



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	29 July 2022
Licensing Ref No:	22/05332/LIPN - New Premises Licence
Title of Report:	Greggs 1-4 Leicester Square London WC2H 7NA
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:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

<b>1.</b>	<b>Application</b>						
<b>1-A</b>	<b>Applicant and premises</b>						
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003						
<b>Application received date:</b>	19 May 2022						
<b>Applicant:</b>	Greggs Plc						
<b>Premises:</b>	Greggs						
<b>Premises address:</b>	1-4 Leicester Square London WC2H 7NA	<b>Ward:</b>		St James's			
		<b>Cumulative Impact Zone:</b>		West End CIZ			
		<b>Special Consideration Zone:</b>		None			
<b>Premises description:</b>	According to the application form the premises will trade as a bakery and confectionary shop offering hot and cold non-alcoholic beverages.						
<b>Premises licence history:</b>	This application is for a new premises, and therefore no premises licence history exists.						
<b>Applicant submissions:</b>	<p>As part of the application the applicant provided the following information:</p> <p><i>"The premises is a new flagship store located in Leicester Square. The premises will supply cold and hot drinks, the retail sale of bread, cakes, flour confectionery, sugar confectionery, bakes, rolls, sandwiches, etc. The premises will offer a click and collect service."</i></p> <p>The applicant has also provided a summary of model conditions they have proposed to include on their licence along with an operations summary and policy submissions which can be seen at <b>Appendix 2</b>.</p>						
<b>Applicant amendments:</b>	None.						

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	05:00	05:00	05:00	05:00	05:00	05:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			None				

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

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	26 May 2022
<p>Dear Paolo</p> <p><b>RE: Premises Licence Application for 1-4 Leicester Square, London, WC2H 7NA.</b></p> <p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation against this application. The venue is situated within the Cumulative Impact Area. It is our belief that if granted, the application could undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder. The hours you seek are also beyond that of Westminster's core hours policy.</p> <p>Yours sincerely,</p> <p>Adam.</p> <p>PC Adam Deweltz 2556AW</p>	
<b>Responsible Authority:</b>	Environmental Health Consultation Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	16 June 2022
<p>The premises are located in the West End Cumulative Impact Zone (CIZ). Environmental Health make representations on the Public Nuisance, Public Safety and Protection of Children from Harm licensing objectives.</p> <p>The applicant has offered some conditions but these appear not to fully address CIZ issues as defined in Westminster's Statement of Licensing Policy.</p> <p>The applicant is requested to contact the undersigned and arrange a site visit to discuss this and other issues with regards to this application.</p>	

<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Karyn Abbot
<b>Received:</b>	14 June 2022

I write in relation to the application submitted for a new premises licence for 1-4 Leicester Square, London, WC2H 7NA.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

Public Nuisance  
Prevention of Crime & Disorder  
Public Safety  
Protection of children from harm

The application seeks the following:

**Late Night Refreshment**  
Monday to Sunday 23:00 to 05:00

**Opening Hours to Public**  
Monday to Sunday 00:00 to 00:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1 and FFP1.

At present, the operating hours applied for Late Night refreshment currently fall outside of Westminster's core hours under Policy HRS1. The Licensing Authority encourage that the applicant reduces the hours to be within Westminster's Core hours.

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

The Licensing Authority note that the applicant has proposed that the operation of the premises will be the supply of hot and cold drinks and food through click and collect. Due to the nature of the premises this application falls within Westminster's FFP1 (b, c, d) Policy that states.

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. 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.
3. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.

D. For the purposes of this policy a Fast Food Premises is defined as:

1. A premises that provides late night refreshment, either by way of fast food over a counter,

via a self-seating basis or take away for immediate consumption.

2. Food and drink are:
  - a. Available on the premises for self-selection.
  - b. Prepared on the premises.
  - c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.
3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.
4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

The Licensing Authority has concerns regarding this premises and encourages the applicant to provide further submissions on how this will be operated and controlled to have no adverse impact on the cumulative impact area.

Paragraph F56 states;

*Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.*

Paragraph F59 goes on to say.

*Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy.*

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

Therefore, it is a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.

Please accept this as a formal representation.

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	16 June 2022
<p>I object to this application for several reasons. These are as follows:</p> <p>1) 1 Leicester Square is a very prominent unit, in one of the most iconic tourist destinations in London. Leicester Square is visited by 250,000 people every day - many of whom are families with impressionable young children. Given the worsening obesity crisis in The United Kingdom, I believe that this tenant placement is not in the best interests of the health of our nation. It is our responsibility to encourage our people to make better decisions regarding their diet and lifestyle, and educate the next generation to this end. Whilst Greggs has made some efforts to display nutritional information and offer some lower-fat products, as a whole the high-fat and high-sugar products on offer at Greggs do not align with this policy. A typical meal purchased from this retailer (a sandwich, packet of crisps and a donut) can contain 40 to 50 grams of fat, which is half (or more) of the daily recommended fat intake for an average adult.</p> <p>2) I strongly object to the proposed all-night opening times as detailed in the application. I believe that this will encourage intoxicated patrons of this retailer lingering in the vicinity of the address late at night and potentially causing a public nuisance. I also predict that this will encourage homeless people to settle in the vicinity of the address in order to beg throughout the night.</p> <p>3) The proposed layout as detailed illustrates a lack of understanding of the type of offer that will enhance Leicester Square and steer the area in a more civilised, family-friendly, less vulgar direction. The plan does not allow any seating areas for customers to consume their purchases. It is essentially a sausage roll factory 'plonked' in the middle of the West End.</p> <p>4) Does the use class permit baking hot food on site?</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	15 June 2022
<p>I am making this submission on behalf myself and my two St. James's ward colleagues.</p> <p>We consider that the Application for the provision of late night refreshment indoors falls within the City Council's Fast Food Policy that says applications within Cumulative Impact Areas would be refused unless hours were within core or the Applicant can prove exceptional circumstances and demonstrate that the Premises would not add to cumulative impact.</p> <p>Whilst the Applicant has recognised some of the challenges faced by fast food / takeaway premises in the Leicester Square area by proposing a condition requiring a minimum of one SIA licensed door supervisor, we do not think that this sufficient to mitigate the cumulative impact of the premises opening 24 hours a day especially during the hours late at night / early morning.</p>	

We are further concerned about the applicant's ability to promote the Licensing Objectives by trading early in the morning especially as the neighbouring McDonald's at 48 Leicester Square closes at 3am.

The conditions offered are few and do not include, for instance, preventing takeaway after 11pm. Fast food premises are recognised as being 'honeypots' for people who have been drinking and retain people in the Cumulative Impact Area in direct contravention of the Cumulative Impact Policy which tries to encourage efficient dispersal.

Therefore, we consider that the application as presented will harm the licensing objectives.

We reserve the right to expand on our objection in due course if the applicant provides further information.

**A further submission was received on 12 July 2022 stating the following:**

Thank you for your email concerning this application.

I will not be able to attend the committee and instead I wish to make a further representation.

On behalf of the St. James's councillors, I reiterate our objection to this application for late night refreshment. We do not believe that it is appropriate that an exception should be made to the City Council's Fast Food Policy that says applications within Cumulative Impact Areas will be refused unless hours were within core. We trust that the Licensing Authority representation will remain robust and cover the relevant policy points.

3.	<b>Policy &amp; Guidance</b>
The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Cumulative Impact Policy CIP1 applies:</b>	<p><b>A.</b> It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p><b>C.</b> Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p><b>D.</b> For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Fast Food Premises Policy FFP1 applies:</b>	<p><b>B.</b> It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council’s Core Hours Policy HRS1, and/or,</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p><b>C.</b> The applications referred to in Clause B1 and B2 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 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>3. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.</li> </ol> <p><b>D.</b> For the purposes of this policy a Fast Food Premises is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.</li> <li>2. Food and drink are: <ol style="list-style-type: none"> <li>a. Available on the premises for self-selection.</li> <li>b. Prepared on the premises.</li> <li>c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.</li> </ol> </li> <li>3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.</li> <li>4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.</li> </ol>



**Hours 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.
- C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
1. **Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.
  2. **Cinemas, Cultural Venues and Live Sporting Premises:**  
Monday to Sunday: 9am to 12am
  3. **Hotels:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.
  4. **Off licences:** Monday to Saturday: 8am to 11pm.  
Sunday: 9am to 10.30pm.
  5. **Outdoor Spaces:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
  6. **Pubs and bars, Fast Food and Music and Dance venues:** Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.
  7. **Qualifying Clubs:** Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
  8. **Restaurants:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
  9. **Sexual Entertainment Venues and Sex Cinemas:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
- D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

#### 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 plans
<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>	Miss Roxsana Haq Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service representation	26 May 2022
<b>5</b>	Environmental Health Service representation	16 June 2022
<b>6</b>	Licensing Authority representation	14 June 2022
<b>7</b>	Interested party 1	16 June 2022
<b>8</b>	Interested party 2	15 June 2022



## Applicant Supporting Documents

## Appendix 2

- MC01 (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
- (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises
- (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- MC02 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- MC05A A minimum of 1 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business and they must correctly display their SIA licence when on duty so as to be visible.
- MC06 The licensee shall ensure that:
- a) All licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
- b) All recordings shall be stored for a minimum period of 31 days with date and timestamping, and
- c) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- MC42 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.
- MC49 An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any visit by a relevant authority or emergency service.

MC64 No deliveries to the premises shall take place between *23.00* and *05.00* hours on the following day.

MC68 All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

MC73 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.

## LICENCE APPLICATION ON BEHALF OF GREGGS

1-4 LEICESTER SQUARE, LONDON, WC2H 7NA.

### OPERATION SUBMISSIONS

1. Greggs is a bakery retailer. This shop will serve from the counter and does not have seating. There is no opportunity or reason for customers to remain in the shop after their purchase, or to loiter in the area. In Greggs shops that currently have a licence beyond 23:00, this strategy works very well for encouraging people to pass through the premises quickly.

2. The products sold at Greggs are, for the most part produced in Greggs' manufacturing sites and reheated when they reach the shops. They are then sold freshly baked but not kept hot. Sandwiches are freshly prepared on site and some of these are heated. There are no deep fat fryers as part of the operation, just ovens and a hot hold unit for products such as wedges and goujons.

Greggs cater to a wide range of customer types, and there is no particular demographic that is disproportionately represented, and certainly none that would be associated with anti-social behaviour.

3. Greggs already have two late nights shops open in Newcastle city centre; both close to clubs and bars. The Area Manager for those sites describes the operation as very much "food on the go". People come out of pubs and clubs at various times in the night and drop in for a pasty or sausage roll (not hot food). The trade is steady throughout the night but there aren't huge peaks. The shops have not demonstrated any issues or problems and there have been no interventions by the Responsible Authorities.

4. The products that typically sell after 11pm are savouries, such as sausage rolls and pizza that are not held hot. Breakfast sandwiches are popular between 3.30am and 4am which are likely to be purchased by nightshift workers finishing shifts and obtaining something to eat on their way home.

5. There is no significant increase in the sale of hot food and drink after 23:00, as the Licensing Officers suggest. In fact, the evidence demonstrates that there is a

decrease in hot food sales later into the night time hours. Hot food makes up between 0.5-3% of sales after 23:00 in Greggs' current late trading shops. Hot food, even where available, is not a significant draw for customers late at night, or when leaving the night time economy, and certainly does not increase footfall to Greggs for that purpose.

6. Hot drinks only make up between 5-10% of sales after 23:00, but the majority of even that small percentage are sold in the early hours of the morning, so these are likely to be nightshift workers returning from shift. They are not associated with any anti-social behaviour.

7. The majority of the Greggs range is not held hot so "Customer Favourites", such as sandwiches and savouries will all be available when the shop trades, with or without a licence. One of the concerns Greggs has is that if they are unable to offer their full range, including the small percentage of hot food and drink, and a customer wants (for example), a coffee with their sandwich or doughnut, or some potato wedges, they may become more confused and argumentative or disruptive in store if they are able to access the usual full range of goods before 23:00, but are unable to do so after 23:00. Customers do not understand licensing laws.

8. Greggs have not had any reports of loitering, noise, or disturbance issues outside any of their night trading shops. Greggs employ uniformed security guards in the late shops, who ensure that customers behave appropriately at all times. Greggs will have uniformed guards working in the Leicester Square shop through the evening and through the night and these will have body worn cameras. Additionally, the shop will be equipped with CCTV and alarm system with a panic facility and 24/7 monitoring centre. This is an overall benefit to the security of the area.

9. Regarding the residential concentration in the vicinity of the Leicester Square shop, it is clear to see that there is a lot of hotel space all the way around the Square; not just restaurants, bars, shops, offices, cinemas etc. There are some permanent residences in the vicinity, and surrounding streets, but the majority of accommodation on Leicester Square itself appears to be more temporary hotel residences.



10. The presence of the Greggs shop would be diluting footfall rather than attracting a lot more customers into the Square. Generally, people in Leicester Square are either there for tourism/leisure/hospitality or working. Greggs have enough shops in the area for customers to attend, without needing to make a special trip to the Leicester Square shop. The justification for this Greggs shop location is to replace the previous food retailer and give people who are already going there another choice, as an alternative to one of the other food providers that they might have visited anyway. The only time that people will be expressly invited to the shop as a destination venue will be during the “premiere” red carpet opening event.

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## LICENCE APPLICATION ON BEHALF OF GREGGS

1-4 LEICESTER SQUARE, LONDON, WC2H 7NA

### POLICY SUBMISSIONS

1. This licence application on behalf of Greggs is not fated to be rejected either because it falls within the cumulative impact area, or because it exceeds the Council's core hours policy. Westminster's Statement of Licensing Policy is very clear ( from page 62) that applications that fall *within* the core hours policy are likely to be granted, subject to compliance with other policies. Applications that fall *outside* the core hours policy will be considered on their merits, against a range of other criteria. There is nothing in the policy about them being automatically refused.

2. Greggs will present significant kudos and credibility in their application, and will be able to offer various measures, including security staff and CCTV that will actually assist in reducing crime and disorder.

3. Westminster's Cumulative Impact Assessment ( 2020) states this [ emphasis added]:

"p.19 The granting of licences for certain types of operation *that are likely to add to Cumulative Impact within these areas* would not be consistent with the Licensing Authority's duty under the Licensing Act 2003."

4. The CIA goes on to state:

"The cumulative impact assessment does not change the fundamental way in which licensing decisions are made. The Licensing Authority will consider and determine application based on their merits. If an applicant can demonstrate through the operating schedule that they would not add to the cumulative impact, then an exception to the Licensing Authority's policy to refuse applications within this area may be made.

Applicants for new licences or to vary existing premises licences within the West End Cumulative Impact Zone that has been designated within the Licensing Authority's Statement of Licensing Policy must therefore give consideration to potential cumulative

impact issues when setting out the steps that will be taken to promote the licensing objectives.

5. In cumulative impact areas, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. The publication of a CIA does not change how licensing decisions are made; the Licensing Authority will always consider each application on its merits. However, a CIA is a strong statement of intent about an authority's approach to licence applications. CIAs relate to applications for new premises licences and 'club premises certificates, as well as applications to vary existing premises licences and club premises certificates in a specified area. Westminster City Council's Cumulative Impact Assessment (CIA) was undertaken in the first half of 2020 (January – June) and led by the council's internal intelligence team.

6. p.66

Takeaways were significantly associated with a higher likelihood of drugs offences being recorded at night but did not significantly influence the odds of any other types of crimes

7. p.74

Service experts ( *Council noise officers*) advised that it was unlikely given the location of the noise hotspots that they were significantly related to the activities of licensed premises.

8. Drug offence records in Zone 1 rose most steeply on average from 9PM to midnight, with an hour to hour average % change of 47%, after which they dropped off dramatically. It is important to note that patterns of drug offence records are significantly influenced by policing practices.

9. Count of Unique Licence Locations ( ie: numbers of licensed premises)

Premises Type	Group Total	Zone 1	Proportion
Restaurant	1316	404	31%
Shop, Store or Kiosk	432	93	22%
Pub or Wine Bar	428	74	17%
Other	362	59	16%
Cafe	209	54	26%
Hotel or Hostel	208	30	14%
Not Recorded	154	35	23%
Cultural Amenities	112	37	33%
Nightclub	92	47	51%
Takeaway food	28	2	7%
Gambling Site	18	6	33%

[See the map of different premises types on page 94]”

Sarah Clover

Kings Chambers

Birmingham

17 July 2022

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## **Premises History**

## **Appendix 3**

There is no licence or appeal history for the premises.

## Appendix 4

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

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

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

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

#### **Mandatory Conditions**

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

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

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



## Conditions consistent with the operating schedule

9.
  - a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises
  - d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
  
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
  
11. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business and they must correctly display their SIA licence when on duty so as to be visible.
  
12. The licensee shall ensure that:
  - a) All licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
  - b) All recordings shall be stored for a minimum period of 31 days with date and timestamping, and
  - c) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
  
13. 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.
  
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder

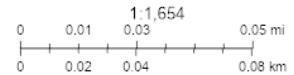
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any visit by a relevant authority or emergency service.

15. No deliveries to the premises shall take place between 23.00 and 05.00 hours on the following day.
16. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
17. 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.

1-4 Leicester Square, London WC2H 7NA



15/07/2022, 11:29:30



- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries

Resident Count: 19

Licenced premises within 75 metres of 1-4 Leicester Square, London WC2H 7NA				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/00674/LIPDPS	Hotel Indigo	1-4 Leicester Square London WC2H 7NA	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
15/02410/LIPT	One London	Third Floor To Fifth Floor 1-4 Leicester Square London WC2H 7NA	Night clubs and discos	Monday to Sunday; 00:00 - 00:00
19/16990/LIPVM	The Empire Poker Room	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Casino or gambling club	Sunday; 12:00 - 06:30   Monday to Saturday; 10:00 - 06:30

21/07888/LIPDPS	Empire Leicester Square	Ground Floor To Upper Floor 5 - 6 Leicester Square London WC2H 7NA	Cinema	Monday to Sunday; 09:00 - 05:00
21/11529/LIPDPS	The Empire Casino	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Casino or gambling club	Sunday; 12:00 - 06:30   Monday to Saturday; 10:00 - 06:30
22/06257/LIPDPS	The Imperial	5 Leicester Street London WC2H 7BL	Public house or pub restaurant	Sunday; 07:00 - 22:50   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
21/04951/LIPN	Jinli Chinese Restaurant	4 Leicester Street London WC2H 7BL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/12519/LIPN	Ruby Blue (Shadow Licence)	1 Leicester Place London WC2H 7BP	Premises Licence - Shadow Licence	Monday; 09:00 - 03:00   Tuesday; 09:00 - 03:00   Wednesday; 09:00 - 03:00   Thursday; 09:00 - 03:00   Friday; 09:00 - 03:00   Saturday; 09:00 - 03:00   Sunday; 09:00 - 23:00
22/04105/LIPDPS	Ruby Blue	Ground Floor Queens House 1 Leicester Place London WC2H 7BP	Night clubs and discos	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 03:00

21/05331/LIPDPS	Premier Inn	1 Leicester Place London WC2H 7BP	Hotel, 3 star or under	Monday to Sunday; 06:00 - 01:00   Monday to Sunday; 00:00 - 00:00
22/03055/LIPCHT	Horizons	Basement 1 Leicester Place London WC2H 7BP	Casino or gambling club	Saturday; 10:00 - 04:30   Sunday; 12:00 - 06:30   Monday to Friday; 10:00 - 06:30
20/03961/LIPV	Bosporus	Queens House 7 - 9 Leicester Square London WC2H 7NA	Restaurant	Monday; 08:00 - 01:00   Tuesday; 08:00 - 01:00   Wednesday; 08:00 - 01:00   Thursday; 08:00 - 01:00   Friday; 08:00 - 01:00   Saturday; 08:00 - 01:00   Sunday; 08:00 - 00:00
15/05280/LIPDPS	Joy King Lau Restaurant	3 Leicester Street London WC2H 7BL	Restaurant	Monday to Sunday; 12:00 - 00:00
17/11814/LIPDPS	W Hotel	W London Leicester Square 10 Wardour Street London W1D 6QF	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
21/13272/LIPDPS	Burger & Lobster	W London Leicester Square 10 Wardour Street London W1D 6QF	Not Recorded	Monday to Sunday; 08:00 - 01:00
19/04401/LIPT	Leicester House	1-2 Leicester Street London WC2H 7BL	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00

21/11559/LIPV	Underbelly Christmas Market	Open Space At Leicester Square London WC2H 7LE	Miscellaneous	Monday; 12:00 - 23:30   Tuesday; 12:00 - 23:30   Wednesday; 12:00 - 23:30   Thursday; 12:00 - 23:30   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 10:00 - 23:00
06/05390/WCCMAP	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Park / Open Space	Sunday; 08:00 - 22:30   Monday to Saturday; 07:30 - 22:30
16/10259/LIPVM	McDonald's	Development Site At 5 Swiss Court And 48 Leicester Square London	Restaurant	Monday to Sunday; 05:00 - 03:00
21/03286/LIPDPS	All Bar One	Concession Communications House 48 Leicester Square London WC2H 7LT	Wine bar	Sunday; 07:00 - 22:50   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
18/13972/LIPRW	TWG Tea	Development Site At 5 Swiss Court And 48 Leicester Square London	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
22/00676/LIPDPS	Victory House	Victory House Hotel 14 Leicester Place London WC2H 7BZ	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00

21/07142/LIPDPS	Platinum Lace Leicester Square	Basement Victory House 14 Leicester Square London WC2H 7NG	Sexual Entertainment Venue	Sunday; 17:00 - 03:00   Monday to Saturday; 17:00 - 06:00   Sundays before Bank Holidays; 17:00 - 06:00
21/14058/LIPT	Maison Du Mezze	Ground Floor Victory House 14 Leicester Square London WC2H 7NG	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 03:00