



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	12 January 2023
Licensing Ref No:	22/09398/LIPV - Premises Licence Variation
Title of Report:	Gelupo 7 Archer Street London W1D 7AU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 October 2022		
Applicant:	BDL Restaurant Limited		
Premises:	Gelupo		
Premises address:	7 Archer Street London W1D 7AU	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises currently operates as an ice cream parlour.		
Variation description:	This variation seeks the following: <ul style="list-style-type: none"> To add the retail sale of alcohol for consumption on the premises. To amend the permitted hours for Late Night Refreshment to core hours. 		
Premises licence history:	The premises have had the benefit of a premises licence since 2010. A copy of the current premises licence (22/04036/LIPDPS) can be found at Appendix 3 along with full licence history.		
Applicant submissions:	During consultation, the applicant provided a mediation email for the interested party. A copy of the email can be found at Appendix 1 .		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A	N/A	23:00	23:30	Whole Premises	No change
Tuesday	N/A	N/A	23:00	23:30		
Wednesday	N/A	N/A	23:00	23:30		
Thursday	23:00	01:00	23:00	23:30		
Friday	23:00	01:00	23:00	00:00		
Saturday	23:00	01:00	23:00	00:00		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Off Sales		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No change		Whole premises	
Tuesday	11:00	23:00				
Wednesday	11:00	23:00				
Thursday	11:00	23:00				
Friday	11:00	23:00				
Saturday	11:00	23:00				
Sunday	11:00	22:30				
Seasonal variations/ Non-standard timings:		Current: N/A			Proposed: N/A	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			N/A		On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A	N/A	10:00	23:30	N/A Whole Premises	
Tuesday	N/A	N/A	10:00	23:30		
Wednesday	N/A	N/A	10:00	23:30		
Thursday	N/A	N/A	10:00	23:30		
Friday	N/A	N/A	10:00	00:00		
Saturday	N/A	N/A	10:00	00:00		
Sunday	N/A	N/A	11:00	22:30		
Seasonal variations/ Non-standard timings:		Current: N/A			Proposed: N/A	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	10:00	23:30	Whole Premises No change	
Tuesday	11:00	23:00	10:00	23:30		
Wednesday	11:00	23:00	10:00	23:30		
Thursday	11:00	01:00	10:00	23:30		
Friday	11:00	01:00	10:00	00:00		
Saturday	11:00	01:00	10:00	00:00		
Sunday	11:00	23:00	10:00	22:30		
Seasonal variations/ Non-standard timings:		Current: N/A			Proposed: N/A	

1-C Layout alteration

There are no proposed changes to the layout of the premises.

1-D Conditions proposed to be varied

Condition	Proposed variation
8. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.	8. A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

1-E Conditions proposed to be added

The hours for on-sales shall be until 23.30pm Monday to Thursday; midnight Friday and Sunday and 22.30pm Sunday.

The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a gelato/ ice cream parlour.

The premises shall only operate as Gelupo and this licence shall be personal to BDL Restaurant Limited.

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.

The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated.

The number of persons seated in the premises at any one time shall not exceed [30] persons excluding staff.

No deliveries to the premises shall take place between 23.00 hours and 08.00 hours.

No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

2. Representations

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	31 October 2022		
<p>We write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>About The Soho Society The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.</p> <p>Application summary Licence Variation</p> <ul style="list-style-type: none">• To add on sales and amend permitted hours for late night refreshment to core hours• No change to layout nor the current hours for off sales are proposed <p>Supply of alcohol: Mon - Thurs: 10:00 - 23:30. Fri - Sat: 10:00 - 00:00. Sun : 11:00 - 22:30 Late night refreshment: Mon - Thurs: 23:00 - 23:30. Fri - Sat: 23:00 - 00:00. Sun : 11:00 - 22:30 Opening hours: Mon - Thurs: 10:00 - 23:30. Fri - Sat: 09:00 - 00:00. Sun : 09:00 - 22:30 Capacity : 30</p> <p>Proposed Conditions</p> <p>10. The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a gelato/ice cream parlour</p> <p>11. The premises shall only operate as Gelupo and this licence shall be personal to BDL Restaurant Limited</p> <p>12. Food and non-intoxicating beverages, and drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises</p> <p>13. The supply of alcohol on the premises shall be by waiter and waitress service only to persons seated</p> <p>Current Licence 22/04036/LIPDPS Supply of alcohol: Mon - Sat: 11:00 - 23:00. Sun : 11:00 - 22:30 Late night refreshment: Thurs - Sat: 23:00 - 01:00 Opening hours: Sun - Weds: 11:00 - 23:00. Tues - Sat: 11:00 - 01:00 Off sales only</p> <p>The Soho Society's Position We object to this application for a new alcohol licence on the grounds of the prevention of crime and disorder, prevention of public nuisance and cumulative impact in the West End Cumulative Impact Area. Situated on Archer Street Gelupo is an ice cream parlour selling ice cream for consumption on and off the premises, reviewing their website these premises are open from Sunday to Thursday until 10pm and Friday and Saturday until midnight. The parlour consists of a long service counter and two seated areas one in front of the counter and at the rear of the</p>			

premises consisting of ledges and stalls, there are no tables and chairs. We note the applicant has not submitted a licensed plan for these premises and ask this is provided prior to the hearing.

It appears their off sales and late night refreshment licence originated in 2010 (10/03796/LIPN), the off sales relating to a shop area for the sale of alcohol along with other retail food items. In relation to the late night refreshment licence, we are not aware of these premises ever operating to their current 1am licence. Currently these premises offer ice creams, a range of coffees, a cheese and truffle toastie, plus wrapped chocolates and recipe books for sale.

These premises are in close proximity to social housing accommodation with nine flats and alongside other residents living on this street we are concerned with the potential for noise nuisance and disturbance from patrons leaving these premises at night.

Soho has the highest concentration of licensed premises in Westminster 470 with a large proportion (25%) being late night licences. There are over 200 restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises. In Archer Street and the streets that surround it Gt. Windmill Street, Rupert Street and the junction of Brewer Street and Wardour Street there are over 24 licensed premises accommodating well over 3,000 people. The area is densely populated at night and has the highest level of cumulative impact and crime and disorder in Westminster.

In policy terms this application is unclear whether it falls under SHP1 or PB1, in our view it falls under PB1 with the presumption to refuse such applications within the West End Cumulative Impact Zone. We note the proposed conditions, including the sale of alcohol on the premises shall be ancillary to the main function of the premises as a gelato/ice cream parlour, this is another concern, as it stands patrons will be able to purchase one scoop of ice cream and then consume unlimited amounts of alcohol for hours on end. How does the applicant propose to control the amount of alcohol patrons can drink and how can the Licensing Authority ever prevent this from turning into a bar where the alcohol sales are greater than ice cream sales? In our view it cannot. Neither will the proposed personal use condition prevent this from happening.

To our knowledge this is the first application in Soho for an on sale licence in an ice cream parlour, and we are concerned if successful this would set a precedent for others to follow.

In relation to cumulative impact, the growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019, the subsequent Statement of Licensing Policy 2021 Cumulative Impact Policy CIP1 states,

'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night; a considerable number of them being intoxicated. Public services, including police, health and emergency, transport, environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of

activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in licensed premises that provide a significant risk of a variety of harmful outcomes. Over a period of three years (2017 - 2019) 45% of violent crimes, as well as over half of all robberies, thefts and drug offences in the city were recorded within West End Cumulative Impact Zone. Additionally, 43% of ambulance callouts between that same period to the locations of licensed premises fell within this zone.' (D4)

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, there are more people on the streets in the evening now that at pre-COVID times, in our view we have already reached pre-March 2020 levels and this is further supported by recent crimes statistics which show an increase in serious crime (see the Prevention of Crime and Disorder below).

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). Residential accommodation is also an important factor,

D23. *'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'*

The applicant has to demonstrate these premises will not add to cumulative impact, the applicant has failed to do so.

If granted this application will increase the number of people on the streets at night and will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone.

The Licensing Objectives

The Statement of Licensing Policy 2021 or Section 182 Guidance does not provide for any circumstance, including exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

Prevention of Crime and Disorder - CD1

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

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

Total incident type 2017-2019:

- Drug Offences Night: **1529** (proportion of Borough's incidents **40%**)
- Robberies Night: **2237 (33%)**
- Theft and Handling Night: **24,407 (33%)**
- Serious violent crimes Night: **795 (31%)**
- Ambulance call outs to locations of licensed premises: **5353 (22%)**
- Noise Complaints Night: **1389 (16%)**
- Anti-Social behaviour MPS: **9662 (16%)**
- Anti-Social behaviour on transport Night: **592 (13%)**
- Reactive Waste Management: **6630 (10%)**

Total = 52,594

- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

These premises are situated in the heart of the food and beverage / entertainment area, the area is a known hotspot for crime and disorder, the current statistics for the *top crime streets in

Top Streets all crime – 1st Nov 21 – 28th Feb 22

GREEK STREET	239	GOLDEN SQUARE	14
OLD COMPTON STREET	231	ARCHER STREET	14
WARDOUR STREET	138	GREAT PULTENEY STREET	14
SHAFTESBURY AVENUE	117	GLASSHOUSE STREET	13
DEAN STREET	103	SOHO STREET	13
CARNABY STREET	99	LEXINGTON STREET	13
GREAT MARLBOROUGH STREET	73	GOSLETT YARD	12
FRITH STREET	70	SOHO PLACE	12
SOHO SQUARE	60	NEWBURGH STREET	11
BREWER STREET	58	PETER STREET	11
BATEMAN STREET	44	CARLISLE STREET	10
GREAT WINDMILL STREET	43	ROMILLY STREET	9
KINGLY STREET	41	KINGLY COURT	9
BROADWICK STREET	37	CAMBRIDGE CIRCUS	9
CHARING CROSS ROAD	36	D'ARBLAY STREET	8
BERWICK STREET	35	MARSHALL STREET	8
GANTON STREET	32	HAM YARD	7
BEAK STREET	29	RAVILLIES STREET	7
POLAND STREET	24	DUFOURS PLACE	6
MANETTE STREET	24	WALKER'S COURT	6
MOOR STREET	23	MEARD STREET	6
RUPERT STREET	18	WARWICK STREET	5
LITTLE MARLBOROUGH STREET	17	FOUBERT'S PLACE	5
INGESTRE PLACE	15	NOEL STREET	5

Soho shows a total of 1,827 crimes.

Comparing the top reported crimes from *November 2021 - February 2022 to pre- COVID times highlights the number of serious and violent crimes are on the increase;

Violence against the person serious wounding: 32 up 78% (18 pre - COVID)

Violence against the person assault with injury: 59 up 31% (45 pre-COVID)

Violence against the person common assault: 70 up 18% (59 pre-COVID)

Drugs possession: 115 up 79% (64 pre-COVID)

Sexual offences: 34 up 70% (20 pre-COVID)

* Data provided by the Metropolitan Police Soho Neighbourhood Ward Panel, March 2022, to support this information in **Appendix 1** we present detailed crime figures submitted by the Westminster Police Licensing Team at a licensing hearing in July 2022.

For residents living in this area the findings of the Cumulative Impact Assessment and the recent crime figures are unsurprising. Soho transforms in the evening and night time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above, criminal activity associated with the large number of venues and the numbers of people on the streets at night results in high levels of serious crime.

In Soho the majority of robberies take place at night, alongside this is drug dealing a real problem with groups of dealers congregating to sell drugs and specifically targeting people as they leave premises. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people on the streets which creates the drugs market.

With such high levels of crime in the area patrons leaving these premises will be at high risk of becoming victims of crime.

Prevention of Public Nuisance Policy PN1

Residents already suffer from high levels of noise and disturbance during the evening, this presents in the form of noise nuisance from the large number of people on the streets, noise from taxi's and pedicabs, anti-social behaviour the most common being urination in the doorways of residential properties and on the streets. If this application is successful it has the potential to increase the levels of noise nuisance and disturbance to residents.

In summary

The application proposes a brand new alcohol licence in an ice cream parlour in Soho, where crime rates are high and where residents already suffer from noise nuisance and disturbance. If granted this application will fail to promote the licensing objectives and increase cumulative impact and should therefore be rejected.

Yours faithfully,

Licensing Committee
The Soho Society

Appendix 1 : Westminster Licensing Team Crime Report July 2022

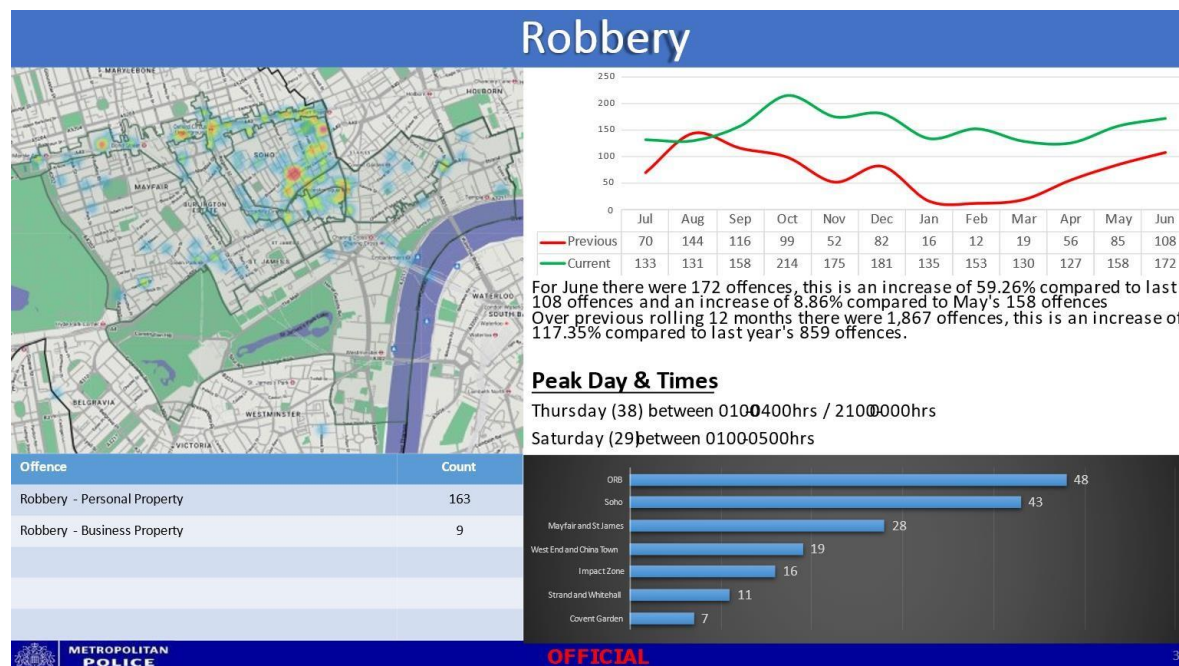
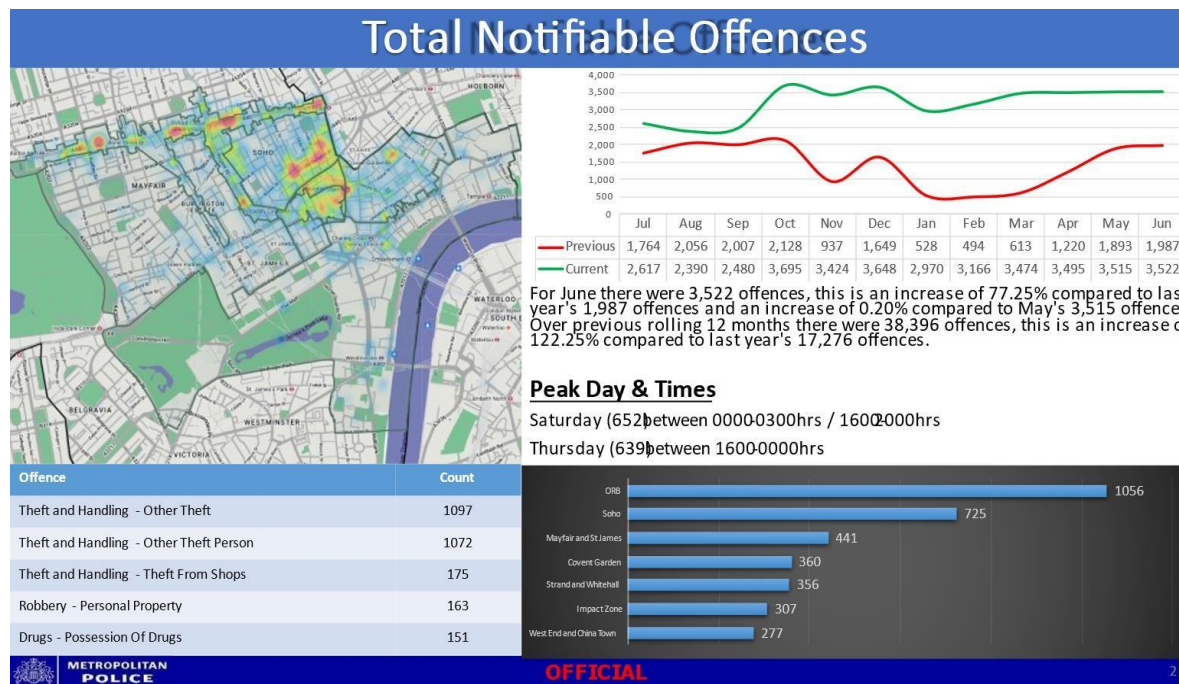
Appendix 1 Westminster Police Licensing Team Crime Report July 2022

This police report was submitted by the Westminster Police Licensing Team based at City Hall in response to a recent licensing application. All identifiable information has been removed, we present below the detailed evidence of an increase in crime which supports the figures we present above under the prevention of crime and disorder.

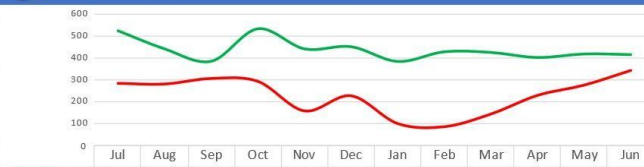
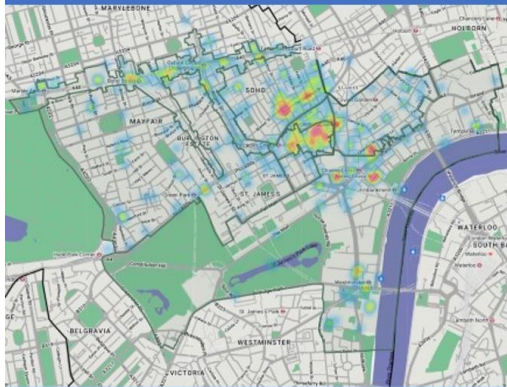
Crime figures within the West End

The number of crimes committed within the West End have increased sharply following the removal of Coronavirus regulations. Levels of crime are now back to pre-Covid levels, and in some cases (Assaults, Sexual Assaults) are higher than pre-Covid levels.

Below are the West End crime figures for the month of June 2022, compared to May 2022 and June 2021:



Violence Against the Person



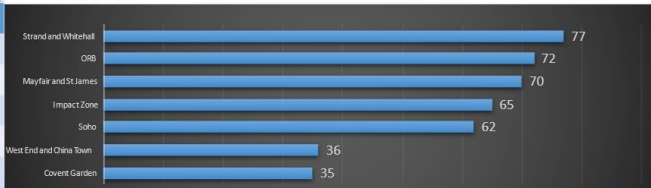
For June there were 417 offences, this is an increase of 21.93% compared to last year's 342 offences and a decrease of 0.71% compared to May's 420 offences. Over previous rolling 12 months there were 5,269 offences, this is an increase of 92.44% compared to last year's 2,738 offences.

Peak Day & Times

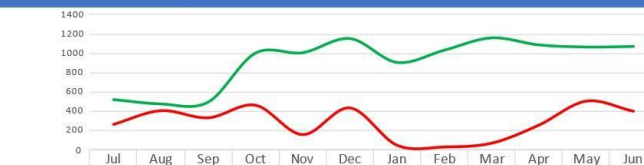
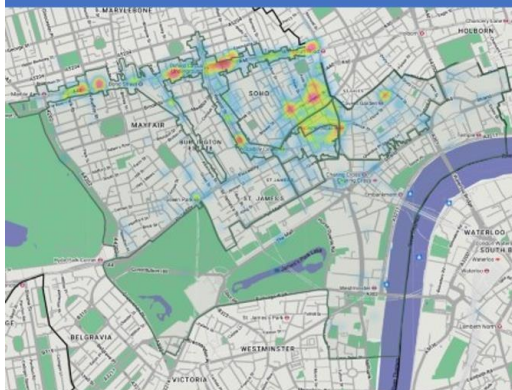
Friday (70) between 0000-1000hrs / 1800-1000hrs

Thursday (68) between 2200-0000hrs

Offence	Count
Violence Against the Person - Harassment	129
Violence Against the Person - Common Assault	111
Violence Against the Person - Assault with Injury	100
Violence Against the Person - Serious Wounding	30
Violence Against the Person - Other Violence	29



Theft Person



For June there were 1,072 offences, this is an increase of 164.04% compared to last year's 406 offences and an increase of 0.56% compared to May's 1,066 offences. Over previous rolling 12 months there were 10,983 offences, this is an increase of 219.00% compared to last year's 3,443 offences.

Peak Day & Times

Saturday (220) between 0000-0300hrs / 1500-1900hrs

Thursday (194) between 1500-0000hrs



The above figures demonstrates that crime in the West End is rising. This impacts directly on Police resources, as well as other emergency services.

Westminster Police Licensing Team

The interested party has been in medication with the applicant and a copy of the response can be found at Appendix 2.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 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.
Policy SHP1 applies	<p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Response from the Interested Party to the mediation letter
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Interested Party representation	31 October 2022

Mediation email to interested party

From: Jackaman, Kevin: WCC

To: Marina Tempia

Cc: Abbott, Karyn: WCC

Subject: Gelupo, 7 Archer Street, London, W1D 7AU - 22/09398/LIPV

Date: 02 December 2022 15:49:47

Attachments: Gelupo, T-02.pdf

Importance: High

Hi Marina

The applicant has asked that the email below be forwarded to you in response to the Soho Society representation. If your concerns have been addressed, or you would like to meet with the applicant, please could you advise and I will be happy to facilitate this.

Kind regards
Kevin.

"Dear Mr Jackaman

Thank you for forwarding a copy of the representation from The Soho Society.

I understand that they are the sole objectors. I would be most grateful if they could be notified of this and in particular that no representations have been received from (a) residents that reside on or near Archer Street or (b) the statutory authorities (including the police and environmental health). I would also be very grateful if you could forward to them a copy of this email and the points listed below that I hope will address their concerns and lead to the withdrawal of their representation:

- 1. If the variation is granted it would result in a reduction in the hours currently enjoyed for late night refreshment.*
- 2. A list of crimes committed in Soho have been attached but none of them relate to this premises. There is no representation for the police.*
- 3. The variation if granted would be very restricted insofar as it's personal to BDL Restaurant Ltd and to its operation as an ice-cream parlour.*
- 4. Plans of the interior of the premises are attached. It will be seen that any sales will be severely restricted as there is only a seated capacity for 15 people.*
- 5. The application falls under policy SHP1. It falls into the definition of shop as defined within policy i.e. "For the purposes of this policy: (1) A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late-night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence". **The answers to the criteria are (1) the premises falls into the definition of a shop (2) The licensable activities for the sale of alcohol for consumption on the premises are ancillary to the primary use of the premises as a shop (3) not applicable as the applicant seeks on-sales.***
- 6. Our position is that customers that wanted to have one scoop of ice-cream and then drink unlimited amounts of alcohol would not be attracted to these premises, nor would this be*

*permitted to do so. As The Soho Society accepts there are countless alcohol led establishments in Soho for such a person to frequent. It would also fall foul of suggested condition 10 that states that the sales of alcohol “**shall at all times be ancillary to the main function of the premises as a gelato/ ice-cream parlour**”. Such usage would clearly not be ancillary.*

My clients would of course be more than happy to meet with The Soho Society, correspond with them; speak to them over Teams/ Zoom or on the telephone if any further clarification is required.

*I look forward to hearing from you.
With kind regards
Thomas”*

Kevin Jackaman
Senior Licensing Officer
Licensing Team
Public Protection & Licensing Department
Westminster City Council
15th Floor
64 Victoria Street
London SW1E 6QP
Direct Line: 07816217005
Call Centre (for general queries): 0207 641 6500
Email: kjackaman@westminster.gov.uk
Web: www.westminster.gov.uk

From: Marina Tempia
To: Jackaman, Kevin: WCC
Cc: Abbott, Karyn: WCC; Richard Brown
Subject: Re: Gelupo, 7 Archer Street, London, W1D 7AU - 22/09398/LIPV
Date: 12 December 2022 12:23:56

Dear Kevin,

Apologies for the late response I was away on holiday last week and it's taken more time than expected to review the application with the committee. We have considered the information provided by the applicant and would be grateful if you would pass on our response below.

Regards,
Marina

Gelupo : 22/09398/LIPV

Thank you for your detailed response to a number of points raised in our representation, we will respond to each point in turn.

1. In relation to the variation resulting in reduction in LNR hours, it is accepted that the application would result in a reduction in the hours currently permitted for LNR, but only on Thursdays to Saturday. On Monday to Wednesday it would be an increase in LNR, plus opening hours currently 11pm. There is also an overall increase in opening hours from 11am to 10am.

2. There is no suggestion that the premises is not well run or that it is associated with crime. The crime statistics have been presented in support of the contention that Soho remains an area suffering from the cumulative impact of a high concentration of licensed premises.

3. We note the personal use of the licence and to its operation as an ice cream parlour.

4. Thank you for providing the plan of the premises, and note the capacity for 15 people, will this be a condition on the licence?

5. We are not convinced with your view that the application falls under the Shops Policy SHP1. The Shops Policy states at F145 that,
'This policy is intended to apply to premises, offer the retail sale of goods or provide services to customers as the primary use of the premises. Common examples of a premises that would be considered under this policy will include traditional off-licences, speciality stores, supermarkets, department stores, general stores, boutique, outlets, delicatessens, butchers, grocers, hairdressers, massage parlours, or anything of a similar nature where the primary use is the purchase of goods by customers or to provide a service. Cafes, coffee, shops or similar venues providing food for takeaway or for consumption on the premises will be considered under either the Fast Food Premises or Restaurant policies. The sale of alcohol for consumption off the premises can form the primary function of the premises, e.g. traditional off-licences. However, all other licensable activities, including the sale of alcohol for consumption on the premises must be ancillary to the main use of the premises as a shop.'

6. We note your response and agree that the condition and the 'personal' condition help.

However, our points at paragraph one remains, the applicants rationale for adding another licence permitted to sell alcohol on the premises without being ancillary to food is that the overall hours are being reduced. This is not the case as described above, where there will in fact be an increase, or for any day of the week as per the Gelupo website actual opening hours.

Taking all these points into consideration we remain concerned with the addition of a new alcohol licence in Soho. In our view the granting of any new licence will have an impact on the licensing objectives.

We will be happy to meet with you to discuss further.

Regards,
The Soho Licensing Committee.



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

Schedule 12
Part A

WARD: West End
UPRN: 100023472684

Premises licence

Regulation 33, 34

Premises licence number:

22/04036/LIPDPS

Original Reference:

10/03796/LIPN

Part 1 – Premises details

Postal address of premises:

Gelupo
7 Archer Street
London
W1D 7AU

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Thursday to Saturday: 23:00 to 01:00

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 23:00
Sunday: 11:00 to 22:30

The opening hours of the premises:

Sunday to Wednesday: 11:00 to 23:00
Thursday to Saturday: 11:00 to 01:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

BDL Restaurants Limited
12 Archer Street (BOCA DI LUPO)
London
W1D 7BB

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

06233852

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

Name: Christina Kouvaraki

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

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

Licence Number: LAPERS/18/58246
Licensing Authority: London Borough Of Barnet

Date: 10th May 2022

This licence has been authorised by Abigail Mugisa 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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.
- 5(iii). Where the permitted price given by Paragraph 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

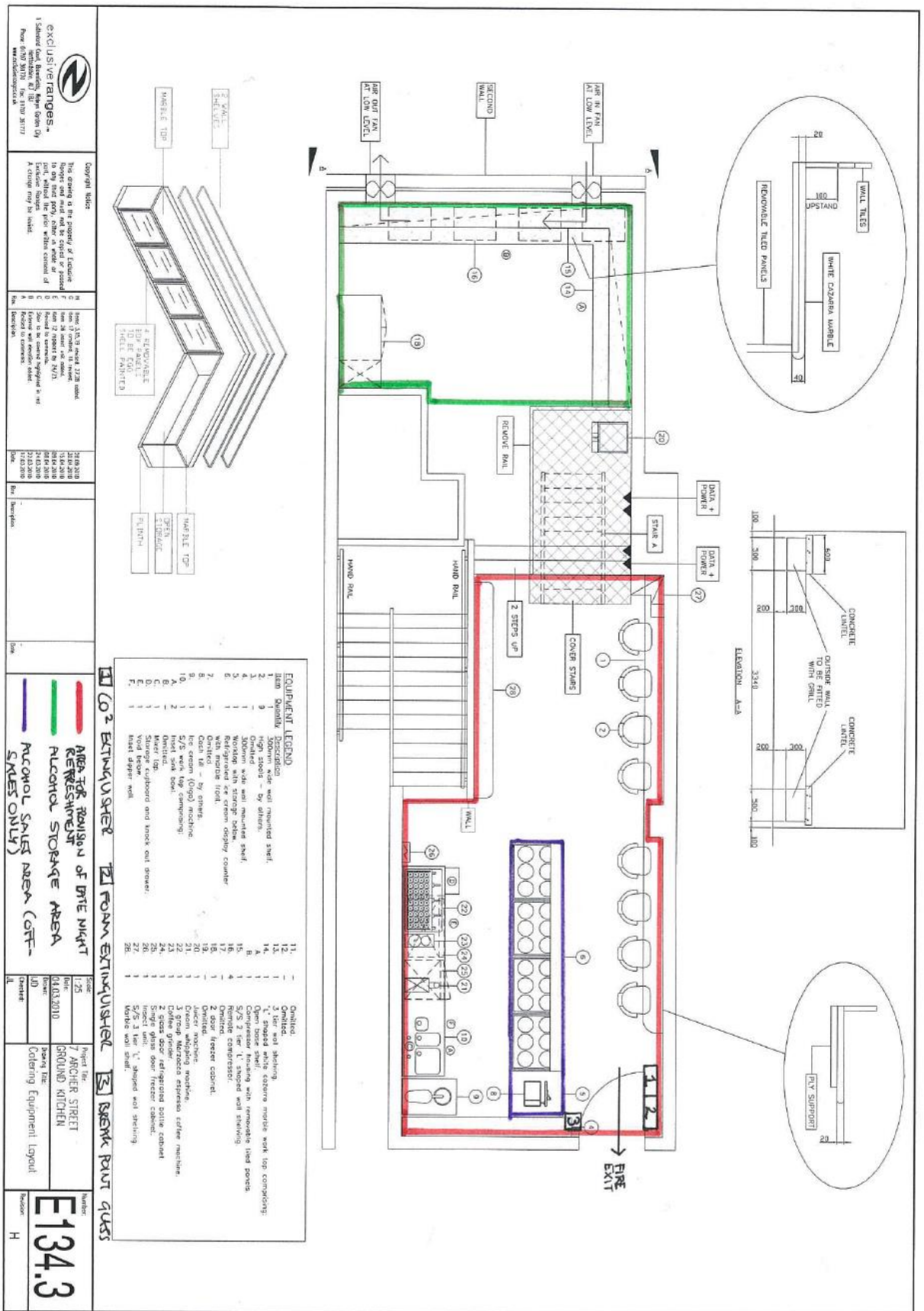
None

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

6. Off sales of alcohol will not be permitted after 23:00 hours Monday to Saturday and 22:30 hours on Sunday.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
8. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. There shall be no self service of alcohol at the premises.
13. No more than 10% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. 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 incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment.
16. There shall be a minimum of two employees present on the premises during the hours when licensable activities take place.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

19. Alcohol sales shall be limited to Italian beers, wines and spirits only.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. No super-strength beer, lagers or ciders of 5.5 % ABV (alcohol by volume) or above shall be sold at the premises.
22. There shall be no take-away of hot food or hot drink after 23.00.

Annex 4 – Plans





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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023472684

Regulation 33, 34

Premises licence
number:

22/04036/LIPDPS

Part 1 – Premises details

Postal address of premises:

Gelupo
7 Archer Street
London
W1D 7AU

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Thursday to Saturday: 23:00 to 01:00

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 23:00

Sunday: 11:00 to 22:30

The opening hours of the premises:

Sunday to Wednesday: 11:00 to 23:00

Thursday to Saturday: 11:00 to 01:00

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

Alcohol is supplied for consumption off the Premises.

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

BDL Restaurants Limited
12 Archer Street (BOCA DI LUPO)
London
W1D 7BB

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

06233852

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

Name: Christina Kouvaraki

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

Restricted

Date: 10th May 2022

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
10/03796/LIPN	<p>New premises Licence</p> <p>Late Night Refreshment: Thursday to Saturday 23:00 to 01:00</p> <p>Sale by Retail of Alcohol: Monday to Saturday 11:00 to 23:00 Sunday 11:00 to 22:30</p> <p>Opening Hours: Sunday to Wednesday 11:00 to 23:00 Thursday to Saturday 11:00 to 01:00</p>	12.08.2010	Granted by Licensing Sub-Committee
10/10055/LIPRW	Removal of a works condition	22.12.2010	Granted under Delegated Authority
18/06468/LIPDPS	Application to Vary the Designated Premises Supervisor	12.10.2018	Granted under Delegated Authority
22/04036/LIPDPS	Application to Vary the Designated Premises Supervisor	10.05.2022	Granted under Delegated Authority

Temporary Event Notice history

Application	Details of Application	Date Determined	Decision
22/04040/LITENP	Temporary Event Notice	20.04.2022	Event allowed to proceed
22/04044/LITENP	Temporary Event Notice	20.04.2022	Event allowed to proceed
22/09334/LITENP	Temporary Event Notice	05.10.2022	Event allowed to proceed

There is no appeal history

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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

- 6. Off sales of alcohol will not be permitted after 23:00 hours Monday to Saturday and 22:30 hours on Sunday.
- 7. All sales of alcohol for consumption off the premises shall be in sealed containers only,

and shall not be consumed on the premises.

8. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

The applicant proposes to vary condition 8 as follows:

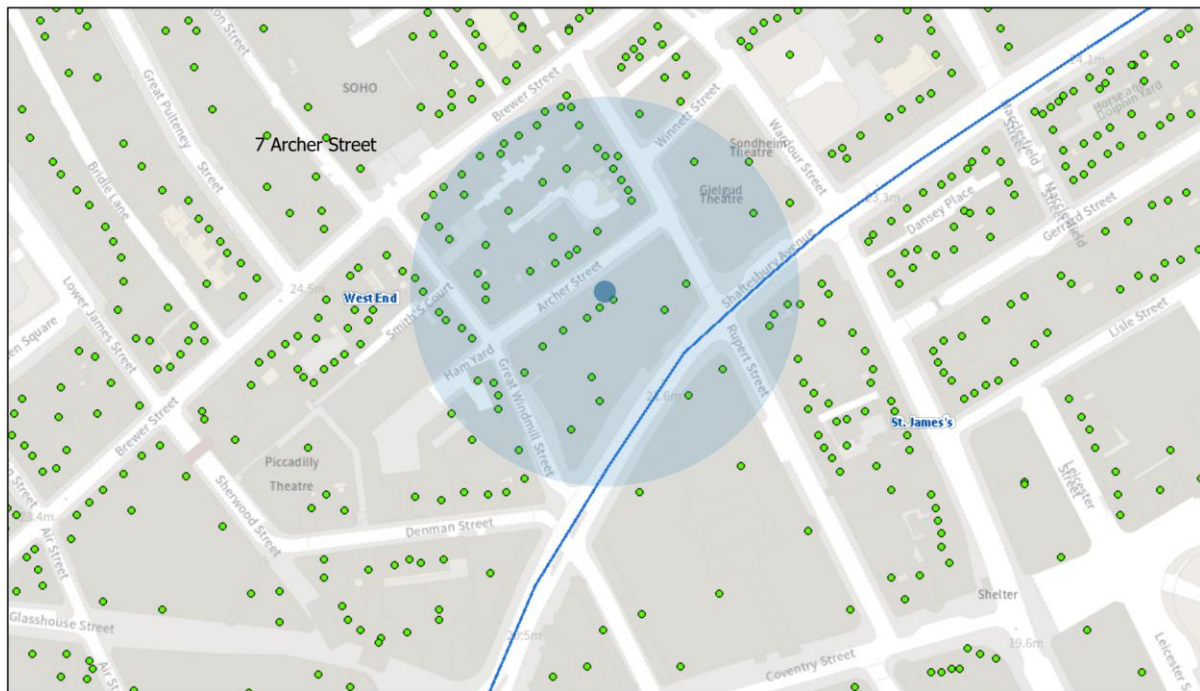
8. A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. There shall be no self service of alcohol at the premises.
13. No more than 10% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. 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 incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment.
16. There shall be a minimum of two employees present on the premises during the hours when licensable activities take place.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

19. Alcohol sales shall be limited to Italian beers, wines and spirits only.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. No super-strength beer, lagers or ciders of 5.5 % ABV (alcohol by volume) or above shall be sold at the premises.
22. There shall be no take-away of hot food or hot drink after 23.00.

Conditions proposed to be added by the applicant

23. The hours for on-sales shall be until 23.30pm Monday to Thursday; midnight Friday and Sunday and 22.30pm Sunday.
24. The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a gelato/ ice cream parlour.
25. The premises shall only operate as Gelupo and this licence shall be personal to BDL Restaurant Limited.
26. 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.
27. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated.
28. The number of persons seated in the premises at any one time shall not exceed [30] persons excluding staff.
29. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours.
30. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

7 Archer Street, London, W1D 7AU



20/12/2022, 14:59:03

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

Resident count: 221

Licensed premises within 75 metres of 7 Archer Street, London, W1D 7AU

Licence Number	Trading Name	Address	Premises Type
22/04036/LIPDPS	Gelupo	7 Archer Street London W1D 7AU	Cafe
22/09173/LIPDPS	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Night clubs and discos
20/07627/LIPDPS	Bocca Di Lupo	Basement And Ground Floor 12 Archer Street London W1D 7BB	Restaurant
22/05329/LIPDPS	Apollo Theatre	Apollo Theatre 31 - 33 Shaftesbury Avenue London W1D 7EZ	Theatre
22/06761/LIPDPS	White Horse Public House	45 Rupert Street London W1D 7PB	Pub or pub restaurant with lodge
20/08801/LIPV	Bubbleology	49 Rupert Street London W1D 7PF	Shop (large)
22/06964/LIPDPS	The Windmill	17 - 19 Great Windmill Street London W1D 7JZ	Theatre
21/14637/LIPV	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Sexual Entertainment Venue
22/07815/LIPT	Not Recorded	21 Great Windmill Street London W1D 7LB	Restaurant
22/01978/LIPN	Shadow Licence	20 Great Windmill Street London W1D 7LA	Not Recorded
22/01460/LIPDPS	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant
19/09651/LIPN	Not Recorded	57 Rupert Street London W1D 7PL	Wine bar
19/14625/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PL	Wine bar

22/02238/LIPRW	Thin White Duke	22 Great Windmill Street London W1D 7LD	Cafe within another property
16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant
21/14602/LIPDPS	Fratelli La Bufala	Vernon House 40 Shaftesbury Avenue London W1D 7ER	Restaurant
16/02850/LIPDPS	Bar Rumba	Ground Floor Unit 17d Trocadero 13 Coventry Street London W1D 7ER	Restaurant
22/07757/LIPDPS	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue London W1D 7EG	Theatre
18/16199/LIPVM	Shaftesbury Food And Wine	Ground Floor Unit 2 Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Shop
16/06157/LIPT	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Restaurant
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Shop
21/04777/LIPDPS	West End Metro	Ground Floor 38 Great Windmill Street London W1D 7LU	Shop
14/07220/LIPN	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street London W1D 7LX	Restaurant
14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant

22/03865/LIPV	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Theatre
20/03711/LIPV	Olives N' Mezze Mediterranean Kitchen	Basement And Ground Floor 40 Great Windmill Street London W1D 7LY	Restaurant
19/11416/LIPV	Thai Tho Soho	42 Rupert Street London W1D 6DP	Restaurant
15/04805/LIPDPS	Caffe Concerto	50 Shaftesbury Avenue London W1D 6LW	Cafe
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant
22/05904/LIPN	Soju Co	32 Great Windmill Street London W1D 7LR	Restaurant
20/05564/LIPT	Cafe Monico	39 - 45 Shaftesbury Avenue London W1D 6LA	Not Recorded
21/05153/LIPVM	Macellaio RC	39 - 45 Shaftesbury Avenue London W1D 6LA	Restaurant
20/05587/LIPT	Paradise Ldn	61 Rupert Street London W1D 7PW	Restaurant
15/02567/LIPVM	Blacklock	25 Great Windmill Street London W1D 7LH	Restaurant
17/12283/LIPT	Damson & Co	21 Brewer Street London W1F 0RL	Restaurant
17/15045/LIPDPS	Sophies	42 - 44 Great Windmill Street London W1D 7ND	Restaurant
20/10536/LIPCH	Rupert Street Bar	50 Rupert Street London W1D 6DR	Public house or pub restaurant
22/03719/LIPN	Bantof Co	31 Great Windmill Street London W1D 7LP	Restaurant
22/11095/LIPVM	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant

21/07209/LIPDPS	Sondheim Theatre	The Sondheim Theatre Shaftesbury Avenue London W1D 6BA	Theatre
20/08988/LIPDPS	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Public house or pub restaurant