GLAZING
- FCR60 AUTOMATIC FIRE CURTAIN 60 MIN FR



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

Schedule 12  
Part B

WARD: West End  
UPRN: 100023474573

Premises licence  
summary

Regulation 33, 34

Premises licence number:

18/07071/LIPV

**Part 1 – Premises details**

**Postal address of premises:**

Jaks  
43 South Molton Street  
London  
W1K 5RW

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Exhibition of a Film**

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day

**Performance of Live Music**

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day

**Playing of Recorded Music**

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day

**Anything of a similar description to Live Music or Recorded Music**

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day

**Late Night Refreshment**

Monday to Sunday:	23:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day

<b>The opening hours of the premises:</b>	
Monday to Sunday:	07:00 to 01:30

**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:**

Seferi Valentin  
 Jubilee House  
 Townsend Lane  
 Kingsbury  
 London  
 NW9 8TZ

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

06584419

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

**Name:** Riad Dragusha

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

Restricted

**Date:** 4<sup>th</sup> November 2018

**This licence has been authorised by Miss Sam Eaton on behalf of the Director - Public Protection and Licensing.**

**WESTMINSTER CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR VARIATION TO PREMISES LICENCE**

**Jaks, 43 South Molton Street, London W1K 5RW**

**12<sup>TH</sup> May 2022**

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**APPLICANT'S BUNDLE**

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**Index**

- 1. Skeleton argument**
- 2. Photographs**
- 3. Menus**
- 4. Shield Associates report**
- 5. Police correspondence**
- 6. Environmental health correspondence**
- 7. Residents' correspondence**

**Tab 1**

**WESTMINSTER CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR VARIATION TO PREMISES LICENCE**

**Jaks, 43 South Molton Street, London W1K 5RW**

**12<sup>TH</sup> May 2022**

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**APPLICANT'S SKELETON ARGUMENT**

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**Introduction**

1. Jaks opened its doors in 2017 and has operated without harm to the licensing objectives in the five years since, including while utilising its full complement of temporary events notices for later hours.
2. Jaks now wishes to vary its licensed hours to 3 a.m.
3. The Metropolitan Police were content to withdraw their representation on the basis of additional conditions.
4. Agreement has been reached with the environmental health officer as to conditions, although the representation has been left in.
5. Those further conditions are commended to the Sub-Committee.
6. There are five residents objecting, who are in turn supported by [REDACTED]. It is hoped that their concerns will be allayed by the conditions agreed with the authorities as described below.

**Jaks**

7. 43 South Molton Street was previously a nightclub called Amika, which was poorly managed and lost its licence following a public brawl.

8. The owner of Jaks, Mr Seferi, has nothing to do with the previous owners or operation.
9. In 2016, Mr Seferi applied for and was granted a premises licence to 1 a.m. on seven nights per week. Even though the licence is beyond core hours, the Sub-Committee was content to grant the licence with an extensive set of 53 conditions (mostly proposed by Mr Seferi, the remainder agreed in the Sub-Committee meeting), trusting that these would be sufficient to prevent harm to the licensing objectives, as they have proved to be. The main conditions can be summarised as follows:

Security	After 20:00, 1 x SIA for first 75 customers and one for each 100 thereafter (condition 11)
Capacity	Basement 130 Ground floor 32 First floor 65 Second floor 40 (Condition 12)
First and second floor restaurant	<ul style="list-style-type: none"> <li>• Full restaurant condition (condition 14)</li> <li>• No live music after 23:00 (condition 22)</li> <li>• Noise limiter installed (condition 28)</li> </ul>
Ground floor café	<ul style="list-style-type: none"> <li>• Post 9 pm full restaurant condition (condition 15)</li> <li>• No regulated entertainment on ground floor (condition 21)</li> <li>• No speakers in lobby (condition 23)</li> </ul> <p>I.e. no bar visible from street</p>
Basement bar	<ul style="list-style-type: none"> <li>• To be laid out with at least 120 chairs with tables (condition 16)</li> <li>• Noise limiter installed (condition 28)</li> <li>• No dance floor (condition 52)</li> <li>• No external promoters (condition 53)</li> </ul>
Exterior control	<ul style="list-style-type: none"> <li>• No drinking outside except in authorised external area (governed by pavement licence) (conditions 17 and 18)</li> <li>• No reg entertainment outside, no speakers (conditions 21 and 23)</li> <li>• Max 10 smokers post 21:00 (condition 18)</li> <li>• Management or security to patrol South Molton St from 23:00 to 30 minutes after closing (condition 20)</li> <li>• Litter sweeps (condition 34)</li> <li>• Dispersal policy including: <ul style="list-style-type: none"> <li>○ Customers encouraged to walk towards Oxford St</li> <li>○ Security staff to supervise exit door and street to disperse customers rapidly / quietly (condition 50).</li> </ul> </li> <li>• All staff supervising exterior to wear high vis arm bands (condition 51)</li> </ul>
General nuisance	<ul style="list-style-type: none"> <li>• No nuisance condition (condition 29)</li> <li>• No odour etc condition (condition 30)</li> <li>• Windows / doors closed after 21:00 (condition 31)</li> <li>• Respect neighbours notices (condition 32)</li> </ul>

	<ul style="list-style-type: none"> <li>• Manager’s telephone number publicly available (condition 33)</li> <li>• Waste presented at controlled times (condition 35), and not to be moved etc between 23:00 and 07:00 (condition 36)</li> <li>• No deliveries 23:00 to 08:00 (condition 37)</li> </ul>
--	---

10. Mr Seferi reconceived and refurbished the premises to create a homely, comfortable, lounge-style environment, with a restaurant on the first and second floors, a café on the ground floor and a seated bar/lounge in the basement. It attracts a mature clientele that would prefer to sit and talk than stand or dance.

11. Photographs of the premises are at **Tab 2**.

12. The menus for the premises are at **Tab 3**. The premises now operates both a full restaurant and a separate sushi kitchen for the benefit of its guests, as can be seen from the menus.

13. The above code of control has been highly effective in terms of promoting the licensing objectives. The premises do not suffer from crime or disorder, there are no police call-outs and there are no nuisance complaints.

14. More specifically:

- There is no queuing at the venue. On weekend nights, which are the busiest, nearly all tables are pre-booked in any event.
- There is no noise break-out.
- Exterior use for smoking and drinking is very limited.
- Dispersal is peaceful. There is no mass exodus as there is for nightclubs. Customers come out in couples and small groups and tend to walk the short distance to Oxford Street to pick up cabs, supervised by security staff. There are no cabs on South Molton Street since it is pedestrianised at night, which reduces the potential for disturbance.
- Deliveries and waste present no issues.

### **Temporary event notices**

15. Over the busy winter period in 2021, Jaks utilised its full complement of TENs to permit licensable activities until 3 a.m., i.e. the hours applied for here. The dates involved were: 16, 17, 23, 24, 30, 31 October; 6, 7, 13, 14, 20, 21, 27, 28 November; 4, 5, 11, 12, 17, 18, 19 December.
16. The outcome was that there were no complaints or issues.
17. The experience was that having the longer hours meant that the numbers dwindle so that by closing time there are only about 80 customers left in the venue, making dispersal relaxed and quiet.

### **This application**

18. Based on its experience of running without harm to the licensing objectives, the applicant has now made this application.
19. In support of the application, it has invited the independent licensing consultants Shield Associates to inspect the premises and the locality and to produce a report. Shield have no previous association with Jaks. The report, which is by Ian Smith and David Gair, respectively a former Metropolitan Police Borough Commander and Chief Inspector, is at **Tab 4**.
20. Shield inspected over two weekend nights. They considered this a very well-run venue with a definite team ethos and good management in terms of the licensing objectives. The SIA team was a settled team which provided a pro-active presence. The décor and feel of the venue was high end, with plush furnishing etc. The service is correspondingly attentive and polite. The customer base reflects the offer: it is a mature one (25-40, couples and small mixed groups) which is not prone to creating or causing issues around crime and disorder.
21. They found that the premises exerted no impact on the licensing objectives. Activities are essentially inaudible outside. Customers left the venue in small groups and were encouraged both by staff and the SIA team to head up (north west) the short distance towards Oxford Street. Very few walked down South Molton Street. They saw no evidence of nuisance, anti-social behaviour or intoxication.



22. They concluded that: “the managers and staff all appear to be determined to run a safe, secure and enjoyable venue that provides first class service in a high-end establishment.”
23. They recommended that there be a last entry condition of 01:00, a 30 minute dispersal period and that the internal door into the bar is closed off except for ingress and egress. On that basis, Shield did not consider that the hours applied for would have any impact on the licensing objectives.

### **Police**

24. The Police made a representation stating the hours sought were beyond core hours and they had concerns that the application may cause further policing problems in the area.
25. Jaks representatives accordingly met Police on site so that the Police could see the nature of the operation.
26. They agreed that the premises was discrete and not a landmark, and nor was it a crime generator.
27. As a result, they reached agreement that:
  - (1) There shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).
  - (2) At closing time, the premises licence holder shall station one SIA operative outside the premises and one at the north end of South Molton Street to supervise customers walking in that direction.

28. On the basis of that agreement, the Police withdrew their representation.

29. A copy of the relevant Police correspondence is at **Tab 5**.

### **Environmental health**

30. Environmental health made a representation regarding the risk of public nuisance.
31. Jaks’ representatives accordingly met Mr Nevitt on site.

32. Following that, Mr Nevitt wrote a helpful memorandum recording the several conditions already in place to promote the licensing objectives, and noting the structural characteristics of the premises which served to protect against noise escape.
33. As a result of the meeting, Jaks agreed to restrict the variation for the hours of regulated entertainment to the basement only. It was also able to offer Mr. Nevitt reassurance on all the matters he had raised.
34. Mr. Nevitt has left his representation in, so he will hopefully be able to confirm the above with the Sub-Committee.
35. The relevant correspondence is at **Tab 6**.

### **Residents**

36. Jaks asked WCC officers to distribute a meeting invitation to residents, per **Tab 7**.
37. Consequently, Jaks' representative spoke with one resident, which did not result in an agreement.
38. However, there is no evidence that Jaks has caused a nuisance to residents in the five years it has traded here.
39. The Sub-Committee is invited to the view that the agreements with MPS and environmental health are adequate to prevent harm should this variation be granted.

### **Conclusion**

40. Jaks has proved an asset to Westminster, providing a first class, relaxed, high-service, licensed environment which has traded without harm to the licensing objectives, subject to a licence which was from the outset conditioned to avoid harm.
41. The proposals have been:
- a. Tested with a large number of TENs.
  - b. Scrutinised by senior independent licensing consultant.
  - c. Discussed with MPS, with conditions agreed.

d. Discussed with environmental health, with measures agreed.

42. The Sub-Committee is asked to conclude that all the evidence is that Jaks has earned the opportunity to trade to the hours applied for, and that this proposal may safely be granted.

**PHILIP KOLVIN QC**  
**3rd May 2022**

**11 KBW**  
**Temple EC4**

Tab 2









# Jak's Mayfair

## Breakfast Menu

### Breakfast

Florentine .....	11.5
2 poached eggs on a toasted muffin with spinach & hollandaise sauce	
Jak's Benedict .....	12.5
2 poached eggs on a toasted muffin with ham & hollandaise sauce	
Jak's Royal .....	12.5
2 poached eggs on a toasted muffin with smoked salmon & hollandaise sauce	
Highland Scrambled .....	11.5
Scrambled eggs & smoked salmon on a toasted bagel	
Omelette .....	10.5
with peas, mushrooms & spinach	
Omelette .....	13
with bacon & sausage	
Scrambled Eggs .....	12.5
With ham & cheese on toast	
Jak's Full Breakfast .....	14.5
2 fried eggs, bacon *, Cumberland sausage, tomato, mushrooms, baked beans & toast with a hot drink of your choice * options available turkey bacon & chicken sausage *	

### Bakery & Fruit

French Toast .....	8.5
With honey & cinnamon, garnished with fruit	
Croissant .....	4.5
With butter & jam	
Toast .....	4.5
With butter & jam	
Granola .....	8.5
With fruits, yogurt & honey	
Porridge .....	8.5
With walnuts, blackberries & honey	
Fruit Salad .....	8.5

### Desserts

Tiramisu .....	8.5
Cup Cake .....	6.5
Jak's Strawberry Cheesecake .....	8.5
Cake of the Day .....	8.5

### Hot Drinks

Espresso .....	single 3 double 3.5
Macchiato .....	single 3.5 double 4
Americano .....	4
Cappuccino .....	4
Latte .....	4
Selection of Teas .....	5.5
Hot Chocolate .....	4.5
Cafe Mocha .....	5
Bailey's Coffee .....	13.5
Hot coffee with Bailey's, sugar & fresh cream	
Irish coffee .....	14.5
Hot coffee with Irish whisky, sugar & fresh cream	

\* milk options available: semi skimmed, coconut, soya, almond, oat \*

### Fresh Juices

All juices 7.5

\*\*except

<p><b>Morning Magic</b> carrot, apple, ginger</p> <p><b>Jak's Juice</b> Carrot, apple, orange, ginger</p> <p><b>Pick Me Up</b> carrot, apple, cucumber, ginger, lemon</p> <p><b>Happy Chappy</b> carrot, beetroot, orange, pineapple, lemon</p> <p><b>Cool Breeze</b> Pineapple, mint, apple</p> <p><b>Apple Refresh</b> apple, lemon, ginger</p> <p><b>Soul Cleanse</b> spinach, apple, parsley, cucumber, celery, lemon</p> <p><b>Winter Warmer</b> Spinach, apple, pear, (ginger optional)</p> <p><b>Beetlicious</b> beetroot, apple, carrot, ginger</p> <p><b>Green Machine</b> kale, spinach, celery, cucumber, ginger</p> <p><b>Sunshine Glow</b> Spinach, apple, pineapple, cucumber</p> <p>** Pomegranate Juice 10</p>
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Please inform a member of the team of any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your final bill.



# Jak's Mayfair

43 South Molton Street W1K 5RS Tel: 0330 088 2203

## STARTERS

Grilled King Prawns .....	18.5
Chicken Caesar .....	14.5
Burrata Salad .....	11.5
Smoked Salmon .....	13.5
Classic Bruschetta (V) .....	7.5
Greek Salad .....	9.5
Tricolore Salad .....	9.5
Artichoke Salad .....	9.5
Pizza Bread .....	10

## FISH

All served with two sides

Grilled Sea Bass Fillet .....	23.5
Grilled Tuna Steak .....	24.5
Poached Salmon Steak .....	25
Cod Fish .....	24.5

## MEAT

All served with two sides

Chicken Milanese .....	23.5
Grilled Chicken Breast .....	22.5
Chicken Parmigiana .....	23.5
Jak's Beef Burger .....	21
Veal Schnitzel .....	22.5
Veal with mushroom sauce .....	23.5
Ribeye Steak with peppercorn sauce .....	26.5

## VEGETARIAN

All served with two sides

Melanzane Parmigiana (V) .....	18.5
Spinach Ricotta Cannelloni (V) .....	16.5
Stuffed Aubergine (V) .....	22.5

## SIDE VEGETABLES

Grilled Vegetables - Broccoli - Spinach
Roast Potatoes - Roasted Mushrooms
Saffron Rice - Chips
Any 7.5 - Choice of three 14.5

See our large display selection of salads, vegetables  
fish & meats for more specials

## PIZZA

Margarita (V) .....	12
Jak's chicken & peppers .....	14.5
Pepperoni .....	15.5
Vegetariana (V) .....	14.5
Rustica cherry tomatoes, bresaola, rocket .....	16
Zefi ham, artichoke, mushroom, olives .....	15.5
Regina Parma ham, parmesan .....	15
Walton red onions, tuna, olives .....	15
Napoli anchovies, capers (V) .....	14
Calabreze sausage, peppers, jalapeños, pesto .....	16
King's Road spinach, egg, parmesan .....	14.5
Chelsea goat cheese, mushroom, spinach .....	15
Quattro Formaggi (V) .....	14

\* Gluten-free options available \*

## PASTA

Salmon & Spinach Penne .....	18.5
Penne Aubergine & Mozzarella (V) .....	17.5
Mixed Seafood Spaghetti .....	22
Penne Vodka prawns, vodka, cream, tomato sauce .....	22
Penne Arrabbiata .....	14.5
Zefi with pink creamy sauce .....	17
Spaghetti Bolognese minced beef, tomato sauce .....	16
Spaghetti Carbonara bacon, egg, parmesan, cream .....	19
Mushroom Risotto parmesan, cream (V) .....	16
Salmon Risotto asparagus, saffron .....	19.5
Risotto Quattro Formaggi (V) .....	16
Creamy Gnocchi with butternut squash & spinach .....	16.5
Penne with red pesto & burrata .....	17.5
Paccheri Gamberi with zucchini & pomodorini .....	22.5

\* Spelt pasta & gluten-free options available \*

## SHARING PLATTERS

For two

### Cured Meat

Parma ham, mortadella, chorizo, salami

### Cheese Platter

Brie, pecorino, blue cheese, goat cheese

### Vegetarian

Carrots, cucumbers, courgette, olives, peppers, hummus

From 14

Please inform a member of staff for any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your final bill

# Jak's

43 South Molton Street W1 Tel: 033 0088 2203

## STARTERS

Chicken Caesar  
Burrata Salad  
Classic Bruschetta (v)  
Artichoke Salad  
Goat Cheese and Baby Spinach  
Hummus and Pizza Bread

## MAINS

All mains are served with a selection of two sides –  
Mixed Roasted Vegetables, Roasted Potatoes, Broccoli Greens

Ribeye Steak with peppercorn sauce  
Chicken Milanese  
Chicken Parmigiana  
Jak's Beef Burger  
Grilled King Prawns  
Grilled Sea Bass  
Grilled Tuna Steak

Penne with Aubergine & Mozzarella (v)  
Spaghetti Carbonara  
Mushroom Risotto  
Seafood Spaghetti

Melanzane Parmigiana (v)  
Spinach Ricotta Cannelloni (v)  
Stuffed Aubergine (v)

## DESSERTS

Cake of the Day  
Strawberry Cheesecake  
Chocolate Pudding  
Tiramisu  
Chocolate Brownie (v) (gf)

Three Course Set Menu – £50 per person

Please inform a member of the team of any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your bill.

# Jak's

43 South Molton Street, London W1K 5RS

Tel: 033 0088 2203

## Sushi Canapé Menu

Spicy Salmon Tartar on Crispy Rice	£4 each
Jak's Chicken Nachos	£3 each
Vegetable Gyoza	£2 each
Chicken and Vegetable Gyoza	£2 each
Vegetable Spring Roll	£2 each
Tempura Shrimp	£3 each
Jak's Spicy Tuna Roll	£3 each
Chicken Karage	£2 each
Mini Chicken Yakitori	£3 each
Pancake Ball with Octopus	£3 each
Mini Tuna Tataki Salad	£4 each
Mini Crab Stick Salad	£3 each

Please inform a member of staff for any dietary requirements or allergies.  
A discretionary 12.5% service charge will be added to your final bill.

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# Jak's Sushi

43 South Molton Street WIK Tel: 0330 088 2203

## Sashimi

three pieces per portion

Salmon .....	9.5
Tuna .....	11
Yellow Tail .....	11
Octopus .....	6
Squid .....	6
Ama-ebi sweet shrimp .....	6
Scallop .....	11

## Uramaki

Eight pieces per portion

Soft Shell Crab .....	20
with tobiko, cucumber, & wasabi mayonnaise	
Tempura Shrimp .....	20
tobiko & spicy mayonnaise	
Salmon Roll .....	15
With cucumber & sesame	
Vegan Roll (v) .....	15
With avocado, cucumber, seaweed salad	
Ama-ebi Maké Roll .....	18
With salmon, avocado, tobiko, wasabi mayonnaise	

## Nigiri

two pieces per portion

Salmon .....	7
Tuna .....	9
Yellow Tail .....	8
Octopus .....	7
Squid .....	7
Crab Stick .....	6
Cooked Shrimp .....	7
Scallop .....	8
Ama-ebi sweet shrimp .....	7
Tamago japanese omelet .....	6
Aburi Seared Salmon .....	7
Aburi Seared Tuna .....	8
Aburi Seared Scallop .....	8

## Sides

Fried Rice with chicken & kimchi .....	19
Fried Rice with salmon & tobiko .....	20
Vegetable Fried Soba Noddles	17

## Gunkan Sushi

two pieces per portion

Spicy Salmon .....	7
Salmon Roe .....	7
Tobiko fish roe .....	7
Edamame (v) .....	6
Seaweed Salad (v) .....	6

## Hosomaki

Eight pieces per portion

Cucumber .....	7
Avocado .....	7
Salmon .....	9
Tuna .....	9
Tamago japanese omelet .....	7

## Tokusen Nigiri

selection of Nigiri sushi

Chef's Selection of six pieces .....	20
Chef's Selection of nine pieces .....	28.5

## Zensai ( Tapas )

Appetizers

Edamame Soybeans (v) .....	6
Mixed Salad (v) .....	8
with Japanese dressing	
Seaweed Salad (v) .....	8.5
with soy & sesame dressing	
Crab Stick .....	9.5
with cucumber, tobiko & japanese mayonnaise	
Japanese Fried Chicken .....	10.5
with mixed salad & japanese sesame dressing	
Yellow Tail Carpaccio .....	16.5
With turnip puree, chilli & lemon ponzu	
Spicy Salmon Tartar .....	18.5
With crispy rice	
Jak's Tuna Tataki .....	18.5
with mixed salad, cucumber, avocado, crispy leek & wasabi citrus dressing	

## Hot Dishes

Hot

Jak's Spicy Tuna Roll .....	18.5
Tempura Prawn .....	18.5
Tempura Seasonal Vegetable (v) .....	14.5
Chicken Karage japanese fried chicken .....	11.5
Teriyaki Chicken .....	13.5
Teriyaki Salmon .....	15.5
Steam Rice .....	5
Miso Soup with salmon & tofu .....	7
Vegetable Spring Roll (v) .....	9
Chicken & Vegetable Gyoza .....	10
Chicken Yakitori chicken skewer (2 pcs) .....	8.5
Tempura Soft Shell Crab with wasabi mayonnaise .....	16.5
Jak's Flat Iron Cube with crispy garlic & chef's secret recipe .....	18
Jak's Nachos .....	10
Crispy dumping pastry, chicken, teriyaki sauce & wasabi mayonnaise	

Please inform a member of staff for any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your final bill

## WHITE WINES

La Magia Rosa Pinot Grigio Italy 2018 .....	8.5 / 35
Nyala Sauvignon Blanc South Africa 2018 .....	9 / 38
Voltolino Gavi Italy 2018 .....	9.5 / 39
Macon Villages Fichet France 2019 .....	45
Tim Adams Foxlee Reisling Australia 2015 .....	37
Spy Valley Sauvignon Blanc New Zealand 2018 .....	40
Jean Biecher Gewürz Germany 2018 .....	45
Bodegas Castro Martin Albarino Spain 2017 .....	40
Creation Viognier South Africa 2019 .....	38
Domain Thomas Sancerre France 2018 .....	45
Soave Monte Carbonare Italy 2017 .....	55
Jean Defaix Chablis France 2018 .....	55
Charles Maxime Meursault France 2017 .....	95
Puligny Montrachet France 2014 .....	135

175ml Glass / Bottle

## ROSÉ WINES

Petit Papillon Grenache Rosé France 2017 .....	8.5 / 35
Pastour Cotés de Provence France 2018 .....	40
Andre Neveu Sancerre France 2017 .....	48
Whispering Angel Provence France 2019 .....	55

175ml Glass / Bottle

## RED WINES

Jak's La Gasparde France 2016 .....	9 / 35
Le Versant Merlot France 2018 .....	9 / 36
Lorosco Cabernet Sauvignon Chile 2018 .....	10 / 38
Dinastia Vivanco Crianza Rioja Spain 2018 .....	11 / 40
Catena Alta Malbec Argentina 2018 .....	12 / 45
Little Eden Pinot Noir Australia 2018 .....	35
Rufina Chianti Italy 2019 .....	40
Haut De Brun Cotés du Rhone France 2019 .....	42
Château Queyron Saint-Émilion France 2016 .....	55
Angelo Veglio Barolo Italy 2015 .....	50
Journeys End Shiraz South Africa 2017 .....	46
Chevalier Chateauf-neuf-du-Pape France 2017 .....	80
JJ Grand Cru Saint-Émilion France 2014 .....	85
Château La Croix Pomerol France 2007 .....	150
Château Talbot France 2009 .....	150
Tignanello Italy 2010 .....	300

175ml Glass / Bottle

## COCKTAILS

### Jak's Revolution 15.5

White rum, raspberries, raspberry liqueur  
pineapple, pomegranate & lime juice

### Bramble 15

Gin, blackberry liquor, lemon juice & sugar syrup

### Man On Fire 15.5

Plata tequila, single malt whisky, smoked salts  
orange liqueur, agave syrup & lime juice

### New York Sour 15.5

Blended whisky, red wine, egg white  
sugar syrup & lemon juice

### Pornstar Martini 16

Vodka, passion fruit liquor, passion fruit juice & lime juice  
complemented with a shot glass of prosecco

### Espresso Martini 15.5

Vodka, Kahlua, caramel & vanilla liquor, coffee

### Jak's Fresh Apple Martini 16

Vodka or gin, apple liqueur & fresh apple juice

### Jak's Julep 15.5

Cognac, peach purée & liqueur  
lemon juice & mint leaves

### Watermelon Punch 16

Citron vodka, watermelon liqueur & fresh watermelon juice

### English Rose Caipirinha 15

Gin, cachaca, rose syrup, sweet rose-hip & limes

## CHAMPAGNES

Jeio Bisol Prosecco .....	12 / 45 / 95
Perrier-Jouet Grand Brut .....	14 / 70 / 145
Laurent Perrier La Cuvée .....	75 / 180
Moët Imperial Brut .....	75 / 180
Veuve Clicquot Brutt .....	75
Dom Perignon Vintage 2009 .....	300
Krug Grand Cuvée .....	300
Louis Roederer Cristal Vintage 2009 .....	360
Jeio Prosecco Cuvée Rosé .....	45
Perrier-Jouet Blason Rosé .....	95
Veuve Clicquot Rosé .....	110
Laurent Perrier Cuvée Rosé .....	120
Krug Grand Cuvée Rosé .....	400

125ml Glass / Bottle / Magnum

125ml is also available for wines served by the glass. Please note that all wine & champagne vintages are subject of availability



**Shield Associates Licensing Impact Assessment**

**Venue – Jaks Mayfair, 43 South Molton Street, W1K 5RS**

**Date/Time of Visits: 11<sup>th</sup> & 12<sup>th</sup> March 2022, 2230 – 0130hrs**

**1. Introduction**

Shield Associates are a company formed by former senior Metropolitan police officers in 2013. The three Directors all served a minimum of 30 years and were at different times responsible for policing, liaison, partnership working and compliance in relation to licensed premises in the Boroughs of Westminster, Southwark, Sutton, and Kingston-upon-Thames as well as involved in the planning and coordination of licensing initiatives and compliance strategies across the Metropolitan police area.

Shield Associates Directors all served in senior positions within the Metropolitan police, Ian Smith – Detective Superintendent and Borough Commander, Gary Taylor – Superintendent; Pan-London Licensing and TfL policing lead, and David Gair – Chief Inspector; Public Order and Licensing specialist. All three Directors were responsible for crime and disorder reduction, community confidence, public satisfaction and licensing related issues and enforcement with specific dedicated licensing teams under their command.

As part of our licensing response, we undertook problem solving, partnership working and compliance regimes to ensure the safety and security of patrons, staff and the local community in relation to NTE licensed premises, in particular large night-clubs and venues that remained open beyond 0200hrs. This included late-night refreshment houses, liaison with public transport providers and licensed mini-cab activities as part of the larger problem-solving initiatives.

Shield Associates also deliver nationally accredited training for owners, DPS, licensees, security companies, bar staff and workers involved with NTE venues around crime reduction, anti-social behaviour and awareness of their responsibilities under the Licensing Act, forensic awareness, drugs awareness and personal safety and vulnerable persons.

Shield Associates Directors are all members of the Institute of Licensing.

As a company our aim is to provide independent regulatory support to the Licensing trade, offer problem solving and compliance guidance and support the key objectives of the Licensing Act in reviewing working practices, policies, and procedures to ensure:

- The security and safety of those visiting a venue
- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of young and vulnerable people from harm

As such we have undertaken comprehensive reviews and audits of licensed premises to ensure compliance and responsible management in support of the licensing objectives. We have delivered training to staff at licensed venues, local Pub-Watch schemes, personal licence holders and SIA door security companies.

As a company, we undertake independent reviews of premises when instructed to do so. In doing so we recognise that our duty is to provide an independent, objective report to the licensing committee, bearing in mind the potential impact of the premises and its hours on the licensing objectives.

All issues identified in our reports are true to the best of our knowledge and experience. They were either witnessed or experienced by us or told to us in good faith. The opinions expressed in this report are honestly held and correct to the best of our judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

We have not previously been instructed on behalf of the premises licence holder and have never previously been to any of its premises.

## **2. Instructions to Shield**

Shield Associates have been instructed to undertake two visits to Jaks in South Molton Street to carry out a licensing impact assessment, and to consider any potential impact on the local area in relation to an application to extend its licensing hours. We were specifically asked to look at: The impact of the operation.

- Dispersal management.
- Evidence of residents in occupation at flats in South Molton Street.
- The proposed last entry and its benefits.

On Friday 11<sup>th</sup> and Saturday 12<sup>th</sup> March 2022 David Gair and Ian Smith from Shield Associates carried out the visits to the venue between 2230 – 0130hrs. We met with Mr Tim Halilaj (Duty manager) and spoke to other members of staff during our visits.

## **3. Location and History of Venue**

South Molton Street is a pedestrianised street that runs between Davies Street / Oxford Street and Brook Street a short walking distance from Bond Street underground station. It is a mix of offices, businesses, shopfronts and a few residential properties.

Jak's Mayfair has been operating from 43 South Molton Street for around 4 years. The venue was previously licensed by Westminster Council and was known as 'Amika' that described itself as 'London's most glamorous and infamous nightclub'. When operating as 'Amika;' the venue had a capacity of 300 and operated from 2200-0400hrs. The music scene was described as Electro, Hiphop, Commercial House, R&B and Party Anthems. This venue closed in 2016 following revocation of their licence. The owner of Jaks has nothing to do with the previous operation.

Jak's Mayfair is set over four floors. The ground floor / street level floor is accessed through a double set of doors from South Molton Street and is a café style space with a large glass counter running along the left side wall as you enter, and bistro style tables and chairs along the right-hand wall. There is a cooking



station on display at the far end and fresh produce on display reminiscent of a Mediterranean style tapas bar. It has a capacity for 32 patrons. The first floor is accessed via a staircase to the left of the entrance and is a plush restaurant with small bar and waiter/waitress service with a capacity of 65 guests. The second (top) floor is a lounge bar/restaurant type area with comfortable chairs and sofas with low tables and large flat screen TVs. It has waiter/waitress service and has a capacity of 40 guests.

There is a basement bar that has a separate entrance to the right of the main double street doors and operates an airlock system between the street level and basement bar doors down a flight of stairs to mitigate and reduce any noise nuisance. This is the largest of the four areas of the venue, capacity 130 guests, with a bar set along the far wall and a mix of low-level comfortable seating, low tables as well higher bistro style table and chairs. There is a small DJ booth alongside the right-hand wall, though no dance floor. The walls are mirrored giving the impression of space and the décor is high level, clean and comfortable. Food can be served to all the four floors of the venue throughout the night.

There are both men's and ladies' toilets available in the basement bar and top floor of the venue. These were clean and tidy during our visits. They are monitored regularly by staff.

The venue currently operates from 1000-0100hrs Monday to Saturday and 1200-0100hrs on Sundays. It closes at 0130hrs.

The venue operates a HD CCTV system with 62 cameras covering all floors and entrance to the venue that can be accessed by the duty managers to enable downloads if required. There does not appear to be any discernible crime profile for the venue.

#### **4. Surrounding late-night licensed venues, establishments, and environment**

During our visits we carried out an environmental visual audit of the local area to see what other licensed venues were available to the local community and visitors to the area. There are several venues located within approximately 500m of Jak's Mayfair as follows:

- Claridge's Hotel, Brook Street, Mayfair – 24hour Licence. With Ballroom and 10 entertainment spaces available ranging from a capacity of 20 to 500.

- The Iron Duke, 11 Avery Row, Mayfair – Traditional pub - Licensed until 2300hrs
- Hush, 8 Lancashire Court, Mayfair – Restaurant and Bar - Licensed until 2200hrs
- Duke of York, 8 Dering Street, Mayfair – Traditional pub - Licensed until 2300hrs
- Bonds Mayfair, 11 Dering Street – Gastro-pub – Licensed until 2300hrs
- The Loop Bar, 19 Dering Street, Mayfair – Restaurant, Bar and Nightclub – Licensed until 0300hrs Monday to Saturdays with opening hours to 0330.
- The Running Horse, 50 Davies Street, Mayfair – Traditional pub – Licensed until 0000hrs
- The Spread Eagle, 8 Woodstock Street, Mayfair – Traditional pub – Licensed until 2330hrs
- The Lucky Club, 56 Davies Street, Mayfair – Cocktail bar – Licensed until 0000hrs Fridays and Saturdays.

There are several other late-night establishments, pubs, cafes, bars and nightclubs as well as a casino slightly further afield. The venue is approximately 100m from Oxford Street, probably one of the busiest shopping streets in the UK.

##### **5. Footfall and ambience of vicinity**

Pedestrian throughput along South Molton Street was moderate during our visits. It would appear that the street is used as a cut-through from Oxford Street down towards Brook Street and beyond as well as an access route for those looking to get from south of Oxford Street to Bond Street underground station. It was used mostly by couples and small groups throughout the night. There is also evidence of rough sleepers using a few of the recessed doorways to sleep at night (evidence of bedding placed in the doorways of two premises along South Molton Street).

We also witnessed three Tuk-Tuk / cycle rickshaw peddle-bikes transporting people in the area with excessive loud music being played from music systems attached to the bikes. It would appear that the rickshaws only play the music when they have passengers, and we could hear the cycles occasionally during our visits. They were operating primarily along Oxford Street, though did use Davies Street and Brook Street to travel along with rides on board. **(Image 2) We did not see them frequent Jaks, no doubt because Jaks' customers exhibit no demand for their services.**

During our visits we paid particular attention to the premises above the shopfronts to try and establish whether there was a residential community in South Molton Street. From checking the doorways, it would appear that there are flats above a few premises, specifically at:

- 26 South Molton Street – Access intercom detailing Flats 1, 2 & 3. Lights only seen on first floor of the building on Saturday night.
- 37 South Molton Street – Access intercom detailing Flats 1 & 2. Window open on first floor on Saturday night. No lights seen at the premises during our visits.
- Lancashire Court, Brook Street – Residential flats with basement car parking. This residential block sits in Brook Street and is opposite the southern end of South Molton Street some 250 metres away.

There may well be other flats along South Molton Street without specific named intercom systems as well as those that are accessed from either South Molton Lane, Haunch of Venison Yard or Blenheim Street. There was, however, little evidence of lights in the windows above the business premises during our visits.

#### **6. Transport links and access issues**

As previously mentioned, South Molton Street is a pedestrianised street with vehicular access only between 0700-1100hrs for deliveries. We did notice a council rubbish collection van drive down the street on Saturday night collecting bin bags that had been stacked outside business premises. There are, however, several transport options in the near vicinity starting with Bond Street underground system, all night bus routes along Oxford Street, black taxi cabs and the availability of numerous mini-cab firms. Travel to and from the area seems simple and straightforward.

Those customers leaving the venue are encouraged by staff and the SIA security team to head towards Oxford Street, as we witnessed. Very few people leaving the venue on either night walked south down South Molton Street.

Those leaving the venue between 0050-0120hrs generally walked slowly from Jak's the short distance towards Oxford Street in couples and small groups. The security team were pro-active in encouraging the customers to leave the area quickly and quietly. On Friday there were no issues. On Saturday night one small mixed group of around 6 stopped and chatted for 2-3mins at the junction of Davies Street and South Molton Street, though were then encouraged by the security team to move on. There was no noise nuisance, anti-social behaviour or evidence of intoxication from any of the groups or couples we witnessed. There certainly doesn't appear to be any crime profile for the venue or the vicinity (MPS Crime Heat Map for Oxford Street, Regent Street and Bond Street). There are two distinct crime hotspots on the map in the vicinity of Tottenham Court Road and Oxford Circus. Crime per 1000 people in Westminster is far above the MPS average, however, South Molton Street does not feature as a current area of concern. This would suggest that Jak's doesn't currently cause concerns about crimes linked to the venue.

#### **7. Potential impact of venue on local residents and community (witnessed & experienced)**

In relation to the application to extend the premises licence to 0300hrs. This would clearly result in people leaving the venue at a later hour. In relation to transport links this would not appear to cause any real logistical issues as the venue is well served by nearby transport options. The venue is proposing a last entry condition of 0100hrs. This would be an important condition as from what we have witnessed, there is strict compliance and team-work within the venue by staff, management and the security team to ensure the licensing objectives are supported. By restricting entry to before 0100hrs this would significantly prevent those who are in the West End 'cruising' to find late-night licensed venues to continue drinking from entering the venue.

From our experience of the venue the typical demographic of those attending is between 25-40yrs in mostly small mixed groups or couples. The café bar and restaurant are well served by staff and the basement bar operates an airlock door system to prevent noise emanating from the venue. The top floor restaurant/bar appeared to be a relaxed environment without any perceivable issues of noise, nuisance, disorder, or crime.

Stood at street level just across from the venue we could barely hear any music. Certainly, from around 25-30m away could not hear any sound from the venue. At 2300hrs all outside tables and chairs were removed and only a small smoking area was used by patrons, though very few people actually used this area during our visits. We would suggest that along with the last entry at 0100hrs conditions, the smoking area should also be closed to patrons at 0100hrs.

During our visits the only really noisy group of people we did witness was a group outside the Ballroom at Claridge's Hotel around 0030hrs on Friday night and a balcony party at an address on Brook Street around 0020hrs on Saturday night. The general noise in the area from both pedestrians and vehicular traffic is what we would expect from the busy Mayfair/West End area during our visits.

#### **8. Conclusions and recommendations**

In our experience Jak's Mayfair is a very well-run venue with a definite team ethos and proportionate and considered processes in support of the licensing objectives. The duty manager and Dardan, the security coordinator, have a positive and responsive response to issues as they develop at the venue.

The security is provided by Eagle Protection. They provide 3 x SIA door/security team on Fridays and Saturdays. Two posted at the entrances to the venue and one at the door to the basement bar to manage the 'airlock' noise control process. The SIA team we spoke to were regular members of the team at Jak's and have an awareness of the importance of preventing crime and disorder and controlling any potential noise nuisance from the venue. As mentioned, the venue does not appear to suffer from a crime problem. We think this is partially due to the pro-active presence of the security team in-so-far as they speak to everyone entering the venue to welcome them and provide a reminder that they are present. The other factor, however, is possibly the clientele that appear to be from a more well-off demographic and not prone to creating or causing issues around crime and disorder.

The décor and 'feel' of the venue is high end with plush furnishings, tables and chairs across the four floors. The service is attentive and polite, supporting the high-end aspirations of the venue.

Dispersal is dealt with proactively and was gradual from around 0030hrs through to around 0115hrs. The staff and security team come out of the venue to encourage those leaving to head towards Oxford Street and into the busier part of the West End. Most people left in couples or small groups of between 4-6. They did chat as they left the bar, however, at no stage did we witness any inappropriate behaviour, noise nuisance or anti-social behaviour outside what would be expected in this part of the West End and Mayfair. South Molton Street was used as an apparent cut-through during our observations by groups and couples. There is a light canopy along the length of South Molton Street at the moment (**Image 1**) and quite a few groups did stop to take pictures on their mobile phones.

If the venue continues to attract a similar customer base and has the same dedication and pro-active response to supporting the licensing objectives, we would conclude that there would be minimal if any impact on the local community if the venue was allowed to extend its operating hours until 0300hrs. Extra measures we would recommend to support the venue even further would be:

- Close the smoking area for patrons at the same time as last entry (0100hrs) effectively introducing no entry or re-entry after 0100hrs.
- Lights up and music turned down at 0300 hrs to encourage a gradual dispersal through to 0330hrs.
- Ensure the sliding door at the bottom of the staircase to the basement toilets is closed off at all times when the basement bar is in use as this would compromise the airlock if left open.

Overall, we consider that the venue is very well run and is currently fully supporting the licensing objectives. There do not appear to be any crime or disorder problems concerns at the venue since it opened in 2018. Activities from within the premises are essentially inaudible outside, and sound production is controlled by use of a noise limiter. We were told of one occasion when during the Christmas period the music in the top lounge bar had accidentally been left on high after it had been vacated, although this seems to have been a one-off incident.

The managers and staff all appear to be determined to run a safe, secure and enjoyable venue that provides first class service in a high-end establishment.

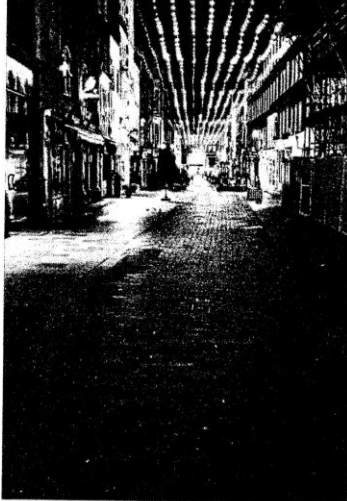

David Gair

Shield Associates

Member of the Institute of Licensing

 Institute of Licensing

Picture Image reference

Number	Description	Image
1.	Venue – Jaks . View of South Molton street towards Brook street	
2.	Rickshaw – Oxford Street	



## Tab 5

### **Philip Kolvin QC**

---

**From:** Morgan, Dave: WCC <dmorgan@westminster.gov.uk>  
**Sent:** 25 February 2022 14:06  
**To:** Philip Kolvin QC  
**Cc:** Pring, Mary: WCC; Licensing: WCC  
**Subject:** Police Withdrawal: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

External Email

Dear Philip,

Thanks very much for confirming.

On the basis that there will be an two SIA at street level and a last entry time of 0100 hours, I can confirm that I am happy to **withdraw** my objection.

Kind regards,

Dave



**PC David Morgan 4242AW**

**Westminster Police Licensing Unit**

Metropolitan Police Service, Central Area - West (AW)

15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP

[David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) or [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)

020 76411705

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 25 February 2022 13:49  
**To:** Morgan, Dave: WCC <dmorgan@westminster.gov.uk>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

No worries at all.

I have checked with the client, and the answer to your question is yes. On that basis, are you able to confirm withdrawal of your representation?

Many thanks

Kind regards

Philip

**From:** Morgan, Dave: WCC <dmorgan@westminster.gov.uk>  
**Sent:** 25 February 2022 12:22  
**To:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Mr Kolvin,

I'm sorry I have replied before now but I was on annual leave last week and other Police duties for the past few days.

Thank you for accepting the 1am entry.

With regards to the extra staff member that you proposed i.e one outside the premises and the one at the end of the street to supervise the short walk up to Oxford St at closing times, can you please confirm whether these would be SIA?

Kind regards,

Dave



**PC David Morgan 4242AW**

**Westminster Police Licensing Unit**

Metropolitan Police Service, Central Area - West (AW)

15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP

[David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>

**Sent:** 14 February 2022 21:19

**To:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>

**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

Just to let you know that my client will accept a 1 a.m. last entry condition.

Might I respectfully enquire whether that would enable you to withdraw your rep. It would be much appreciated if you felt able to do so.

Regards

Philip

**Philip Kolvin QC**

Barrister



11 King's Bench Walk Temple London EC4Y 7EQ

T +44 (0) 207 632 8500



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**From:** Philip Kolvin QC  
**Sent:** 10 February 2022 21:47  
**To:** 'Morgan, Dave: WCC' <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Cc:** Pring, Mary: WCC <[mpring@westminster.gov.uk](mailto:mpring@westminster.gov.uk)>; Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

I am glad you like the suggested condition.

Thanks so much for letting me know re last entry condition.

And thanks for the attachments.

For completeness the WAVE training did not take place because Paul had some extremely sad family circumstances to deal with. It will be rearranged. And we are looking forward to the invitation to the MPS training.

Kind regards

Philip

Philip Kolvin QC

Barrister



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**From:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Sent:** 10 February 2022 12:56  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Cc:** Pring, Mary: WCC <[mpring@westminster.gov.uk](mailto:mpring@westminster.gov.uk)>; Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

External Email

Hi Philip,

Thanks for your emails.

With regards to the suggestion below of a member of staff outside the venue and one near Oxford Street, this would be a useful proposal that I would encourage, as I do have concerns about customers leaving at such a late hour could be targeted by criminals in the area.

With regards to the last entry time, I am still inclined to ask for 1am as I feel this is an acceptable time for this venue. This could always be addressed at a later date following a period of trading with no issues.

It's good to hear that the venue has already booked WAVE training. Just in case they need them, I have attached some info/posters to this email and I will make sure that we contact you nearer the time regarding the MPS training.

Kind regards,

Dave



**PC David Morgan 4242AW**

**Westminster Police Licensing Unit**

Metropolitan Police Service, Central Area - West (AW)

15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP

📧 [David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) 📧 [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Sent:** 08 February 2022 08:27  
**To:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Subject:** Re: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

Sorry, I forgot also to mention that, as we discussed, my client is amenable to station one staff member outside the premises and one at the end of the street to supervise the short walk up to Oxford St at closing times. I hope you consider that to be a practical and useful suggestion.

Best regards  
Philip

Sent from my iPhone

On 7 Feb 2022, at 21:46, Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)> wrote:

Dear Dave

Please may I thank you for the meeting, which was extremely constructive.

As it transpires, the venue had already booked in training with its consultant Paul Douglas (who at one time was used by the Home Office under contract for training) this week, and his training will include WAVE and Ask for Angela. Nevertheless, the client would be delighted to have his management attend MPS training on the topics and would also welcome the information and materials to which you refer.

In the light of the excellent record the venue enjoys re crime and disorder, and the many incident-free TENS, would the Police be amenable, please, to a 1.30 last entry, which represents a compromise between 1 and 2 a.m.? My client considers that a last entry of 2 hours before the terminal hour is too restrictive in this instance. If you are able to agree that, I will be pleased to inform WCC accordingly.

I look forward to hearing from you.

Kind regards

Philip

**From:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Sent:** 02 February 2022 11:12  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Cc:** Pring, Mary: WCC <[mpring@westminster.gov.uk](mailto:mpring@westminster.gov.uk)>; Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

External Email

Dear Mr Kolvin,

Thanks you for meeting with Tom and myself last week and we really appreciated you taking the time to show us around the venue.

As you know, we discussed the possibility of a last entry time and you suggested 2am, but I think this may be a too late and I would prefer to bring that down to 1am.

Would you therefore be agreeable to add the following:

- **There shall be no admittance or re-admittance to the premises after 0100 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).**

Also, I know we discussed WAVE training and Ask for Angela. This is currently being highly promoted by the Met Police as a whole and we will soon be offering free training sessions to all licensed premises. These are still in the planning stage so I have no dates yet, but we would encourage that all licensed premises participate as it is very useful training.

In the meantime, I do have some WAVE and Ask for Angela information and posters which I could email over if wish me too. Please just let me know.

Kind regards,

Dave



**PC David Morgan 4242AW**

**Westminster Police Licensing Unit**

Metropolitan Police Service, Central Area - West (AW)

15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP

✉: [David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) ☎: [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>

**Sent:** 17 January 2022 09:39

**To:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>

**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear PC Morgan

Thanks very much for this.

I think it may be useful for us to meet on site so that you can see the nature of the operation. Do you agree? Would you like to suggest any dates?

Best regards

Philip

**Philip Kolvin QC**

**Barrister**

## Tab 6

### **Philip Kolvin QC**

---

**From:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Sent:** 13 January 2022 12:04  
**To:** Philip Kolvin QC  
**Cc:** Pring, Mary: WCC  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

External Email

It's Mary Pring – cc'd above.

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 13 January 2022 12:01  
**To:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Subject:** Re: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Thanks. Who should I email to get hold of it?

Sent from my iPhone

On 13 Jan 2022, at 12:00, Nevitt, Dave: WCC <dnevitt@westminster.gov.uk> wrote:

External Email

Philip

It will be for the Licensing Service to confirm and give details etc but I see that there is a res Rep on the system for Jak's.

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 12 January 2022 12:52  
**To:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Dear Dave

Thank you very much for the meeting last Friday. I agree with you that it was very helpful. I hope that the following is also helpful.

First, yes, my client is content to restrict the application to extend the hours for regulated entertainment to the basement only which, as you say, reduces the risk of noise escape.

Second, tables and chairs are indeed rendered unusable at 11 p.m. At present, they are in fact brought indoors and stored in the lobby.

Third, as we discussed, waste is collected by the Council at 7 p.m. That will not change.

Regarding dispersal, upon leaving customers are directed north west towards Oxford Street – a walk of about 50 metres - rather than south east down South Molton Street, which makes sense both from the point of view of accessing public transport and preservation of amenity. Condition 20 of the licence requires a member of management or security to patrol South Molton Street until 30 minutes after closing. It would be sensible for that person to concentrate their efforts on supervising the relevant stretch of South Molton Street following closure of the premises. It might also be mentioned that my client's experience of operating TENs is that by 3 a.m. there are only about 80 customers left in the premises in any case, so dispersal is conducted efficiently.

My client's experience is that customers would prefer simply to leave to access their private hire vehicle or a black cab on Oxford Street rather than being kept in the lobby. However, staff are there to wait with customers in the lobby and escort them to their cab if required.

Please do let me know whether the above satisfactorily answers your questions and whether there is more we can do.

Many thanks once again.

Kind regards

Philip

**Philip Kolvin QC**  
Barrister

**11KBW**

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T +44 (0) 207 632 8500



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**From:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>

**Sent:** 10 January 2022 09:52

**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>

**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

External Email

Philip

Thank you very much for meeting me at Jak's last Friday – it was most helpful.



## Philip Kolvin QC

---

**From:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Sent:** 10 January 2022 09:52  
**To:** Philip Kolvin QC  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET  
**Attachments:** EH COMMENTS & PROPOSED CONDITIONS 43 SOUTH MOLTON STREET 10.102022.docx

External Email

Philip

Thank you very much for meeting me at Jak's last Friday – it was most helpful.

I attach some comments – please feel free to get in touch if you have any questions/require clarification/wish to discuss further etc..

Thanks again.

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 06 January 2022 12:29  
**To:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Great, see you then.

Philip Kolvin QC  
Barrister

11KBW

11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500



Philip Kolvin QC



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**From:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>  
**Sent:** 06 January 2022 08:24  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

External Email

Hi Philip

Let's do Friday (tomorrow) at 4pm.

thanks

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Sent:** 05 January 2022 18:31  
**To:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Hi Dave  
Nice to hear from you -happy new year.  
How are you placed at 4 on Friday? Any luck? Failing that a week on Friday?  
Regards  
Philip

Philip Kolvin QC  
Barrister

11KBW

11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500



Philip Kolvin QC



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**From:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>  
**Sent:** 05 January 2022 15:38  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Subject:** APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Dear Mr Kolvin,

I have been allocated the above application and I have submitted the following Representation to the Licensing Service:

*'I wish to make Representations on the following grounds:*

***Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.***

***The hours sought are in excess of the 'Core Hours' as defined by the City Council's Licensing Policy and I am concerned about the increased likelihood that Public Nuisance may be caused to nearby local residents.'***

I am happy to meet on site to discuss the details of the application.

I look forward to hearing from you.

Many thanks.

Dave Nevitt  
Environmental Health Officer  
Regulatory Support Team 2 (EH Consultation Team)  
Public Protection and Licensing  
Westminster City Council  
City Hall 15th Floor West  
64 Victoria Street  
London  
SW1E 6QP

**\*\*PLEASE NOTE: MY NEW TELEPHONE NUMBER IS: 07971 616281 \*\***

(THE 0207 641 3188 NUMBER HAS BEEN DISCONTINUED)

[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)  
[www.westminster.gov.uk](http://www.westminster.gov.uk)

\*\*\*\*\*

**COVID-19 VACCINATIONS AND TESTING**

Testing is the most effective way to control the spread of coronavirus. For information on how to get tested, testing sites, and more visit: [www.westminster.gov.uk/covid-19-testing](http://www.westminster.gov.uk/covid-19-testing)

The COVID-19 vaccine has been proven to be safe and effective at protecting people against serious illness from coronavirus. For information about vaccine centres and how to book your appointment, visit: [www.westminster.gov.uk/vaccinations](http://www.westminster.gov.uk/vaccinations)

In addition to regular testing and getting vaccinated, the most important thing we can all do is remember: Hands, Face, Space, Fresh air.

\*\*\*\*\*

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## ***EH COMMENTS & PROPOSED CONDITIONS***

### ***43 SOUTH MOLTON STREET***

### ***21/14515/LIPV***

***10.1.2022***

Further to the site meeting on Friday 7<sup>th</sup> January 2022 I make the following comments in respect of the above application to vary the Premises Licence ref: 18/07071/LIPV:

**I note that the Issued Licence includes the following Conditions:**

*12. The number of persons permitted in each area of the premises at any one time (excluding staff) shall not exceed :-Basement: 130 Ground floor: 32 First floor: 65 Second floor: 40*

- **In respect of the First and Second Floors:**

*14. The supply of alcohol on the first and second floors of the premises shall only be by waiter or waitress service to a person seated taking a substantial table meal there, including customers awaiting service, for consumption by such a person as ancillary to their meal.*

- **In respect of the Ground Floor:**

*15. The supply of alcohol on the ground floor shall only be by waiter or waitress service to customers who are seated and after 21:00 hours 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.*

*21. There shall be no regulated entertainment on the ground floor or in the external area used for tables and chairs.*

*22. After 23:00 hours amplified live music shall be restricted to the basement.*

*24. The exhibition of films shall be restricted to the basement and there shall be no cinema style showing of films.*

In view of Conditions 14, 15, 21, 22 and 24 above is the applicant willing to consider restricting the application to extend the hours for Regulated Entertainment (or at least Recorded Music?) to the Basement only? Having visited the premises I note that the basement benefits from good structural acoustic containment and a lobby separating it from the entry/exit door at street level. The basement also has it's own customer toilets. These features will reduce the risk of noise escape and limit the numbers to 130 persons rather than 267 (see Condition 12). As discussed at the site meeting, there is a helpful area at the front of the GF that would allow patrons to be accommodated inside the premises until departure transport arrives.

I note that the Issued Licence already includes a number of quite restrictive and helpful conditions which should help to maintain public safety and reduce the risk of public nuisance, including a Noise Limiter and a Dispersal Policy. The matter is likely to be adjudicated at a Hearing – it will be helpful if the applicant is prepared to explain to Members of the Committee the practical arrangements that are or will be in place for departure and dispersal.

**Condition 17** refers to the use of the outside tables and chairs – it would be helpful if we could confirm whether or not the tables and chairs are brought inside (or made un-usable) at 2300hrs.

I note from discussions at the site meeting that the arrangements for waste collection will not change from what is currently done – i.e. a WCC collection that takes place late afternoon/early evening. I would be grateful if this could be confirmed by the applicant. The issued Licence already includes the following Conditions in respect of waste and deliveries:

*36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.*

*37. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.*

The premises is not located in a Cumulative Impact Area and the current owners have operated the premises in a satisfactory manner. The premises has operated a number of TENs and has not been a source of complaint or concern. The noise limiter was set at an approved level in 2018.

The application will be judged on its merits. The applicant will need to show how the Licensing Objectives will be promoted. EH will maintain a Representation because the hours sought are significantly in excess of the 'Core Hours' as defined in the City Council's Licensing Policy.

Dave Nevitt

## Tab 7

### **Philip Kolvin QC**

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**From:** Philip Kolvin QC  
**Sent:** 24 January 2022 13:43  
**To:** 'Pring, Mary: WCC'  
**Cc:** Abbott, Karyn: WCC  
**Subject:** RE: 21/14515/LIPV - Jaks, 43 South Molton Street, W1

Dear Mary

Please will you kindly forward the email below to those member of the public (including [REDACTED]) who have made representations.

Many thanks

Philip

Dear Madam / Sir

RE: 21/14515/LIPV - Jaks, 43 South Molton Street,

I am representing Jaks, which has applied a variation of the above licence. I have read your representation and thought it would be helpful for me to get in touch.

As I am sure you are aware, Jaks trades on several levels. The first and second floors trade as a restaurant with full restaurant conditions. The ground floor is a small café, with full restaurant conditions after 9 p.m. The basement is a bar with a maximum licensed capacity of 130 persons. There is no dance floor: this is prohibited since the basement is a bar, not a nightclub. There is no noise breakout. Nor are there taxis waiting on South Molton Street since it is pedestrianised at night.

My client has operated the premises since 2018, with a long list of 53 conditions on the licence to promote the licensing objectives. We believe these have been effective in doing so.

He would like to obtain an extension of his trading hours, but having read your representation would very much appreciate a meeting with you to see whether there are any means of reducing your concerns.

If you would find a meeting helpful, please do not hesitate to email me at [philip.kolvin@11kbw.com](mailto:philip.kolvin@11kbw.com).

With many thanks

Philip Kolvin

**Philip Kolvin QC**

Barrister

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The logo for 11KBW, consisting of the letters '11KBW' in a large, stylized, serif font.

11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500

## Philip Kolvin QC

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**From:** Philip Kolvin QC  
**Sent:** 10 February 2022 21:43  
**To:** [REDACTED]  
**Subject:** Jaks S Molton St

Dear [REDACTED]

I was given your contact details by Westminster CC. I act for Jaks. I understand that you may find it helpful to have a conversation regarding this application. Of course, that would be fine. Would a phone call be OK? When would be convenient to you.

Best regards

Philip Kolvin

Philip Kolvin QC  
Barrister

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**11KBW**

11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500



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Regulated by the Bar Standards Board.

### Appendix 3

#### Licence & Appeal History

##### Licence Number 05/07206/LIPCV (Licence surrendered)

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/07206/LIPCV	Conversion	03.10.2005	Granted by Licensing Sub Committee

The premises licence was surrendered on 5 July 2007.

##### Licence Number 05/07046/LIPCV (Licence revoked)

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/07046/LIPCV	Conversion	03.10.2005	Granted by Licensing Sub Committee
06/07369/WCCMAP	Master licence	14.02.2007	Granted under delegated authority
06/09212/LIPT	Transfer – NG Bars Limited to 888 Clubs	22.09.2006	Granted under delegated authority
07/01080/LIPT	Transfer – 888 Clubs to Steven Gutteridge and Brian Taylor	22.10.2007	Granted under delegated authority
07/01082/LIPDPS	Variation of DPS	22.10.2007	Granted under delegated authority
08/05213/LIPT	Transfer – Steven Gutteridge and Brian Taylor to 43 Management Limited	23.06.2008	Granted under delegated authority
08/05229/LIPDPS	Variation of DPS	23.06.2008	Granted under delegated authority
08/07478/LIPV	Variation – change of layout	03.10.2008	Granted under delegated authority
09/04846/LIPDPS	Variation of DPS	27.07.2009	Granted under delegated authority



09/07594/LIREVP	Review of the premises licence	07.12.2009	Application withdrawn
09/08717/LIPDPS	Variation of DPS	10.12.2009	Granted under delegated authority
10/01174/LIPVM	Minor variation – change of plan, amendment of conditions	16.03.2010	Granted under delegated authority
10/03106/LIPDPS	Variation of DPS	18.05.2010	Granted under delegated authority
10/09356/LIPT	Transfer – 43 Management Limited to 43 Bars Limited	26.11.2010	Granted under delegated authority
11/01050/LIPN	New premises licence	01.04.2011	Application withdrawn
11/09962/LIPDPS	Variation of DPS	31.10.2011	Granted under delegated authority
12/02465/LIPT	Transfer – 43 Bars Limited to Mayfair Realty Limited	11.04.2012	Granted under delegated authority
12/02469/LIPDPS	Variation of DPS	11.04.2012	Granted under delegated authority
12/02470/LIPVM	Minor variation – change of layout	19.04.2012	Granted under delegated authority
13/01653/LIPDPS	Variation of DPS	21.03.2013	Granted under delegated authority
13/03261/LIPDPS	Variation of DPS	05.06.2013	Granted under delegated authority
13/04006/LIREVP	Review of the premises licence	08.08.2013	A review was brought by the Licensing Authority on the grounds of public safety and the prevention of public nuisance following a number of noise complaints made by residents. Additional conditions were

			added by the Licensing Sub Committee.
13/09153/LIPVM	Minor variation – amendment of capacity condition	22.11.2013	Application withdrawn
13/09260/LIPV	Variation – amendment of capacity condition	22.11.2013	Application withdrawn
13/10235/LIPDPS	Variation of DPS	20.01.2014	Granted under delegated authority
14/02870/LIPVM	Minor variation – add conditions agreed with the Police	24.04.2014	Granted under delegated authority
14/03298/LIREVX	Review of the premises licence	19.05.2014	An expedited review was brought by the Metropolitan Police following an incident of serious disorder at the premises. Interim steps were taken on 29.04.2014 to suspend the premises licence. The full hearing took place on 19.5.2014 where the licence was revoked

The premises licence holder sought to appeal the decisions of the Licensing Sub Committee dated 8<sup>th</sup> August 2013 and 19<sup>th</sup> May 2014 however these were subsequently withdrawn.

**Current Premises Licence which is the subject of the current application**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/02285/LIPN	New premises licence	12.05.2016	Granted by Licensing Sub Committee
17/10173/LIPDPS	Variation of DPS	08.12.2017	Granted under delegated authority
18/04593/LIPDPS	Variation of DPS	15.05.2018	Granted under delegated authority

18/07071/LIPV	Variation – amending conditions	16.07.2018	Granted under delegated authority
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### **Temporary Event Notices - 2021**

<b>Temporary Event Notices</b>	<b>Date of Event</b>	<b>Activities/Hours</b>	<b>Decision</b>
21/09811/LITENP	16.10.2021 – 17.10.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/09812/LITENP	24.10.2021 – 25.10.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/09813/LITENP	30.10.2021 – 31.10.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10289/LITENP	06.11.2021 – 07.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10290/LITENP	13.11.2021 – 14.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10291/LITENP	20.11.2021 – 21.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10292/LITENP	27.11.2021 – 28.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10293/LITENP	04.12.2021 – 05.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to	Event permitted

		03:00	
21/10294/LITENP	11.12.2021 – 12.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10296/LITENP	17.12.2021 – 19.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted

***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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## **Annex 2 – Conditions consistent with the operating Schedule**

11. After 20:00 hours on any days when there is provision of licensable activities there shall be deployment of SIA registered security officers as follows:
  - one for the first 75 customers (or part thereof)
  - one for each 100 customers (or part thereof) in excess of 75.

The officers shall remain on duty until the last customer has left the immediate area.

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

12. The number of persons permitted in each area of the premises at any one time (excluding staff) shall not exceed :-

Basement: 130  
Ground floor: 32  
First floor: 65  
Second floor: 40

13. 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.
14. The supply of alcohol on the first and second floors of the premises shall only be by waiter or waitress service to a person seated taking a substantial table meal there, including customers awaiting service, for consumption by such a person as ancillary to their meal.
15. The supply of alcohol on the ground floor shall only be by waiter or waitress service to customers who are seated and after 21:00 hours 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.
16. The basement shall be laid out with tables and chairs (providing at least 120 seating places for customer use) at all times when there is supply of alcohol in this area (final numbers to be determined on removal of 'works' conditions 10 and 11).
17. The supply of alcohol for consumption off the premises shall be in sealed containers only save for in an area appropriately authorised for the use of tables and chairs on the highway where such supply of alcohol will be:
  - o by waiter or waitress service only
  - o to customers who are seated
  - o and where there will be no more than 4 tables and 16 chairs.
18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
19. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them unless seated in the authorised external area. After 21:00 hours such patrons shall be restricted to a



maximum of 10 at any one time and shall be supervised by a person licensed by the Security Industry Authority.

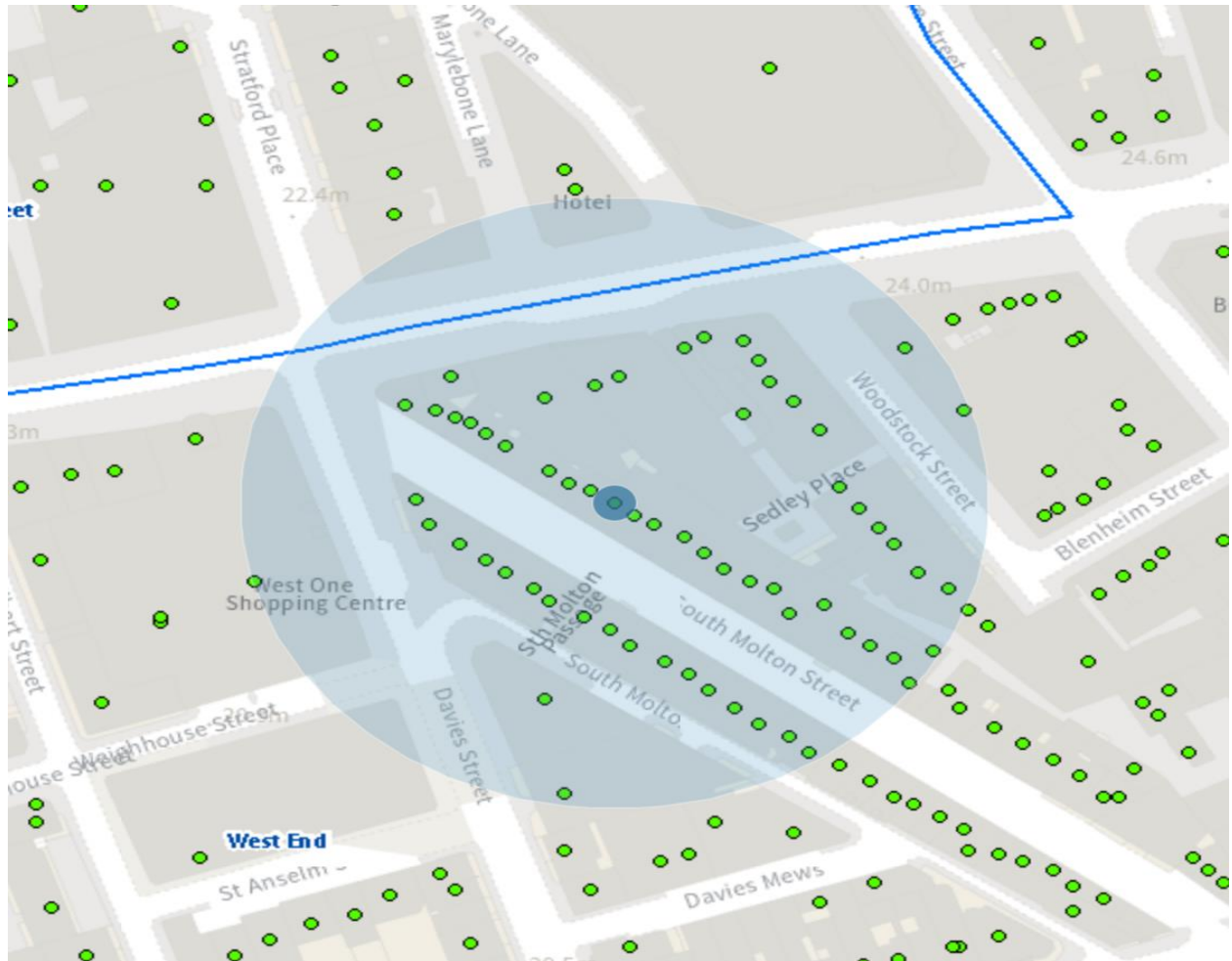
20. A member of management or security shall patrol South Molton Street from 23:00 hours until 30 minutes after the premises close.
21. There shall be no regulated entertainments on the ground floor or in the external area used for tables and chairs.
22. After 23:00 hours amplified live music shall be restricted to the basement.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. The exhibition of films shall be restricted to the basement and there shall be no cinema style showing of films.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. 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 are 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.
28. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
29. 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.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

31. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. 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.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.
37. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
38. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
39. 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 concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
40. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public..
41. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
42. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

43. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
44. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
45. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
46. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
47. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
48. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
49. The certificates listed below shall be submitted to the licensing authority upon written request:
  - o Any permanent or temporary emergency lighting battery or system
  - o Any permanent or temporary electrical installation
  - o Any permanent or temporary emergency warning system
50. The premises shall operate a dispersal policy at least half an hour before the terminal hour for provision of licensable activities and until the last customer has left the immediate area, as follows:
  - a. Hot and cold soft drinks must be available.
  - b. Music must be lowered.
  - c. Lights must be turned up.
  - d. Customers must be reminded that there are residents on the street and be asked to leave quietly.
  - e. Customers must be encouraged to walk towards Oxford Street.
  - f. Security staff shall supervise the exit door and the street outside, to disperse customers rapidly and quietly.
51. All staff engaged in supervising of the outside of the premises shall wear high visibility arm bands.
52. There shall be no dance floor at the premises.
53. There shall be no external promoters used at the premises.

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

54. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:00.



Resident count: 22

Licensed premises within 75m of 43 South Molton Street London, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/00575/LIPDPS	Sook Space	Basement And Ground Floor 42 South Molton Street London W1K 5RR	Park / Open Space	Saturday to Sunday; 07:00 - 22:00
21/05430/LIPRW	Caffe Concerto	Basement And Ground Floor 38 - 39 South Molton Street London W1K 5RL	Cafe	Sunday; 07:00 - 23:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
21/00436/LIPDPS	The Woodstock	11 Woodstock Street London W1C 2AE	Public house or pub restaurant	Sunday; 12:00 - 00:30   Monday to

				Saturday; 10:00 - 00:30
18/02542/LIPDPS	Spaghetti House	12 Woodstock Street London W1C 2AF	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/11719/LIPN	Not Recorded	14 Woodstock Street London W1C 2AG	Not Recorded	Monday; 11:00 - 23:30   Tuesday; 11:00 - 23:30   Wednesday; 11:00 - 23:30   Thursday; 11:00 - 23:30   Friday; 11:00 - 23:30   Saturday; 11:00 - 23:30   Sunday; 11:00 - 23:30
21/13664/LIPCH	Yo! Sushi @ Riverside	15 Woodstock Street London W1C 2AQ	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
20/07487/LIPCH	Angus Steak House	Woodstock House 10 Woodstock Street London W1C 2AJ	Restaurant	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 01:00   Sundays before Bank Holidays; 10:00 - 01:00
19/04359/LIPVM	Spread Eagle Public House	Spread Eagle 8 Woodstock Street London W1C 2AD	Public house or pub restaurant	Sunday; 11:00 - 23:30   Monday to Thursday; 09:00 - 00:30   Friday to Saturday; 09:00 - 01:30