



City of Westminster

Item No:	
Date:	04 May 2023
Licensing Ref No:	23/00460/LIPV - Premises Licence Variation
Title of Report:	AMICI Basement 187 Wardour Street London W1F 8ZB
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:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	26 January 2023		
Applicant:	Caprice London Ltd		
Premises:	AMICI		
Premises address:	Basement 187 Wardour Street London W1F 8ZB	Ward:	West End
		Cumulative Impact Area:	West End Cumulative Impact Zone
		Special Consideration Zone:	None
Premises description:	The premises currently operates as a restaurant and lounge.		
Variation description:	<p>This application seeks the following:</p> <ol style="list-style-type: none"> 1. To extend the permitted hours for retail sale of alcohol, late night refreshment and recorded music on Thursdays from 23.30 to 02.00 and Friday to Saturday extend from 00:00 to 02:00. 2. To add live music as a licensable activity from 23.00 to 02.00 Thursday to Saturday. 3. Reduce the capacity of the premises overall from 95 to 70 persons. 3. To vary, update and add conditions as detailed in section 1.D below. <p>There will be no change to permissions Sunday to Wednesday and no change to the restaurant conditions.</p>		
Premises licence history:	The premises has had the benefit of a premises licence since 2010. The current premises licence (21/14479/LIPDPS) can be viewed at Appendix 3 of this report along with the premises licence history.		
Applicant submissions:	The applicant has provided a summary of the proposed variation and addressed the council's statement of licensing policy. This can be found at Appendix 2 of this report along with a dispersal policy for the premises.		
Applicant amendments:	None.		

1-B	Current and proposed licensable activities, areas and hours					
Regulated Entertainment						
Playing of Recorded Music (Indoors)						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:30	No change is being sought.		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	11:00	23:30				
Wednesday	11:00	23:30				
Thursday	11:00	23:30	11:00	02:00		
Friday	11:00	00:00	11:00	02:00		
Saturday	11:00	00:00	11:00	02:00		
Sunday	12:00	22:30	No change			
Seasonal Variations / Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No change.

Performance of live music (indoors)						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	This licensable activity is not on the current licence.		N/A		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday						
Wednesday						
Thursday			23:00	02:00		
Friday			23:00	02:00		
Saturday			23:00	02:00		
Sunday			N/A			
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

Provision of facilities for Dancing						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:30	No change is being sought.		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	11:00	23:30				
Wednesday	11:00	23:30				
Thursday	11:00	23:30				
Friday	11:00	00:00				
Saturday	11:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change is being sought		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30	23:00	02:00		
Friday	23:00	00:00	23:00	02:00		
Saturday	23:00	00:00	23:00	02:00		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales		On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:30	No change is being sought		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	11:00	23:30				
Wednesday	11:00	23:30				
Thursday	11:00	23:30	11:00	02:00		
Friday	11:00	00:00	11:00	02:00		
Saturday	11:00	00:00	11:00	02:00		
Sunday	12:00	22:30	No change			
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	00:00	No change is being sought		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	11:00	00:00				
Wednesday	11:00	00:00				
Thursday	11:00	00:00	11:00	02:15		
Friday	11:00	00:30	11:00	02:15		
Saturday	11:00	00:30	11:00	02:15		
Sunday	12:00	23:00	No change			
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					

1-C	Layout alteration
There is no layout alteration being sought.	

1-D	Conditions being varied, added or removed.	
	Condition	Proposed variation
	<p>Current condition 12. The venue 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 venue 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.</p>	<p>12 (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.</p> <p>12 (b) 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.</p>
	<p>Amend condition 25 “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons.”</p>	<p>“The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.”</p>
Add the following Conditions:		
	<p>1. After 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff)</p>	
	<p>2. After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.</p>	

<p>3. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.</p>		
<p>4. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.</p>		
<p>5. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises</p>		
<p>6. 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 refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.</p>		
Adult entertainment:	Current position:	Proposed position:
	None	No change

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	03 February 2023

Dear Westminster Licensing Service,

Re: 23/00460/LIPV - AMICI, Basement 187 Wardour Street W1F 8ZB

Cc - iana@lflaw.co.uk, kjackaman@westminster.gov.uk, mkoduah@westminster.gov.uk, idonovan@westminster.gov.uk

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Commissioner") to make representations opposing the granting of the variation application for **AMICI, Basement 187 Wardour Street W1F 8ZB.**

The applicant seeks the following:

1. Extend permitted hours for retail sale of alcohol, late night refreshment and recorded music on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2am.
2. Add live music as a licensable activity from 23.00 to 02.00 Thurs-Sat
3. Reduce capacity of premises overall from 95 to 70 persons
4. Vary, update and add conditions

In respect of the proposed extension of licensable activities on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2am (Point 1 above), the Metropolitan Police Service ("The Police") submit that if granted, this variation would undermine the licensing objective: **the prevention of crime and disorder.**

The police have taken into consideration the additional conditions offered by the applicant, however the police are not satisfied that these conditions will mitigate the impact of the extension of licensable activities on the licencing objectives. The premises is located within the West End Cumulative Impact Zone ("CIZ") and as such it is Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for such premises.

Paragraph D16 of the SLP states "*The Licensing Authority's policy, in relation to the West End Cumulative Impact Zone, **is directed at the global and cumulative effects of licences on the area as a whole** (my emphasis). Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the West End Cumulative Impact Zone policy to refuse certain types of applications must be for **genuinely exceptional reasons** (my emphasis)*". It is the police's submission that the underlying reasons for the having the policy is due to the significant levels of crime, disorder and anti-social behaviour within the West End. Current levels of alcohol related assaults, sexual assaults and robberies are higher now than they were when the Cumulative Impact Assessment was undertaken in 2020. The peak times of these crimes are 00:00 to 5am Friday to Saturday (trading days). If the variation were to be granted, the effect would be to increase the number of potentially intoxicated people in the West End at a time when crime levels are at a peak.

The police submit that the application does not demonstrate exceptional circumstances nor does it show how the proposed operation will not adversely affect the licensing objectives, in particular the prevention of crime and disorder.

If the applicant would like to discuss my representation further, I can be contacted on the details below.

Responsible Authority:	Environmental Health Service
Representative:	Mr Maxwell Koduah
Received:	08 February 2023

AMICI, Basement, 187 Wardour Street, London, W1F 8ZB

I refer to the variation application for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.

Applicant is seeking the following changes:

1. Add the performance of live music indoors at the following times:
 - I. Thursday to Saturday 11:00 to 02:00 hours
 - II. Christmas Eve to Christmas Day: 11:00 to 05:30 hours
 - III. New Year's Eve to New Year: 11:00 – 05:0 hours
2. Extend the hours to play recorded to the following hours:
 - I. Thursday to Saturday 11:00 to 02:00 hours
 - II. Christmas Eve to Christmas Day: 11:00 to 05:30 hours
 - III. New Year's Eve to New Year: 11:00 – 05:0 hours
3. Extend the hours to provide late night refreshment indoors to the following hours:
 - I. Thursday to Saturday 23:00 to 02:00 hours
 - II. Christmas Eve to Christmas Day: 23:00 to 05:30 hours
 - III. New Year's Eve to New Year: 23:00 – 05:0 hours
4. Extend the hours for the supply of alcohol for consumption on the premises to the following hours:
 - I. Thursday to Saturday 11:00 to 02:00 hours
 - II. Christmas Eve to Christmas Day: 11:00 to 05:30 hours
 - III. New Year's Eve to New Year: 11:00 – 05:0 hours
5. Reduce the number of persons permitted in the premises at any one time from 95 to 70 persons excluding staff
6. Replace condition 12 with model condition MC01 and MC02
7. **Apply the following additional conditions:**
 - I. After 23:30 hours on Thursday and midnight on Friday and Saturday, the capacity of the premises shall not exceed 40 persons (excluding staff)
 - II. After 23:30 hours on Thursday and midnight on Friday and Saturday, alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
 - III. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council
 - IV. A copy of the premises' dispersal policy shall be made readily available at the

premises for inspection by a police officer and/or an authorised officer of Westminster City Council

- V. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- VI. 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 refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
- VII. After 23:30 hours on Thursday and midnight on Friday and Saturday when the private club is operating that night, there shall be a minimum of 1 SIA licensed door supervisors on duty until close.
- VIII. The consumption of alcohol shall only be to seated customers.
- IX. There shall be no new entries or re-entries after 01:00 hours Thursday to Saturday (trading days)
- X. After 23:00 hours Thursday, Friday & Saturday, there shall be a personal licence holder on duty at the premises whilst it is trading.

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. Adding performance of live music would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area
2. Extending the hours to play recorded music would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the West End Cumulative Impact Area
3. Extending the hours for provision of late-night refreshment would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area
4. Extending the hours to supply alcohol would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area
5. No objection
6. No objection
7. No objection

Please contact me if you wish to discuss the above further.

Responsible Authority:	Licensing Authority
Representative:	Miss Jessica Donovan
Received:	22 February 2023

Dear Sirs

I write in relation to the application submitted for a variation of the premises licence for AMICI, Basement, 187 Wardour Street, London, W1F 8ZB.

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 variations:

1. To extend the permitted hours for Retail Sale of Alcohol, Late Night Refreshment and Recorded Music on Thursday from 23.30 to 02.00 and Friday and Saturday from midnight to 2am.
2. To add live music as a licensable activity from 23.00 to 02.00 Thursday-Saturday.
3. To reduce capacity of premises overall from 95 to 70 persons.
3. To vary, update and add conditions.

The premises is located within the West End Cumulative Impact Zone and as such, a number of policy points must be considered namely CIP1, HRS1 and RNT1.

Policy CIP1 states:

- A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:
 1. Vary the hours within Core Hours under Policy HRS1, and/or
 2. Vary the licence to reduce the overall capacity of the premises.
- C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.
- D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy RNT1 (B) states:

- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:
 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
 3. The 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.
 4. The applicant has 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 restaurant as per Clause C.

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

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

It is noted that proposed hours for licensable activities fall outside of Westminster's core hours for a restaurant and therefore are a contrary to policy.

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

The Licensing Authority raises concerns with the increase of hours and how this increase in the terminal hour will add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1 and HRS1.

1. Does the applicant have a Dispersal Policy? If so, please provide a copy and
2. What provisions will be in place to mitigate any possible issues regarding noise and nuisance if the later terminal hour was granted?

The Licensing Authority encourages the applicant to provide further submission as how this increase will not add to cumulative impact in the West End cumulative impact zone.

Paragraph D16 states, The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	31 January 2023		
<p>Dear Licensing Team, I would like to make a representation about application 23/00460/LIPV, address: 187 Wardour Street. I live just across from this address at [REDACTED], which is a residential building. If the proposal were for a restaurant I would not mind, however it seems it is for a nightclub, with final entry at 1AM and closing at 2AM (Thur-Sat). It will probably be quite noisy up until this point, similar to Simmons (a night club) which is one street up and has a queue and shouting until closing. Luckily, we are a small distance away and so this does not impact us too much, however, if a similar nightclub were to open across the street from us, I imagine it would disturb our daily life and sleep (especially for those in the building with children).</p> <p>Thanks for your consideration, [REDACTED]</p>			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	01 February 2023		
<p>It would be advantageous to extend the doorman's hours to ensure that rather merry club goes leave quickly and quietly rather than standing around having noisy banter before roaring off at top speed as they do currently. The chauffeur driven cars should arrive and switch engines off while they wait rather than engines pumping out pollution as the cars idle for often long periods. Thank you.</p>			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	04 February 2023		
<p>I live in [REDACTED], which is next to the proposed development. I object the proposal for the following reasons:</p> <ol style="list-style-type: none"> 1. The extended hours they seek are contrary to the Council's Licensing Policy of only granting such applications in exceptional circumstances (for bars) and only granting if it can be demonstrated that they will not add to existing problems (for restaurants). It seems that the applicant will say that they are a restaurant and will be through the extended hours. Whether 			

this is in fact the case is highly debatable.

2. The proposed alteration will further create noise problem in the neighbourhood. The condition 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance' on the current license has been breached numerous times.

3. The application is contrary to Council's 'cumulative impact' policies and the proposed mitigation is totally insufficient.

4. In particular, the application does not address dispersal sufficiency or at all. The issues detailed above lead to my objection to this application.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	7 February 2023		

To Whom it may Concern:

I received a notice in the post regarding extending hours "for retail sale of alcohol, late night refreshment and recorded music" at Amici, a premises [REDACTED]. Amici is located at 187 Wardour Street.

The Application is for extending hours on Thursday, Friday and Saturday from 11:30PM to 2:00AM.

I note that the extended hours are sought for a range of activities: for retail sale of alcohol, late night refreshment and recorded music on Thursday from 11.30PM to 02.00AM and Fri/Sat from midnight to 2AM.

I also note that the applicant wishes to add live music to the same hours. I wish to object to this application chiefly on the grounds of 'prevention of public nuisance', although the 'prevention of crime and disorder' may come into play too.

I have already filed noise complaints with the Council regarding this venue. The venue plays loud music with the doors open and regularly affects my ability to sleep. It seems that the condition on the current licence The condition 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance' on the current licence is being breached. They also breach the conditions of their existing license by keeping the doors to the venue open and playing music in the lobby. This is prohibited by their current license but they do not observe these conditions. Significantly extending hours into the early hours of the morning will be detrimental to the numerous residential dwellings in the area. I have double glazing which does not keep the sound out and it will be intolerable in the warmer months. We already have the issue of people urinating in our entrance from surround late night bars.

Although the proposal is also to reduce the capacity slightly, this can in no way ameliorate the issues I currently experience with this premises, which would undoubtedly increase in frequency and impact should this application be granted. I am aware that the applicant has proposed a number of other changes to the conditions.

Although there would be no changes to the 'restaurant' condition, I question how in fact this can be complied with during the extended hours sought. Although the applicant may point to the capacity 'reducing' to 40, it is of course an increase from 0 to 40 after current hours. Neither do I draw any comfort from the proposal to restrict the extended hours to being a private members club and guests. Apart from anything else, how is this change in operation managed between

current hours and extended hours?

It seems to me that this application is contrary to the Council's licensing policy but even setting this aside, there will be an unacceptable impact on specific residents adjacent to this premises should the extended hours be permitted.

Please let me know that this has been received and will be considered. I feel very strongly about this. I look forward to receiving notice of hearing in due course, as I would wish to attend and/or be represented.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	8 February 2023		

To Whom it may Concern:

We have received a notice regarding extending hours "for retail sale of alcohol, late night refreshment and recorded music" at Amici, located at 187 Wardour Street.

[REDACTED]
[REDACTED]
The Application is for extending hours on Thursday, Friday, and Saturday from 11:30PM to 2:00AM.

We note that the extended hours are sought for a range of activities: for retail sale of alcohol, late night refreshment and recorded music on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2Am. The applicant wishes to add live music to the same hours.

[REDACTED], we wish to object to this application chiefly on the grounds of 'prevention of public nuisance', although the 'prevention of crime and disorder' may come into play too.

It has been mentioned to us that neighbours and occupiers of the building have already filed noise complaints with the Council regarding this venue. The venue plays loud music with the doors open and regularly effects the peace and quiet in the area. It seems that the condition on the current license 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance' on the current license is being breached.

Significantly extending hours into the early hours of the morning will be detrimental to the numerous residential dwellings in the area. We already have the issue of people urinating in the entrance to the building from surrounding late night bars.

Although the proposal is also to reduce the capacity slightly, this can in no way ameliorate the issues we currently experience with this premises, which would undoubtedly increase in frequency and impact should this application be granted.

We are aware that the applicant has proposed several other changes to the conditions. Although there would be no changes to the 'restaurant' condition, we question how in fact this can be complied with during the extended hours sought. Although the applicant may point to the capacity 'reducing' to 40, it is of course an increase from 0 to 40 after current hours. Neither do we draw any comfort from the proposal to restrict the extended hours to being a private members club and guests. Apart from anything else, how is this change in operation managed between current hours and extended hours?

It seems to us that this application is contrary to the Council's licensing policy but even setting this aside, there will be an unacceptable impact on specific residents adjacent to this premises should the extended hours be permitted.

We sincerely request that this objection is considered.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	10 February 2023		

To Whom it may concern,

[REDACTED] represent the leaseholders of 9 properties in Paramount House, a building located adjacent to the venue seeking an extension to its licencing and opening hours.

We object in the strongest possible terms, primarily on the grounds of 'prevention of public nuisance' but also from a 'prevention of crime and disorder' stand point.

Complaints against the venue have been filed numerous times. The tenants in the building complain of loud music coming from the venue, often because the doors are left open. As we understand the current license states that 'no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to nuisance', given they breach this and other licence conditions such as keeping the doors shut it seems unreasonable to grant a further licence.

Any extension to the operating hours of this venue into the early hours will likely be hugely detrimental to any and all residential dwellings in the local. Despite the flats in Paramount House having double glazing, music and people can still be heard. The warmer months present an increased problem since it will then not be possible to keep windows shut all night. The increase in people into the early hours of the morning also present the problem of unsavoury behaviour. It is a regular occurrence that the management of Paramount House have to watch urine and vomit off the doors and front area of the building. Extending this licence would only further exasperate the problem.

We would also like to point out that although the application from Amici states that there would be a reduced capacity to 40, it can hardly be seen as a reduction since at the moment there are 0 occupants allowed at the proposed hours, therefore it is actually an increase of 40 people. Any extension to this venues operating hours would have a significant and unacceptable impact on residents adjacent to this premises. The application also seems to us to be in direct contravention to the Councils cumulative impact policies.

For the sake of good order, this email is on behalf of the leaseholders of flats:

Flat 1, Flat 3, Flat 5, Flat 8, Flat 10, Flat 11, Flat 12, Flat 13 and Flat 14, 168 Wardour Street, London, W1F 8ZX

Please confirm by return that this objection will be counted nine times as per the representation.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	22 February 2023		

We write to make a relevant representation to the above application on behalf of [REDACTED]

[REDACTED] is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

Application summary Premises Variation To extend the permitted hours to sell alcohol, late night refreshment and recorded music on,

1. Thursday 23:00 - 02:00 and Friday - Saturday: 00:00 - 02:00
2. Add live music as a licensable activity from 23:00 to 02:00 Thursday to Saturday
3. Reduce capacity of premises overall from 95 to 70 persons (amend condition 25)
4. Vary, update and add conditions as per the attached document No change to permissions Sunday to Wednesday and no change to restaurant conditions

Sale of Alcohol: Thursday - Saturday: 23:00 - 02:00

Late Night Refreshment: Thursday - Saturday: 23:00 - 02:00

Live Music / Recorded Music: Thurs - Saturday: 11:00 - 02:00 Opening Hours: Mon - Weds: 11:00 - 00:00. Thurs - Sat: 11:00 - 02:15. Sunday: 12:00 - 23:00

Proposed New Conditions

5. After 23.30 Thursday and midnight Friday and Saturday the capacity of the premises shall not exceed 40 persons (excluding staff)
6. After 23.30 and midnight Friday and Saturday alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be permitted membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
7. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises

Current Licence 21/14479/LIPDPS Sale of Alcohol:

Mon-Thurs: 11:00 - 23:30. Fri-Sat: 11:00 - 00:00. Sun: 12:00-22:30

Late Night Refreshment: Mon-Thurs: 23:00 - 23:30. Fri-Sat: 23:00 - 00:00

Dancing/ Making Music/Recorded Music: Mon-Thurs: 11:00 - 23:30. Fri-Sat: 11:00 - 00:00. Sun: 12:00-22:30.

Opening Hours: Mon-Thurs: 11:00 - 00:00. Fri-Sat: 11:00 - 00:30 Sun: 12:00-23:00

Condition 18: The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal

Representation Amici is licensed as a restaurant to core hours, situated in the north section of Wardour Street this application seeks to change the operation and create a new late night private members club, including live and recorded music on Thursday from 11.30pm to 2am and on Friday to Saturday from 12am until 2am.

[REDACTED] objects to this application as it is contrary to the Pubs and Bars PB1, Core Hours HRS1 and Cumulative Impact CIP1 policies, it will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone. We reject the applicants attempt to present a possible exception to policy with the creation of a new private members club by offering a reduction in capacity of the restaurant, which currently operates to

core hours from 95 to 70, and it also proposes an **increase in capacity of 40 after core hours until 2am Thursday to Saturday**. The offer and impact of a reduction in capacity of a restaurant within core hours is hardly comparable to a 2am late night bar.

We note the new set of conditions proposed by the applicant for the members club, one of which aims to remove the current restaurant condition on the licence, this being, **Condition 18**. *“The supply of alcohol at the premises **shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.**” (our emphasis)*

TO Proposed Condition 7. *‘Substantial food and non-intoxicating beverages, including drinking water, **shall be available** in all parts of the premises where alcohol is sold or supplied for consumption on the premises.’* This being a weaker condition highlighting the members club as a drink led operation. **(our emphasis)**

Soho is at the forefront of the evening and night-time economy with its numerous restaurants, bars, members clubs and entertainment establishments, overall, it has the highest concentration of licensed premises in Westminster, 478 with a large proportion (25%) being late night licences. The south part of Wardour Street is densely populated at night with late night premises licensed until 3am with a capacity of 2,055, and within those streets that surround it, namely Old Compton Street, Frith Street, Dean Street and Greek Street they have the highest concentration of late night premises in Soho, a total of **114 with terminal hours between 12am - 3.30am and capacity of over 10,780**. The granting of any new licences and particularly a new late night bar on the busiest nights of the week in Soho, will have an impact of the licensing objectives and cumulative impact.

Residents

We have been contacted by a resident alerting us to the ongoing noise nuisance from this restaurant, there have been a number of noise complaints due to them playing loud music with the front door open, the resident can hear the music in their bedroom even with the windows being secondary glazed. There’s also been issues with people urinating in the entrance of their building. The proposed late night hours of a new drink led operation, which includes live music and recorded music will create even more noise disturbance to those residents living nearby. It is wholly unacceptable that residents should have to endure this behaviour and have the quality of the enjoyment of their own home, disrupted like this. It goes against WCC’s own policy and against the individuals’ human rights.

We are aware of residents who do not live directly within the vicinity of bars on Wardour Street but are being affected by patron’s leaving premises late at night due to living on a dispersal route. This includes noise from patrons and pedicabs playing their music on route to such venues. Their sleep too is being disrupted leading to a decline in their wellbeing. A recent sleep survey conducted by the Soho Society confirms that residents are disturbed by noise at night and is having a negative impact. 87 people responded of which 78 are Soho residents with ages spread evenly from 22 to 80, 59% having lived in Soho for more than 10 years. When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week. Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life. 62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho. 60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with. 46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in **Appendix 1. Crime and Disorder**

The 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**. The level of crime,

disorder and anti social behaviour continues to be a huge problem in Soho. The crime figures are high and increasing. The recent police crime report for December 2022 highlights Soho as having the highest number of robberies, overall knife crime and violence against the person compared to other areas within the cumulative impact zone.

The recent and very serious assault at 3am of a man on Greek Street raises concerns regarding public safety and highlights how unsafe this area and Soho is at night. In Soho the majority of robberies take place at night, people are targeted as they leave venues, alongside the robberies and assaults, drug dealing is another problem with groups of dealers congregating to sell drugs to people out on the streets. 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.

Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away. It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho specifically to target them. We believe patrons leaving this club at night will be at high risk of becoming victims of crime.

Cumulative Impact Policy CIP1

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. It concludes that,

'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. 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.' (p.19) **(our emphasis)**

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, our observation is Soho attracts more people now than at pre-COVID times. 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). 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.'*** **(our emphasis)**

The policy has a presumption to refuse applications within the West End Cumulative Impact Zone for, pubs, bars and music and dance premises. The applicant needs to demonstrate an exception to policy, they have failed to do so.

In summary

The application to create a new late night members club/ bar until 2am, with a capacity of 40 in the West End Cumulative Impact Zone is contrary to policy and will further fail to promote the licensing objectives. We respectfully ask the Licensing Sub-Committee to refuse this application.

Yours faithfully, [REDACTED]

Appendix 1: [REDACTED] Sleep Survey Results Soho Society Sleep Survey Results –

31 October 2022

A recent sleep survey conducted by the [REDACTED] confirms that residents are disturbed by noise at night and it is having a negative impact. 87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues.

The most common identified problem at 42% of respondents was people drinking and shouting in the street. 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life 46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines.

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences.

72% of respondents agreed that the council should install electronic noise monitoring in Soho.

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency.

Many respondents made additional comments:-

"I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since I moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential. I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing

restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.”

“As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets. More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences.”

“Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making. Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee, and they always seem to rule in favour of the commercial premises rather than residents.”

“There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy. There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.”

“I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 0530am. This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.”

“Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.”

“I've lived in Soho for 60 years... Born and bred.. It's never been this noisy! Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours. Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho.”

END

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Hours 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

	<p>authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>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:</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.</p>
<p>Restaurant Policy RNT1 applies</p>	<p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.

	<p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p>
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4. Equality Implications

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

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

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

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

Report author:	Miss Roxsana Haq Senior Licensing Officer
Contact:	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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021

3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Metropolitan Police Service	03 February 2023
5	Environmental Health Service	08 February 2023
6	Licensing Authority	22 February 2023
7	Interested Party 1	31 January 2023
8	Interested Party 2	01 February 2023
9	Interested Party 3	04 February 2023
10	Interested Party 4	7 February 2023
11	Interested Party 5	8 February 2023
12	Interested Party 6	10 February 2023
13	Interested Party 7	22 February 2023

Submissions from the Applicant:

AMICI, 187 WARDOUR STREET LONDON APPLICATION FOR VARIATION TO PREMISES LICENCE

I act for the premises licence holder, Caprice London Limited.

Caprice London Limited has sought a variation to

1. extend permitted hours for retail sale of alcohol, late night refreshment and recorded music on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2am
2. add live music as a licensable activity from 23.00 to 02.00 Thurs-Sat
3. reduce capacity of premises overall from 95 to 70 persons
4. vary, update and add conditions

There are no changes being sought to permissions Sunday-Wednesdays

The premises trade as a restaurant currently, and is laid to table. It offers Mediterranean/ Middle Eastern cuisine.

The menu changes monthly. Amici has a restaurant condition attached. Condition 18 reads: *"The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal."*

This will not change should the variation be granted. There has been no application to remove this condition. The premises are not seeking to become a bar where patrons can just drink without alcohol being ancillary to food. The representation from the Soho Society seems to have misread this on the application form (the variation on page 2 clearly stated "...and no change to restaurant conditions"), and so we confirm it again now.

The hours sought are 2am on Thursdays, Fridays and Saturdays, again with the restaurant condition attached throughout the extended hours.

What is being proposed is the premises, after existing hours becomes a restaurant that will only welcome its members. WCC Model membership conditions have been offered for this purpose. They read:

1. *After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.*
2. *A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council*

No exceptions have been made for any sort of event to either membership restrictions or restaurant restrictions. The premises is not therefore trying to morph into another style of premises.

There has been a desire to make the restaurant more exclusive which assists the location of the premises, as it is located within the cumulative impact area. The benefit given the location is that the premises in the later hours will not be open to the general public, and will be open to only persons where the applicant holds their personal details- which will be their regular clientele.

Restaurants attract low crime and disorder and public nuisance and are low risk to the licensing objectives and this is acknowledged in the Licensing Police Statement.

A further driving factor for this variation, is that patrons are typically eating later rather than going on to further entertainment after dinner and Amici wish to take advantage of this for their regular clientele.

There is another benefit to becoming a members restaurant as this will also allow the premises to bring in some more revenue to the business. The benefits of the membership allows:

- Connect with other Amici members
- Late Dinner Experience
- Member rate at Amici

Paragraph F112 of the Licensing Policy Statement states that "*The Licensing Authority is particularly concerned that restaurant premises within the West End Cumulative Impact Zone do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.*" Accordingly, to emphasize this the applicant has offered a further condition that the sale and consumption of alcohol shall only be to seated customers in line with the restaurant condition on the licence now.

Further, Paragraph F113 states that "*Where an application is to be considered under this [restaurant] policy, following relevant representations, conditions restricting the premises in accordance with this definition may be attached. These might include: • Requiring alcohol to be served only by waiter/ waitress service. • Customers to be only served while seated. • The sale of alcohol only to persons taking a substantial table meal for consumption ancillary to that meal.*" The above factors are included in the licence so have been addressed. We have no objection to the word 'substantial' being included in condition 18 should Members decide it appropriate.

As part of the variation application Amici is seeking to amend condition 25 from "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons." To "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons." This is a general reduction in numbers by 25 persons.

The capacity is further being reduced after existing hours- So, after 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff).

It is further proposed that after 11pm on Thursday, Friday and Saturdays when the private restaurant club is operating that night there shall be a minimum of 1 SIA on duty until close. We have no objection if this condition is amended to read "After 11pm on Thursday, Friday and Saturdays when the private club is operating that night there shall be a minimum of 1 SIA on duty until close *or until the last patron has dispersed*" should members consider it appropriate.

The security proposal is obviously linked to the extended hours. Typically the venue would not have security when trading to core hours and so if they choose not to operate later hours on Thursday, Friday or Saturday nights they did not want the expense of security for the last 30 mins or 1 hour (depending on the day), especially as you need to have minimum hours for security. This represents a fair balance in the applicants eyes.

The premises in the neighbouring area show a mix of hours and operations. Patrons will not be spilling out at the same time. This capacity is small (proposed general reduction of 25 persons). Reservations will be taken. With all of this we do not believe there will be any additional cumulative impact.

The application for variation also seeks to update and add some further conditions to assist the authorities and modernise the licence.

Proposed conditions:

- Amend condition 12 to WCC model conditions

12 (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

12 (b) 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.

- Amend condition 25 from “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons.”

To “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.”

Add new conditions

1. After 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff).
2. After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
3. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
4. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
5. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

6. 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 refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
7. After 23.00 on Thurs, Fri and Sat when the private club is operating that night there shall be a minimum of 1 SIA on duty until close.
8. The consumption of alcohol shall only be to seated customers.
9. There shall be no new entries or re-entries after 0100 Thurs-Sat (trading days) .
10. After 23.00 Thursday, Friday and Saturday there shall be a personal licence holder on duty at the premises whilst it is trading.



Dispersal Policy

The aim of the procedures laid out in this document is to ensure there is an absolute minimum of noise and to prevent any nuisance being caused to our neighbours and the general public.

All staff will be trained in the procedures and will receive regular refresher training.

This document will be reviewed on an annual basis to ensure its effectiveness and relevance is not compromised.

The manager in charge will be responsible for ensuring the plan is fully implemented. Each member of staff shall have an effective means of communicating with the manager and other members of staff.

Any guests causing noise or disturbance or who appeared to be impaired / intoxicated through alcohol or drugs will be REFUSED ENTRY and asked to leave.

A manager will check the outside area regularly throughout the night.

The entrance must not be obstructed.

Staff and security (if on duty) will monitor activity in the vicinity of Amici throughout each night to prevent crime and disorder, noise or disturbance arising from customers.

Staff and security (if on duty) will ensure customers do not congregate outside.

Guests will only be permitted outside to smoke in line with Amici's Smoking Policy.

Staff and security (if on duty) will monitor guests smoking.

Staff and security (if on duty) will endeavour to control a slow stream of customers and guests leaving Amici. The premises trades as a restaurant so customers will filter out of the premises naturally

Staff and security (if on duty) will be proactive about dispersal of groups of people outside Amici.

Guests will be encouraged to leave the area quickly and quietly.

Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.

A manager will be on duty and stationed at the exit to oversee dispersal as required.

Any guests waiting for Taxi's will be allowed to wait in the premises until the taxi arrives for their safety.

When guests book with Amici, they will be informed of the following information: -

- a. To leave Amici quietly and respect our neighbours
- b. To book a taxi and wait inside the venue until they arrive
- c. Leave the area as quickly as possible.

Staff and security (if on duty) shall monitor the area outside the premises to ensure that customers leave the premises safely and to prevent serious crime and disorder from occurring.

Guests will not be allowed to take drinks with them as they leave.

The tempo of music will be slowed down and the volume will be lowered gradually at the end of the night to encourage guests exit in a calm manner. The music is typically background so it is not envisaged it will cause any disturbance but needs to be monitored.

The house lights will be raised gradually at the terminal hour for licensable activities.

Guests will be supplied with information on transport options available late at night.

Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave Amici and the area quietly in a considerate manner.

The Licensee will ensure that staff will conduct a litter and cleaning patrol of area immediately outside Amici .

The Licensee will contact the police as necessary if people who have left are causing a public nuisance, threatening property or people or otherwise engaged in anti-social behaviour.

A telephone number will be available to local residents for them to call should they have an issue.

Any complaint will be dealt with promptly by the senior member of staff on duty. The complaint will also be reviewed and followed up by the DPS on the next working day.

A record will be kept of any complaint received. This will include the nature of the complaint and action taken together with the details of the complainant.

• Smoking

Amici operates a zero tolerance policy to smoking in the venue in line with the Smoke Free regulations and Health Act 2006.

“No Smoking” signage will be displayed at Amici that clearly states it is against the law to smoke anywhere inside the premises.

Staff will take immediate action if any customer attempts to smoke inside Amici.

Any customer who still attempts to smoke inside the premises will be asked to leave.

Staff will not smoke anywhere inside Amici, including back of house areas.

All staff will receive training on dealing with smoking in smoke free premises including the penalties involved:-

- Smoking in smoke free premises: a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
- Failure to display no-smoking signs: a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises. Or a maximum fine of £1000 if prosecuted and convicted by a court.
- Failing to prevent smoking in a smoke free place: a maximum fine of £2500 imposed on whoever manages or controls the smoke free premises if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

The smoking area will be monitored by staff and door supervisors if on duty. The smoking areas will be cleaned of litter at regular intervals.

Customers will be reminded to keep the noise down and to respect the residents in the area. This will be supported by clear and prominent signage.

Any person causing a nuisance or disturbance in the smoking area will be asked to leave Amici immediately.

- Amici is also subject to the following conditions in Annex 3 of the premises licence

Twice yearly all front of house staff shall be retrained in regard to their personal responsibilities in connection with the 2003 Licensing Act. There must be an employment record for all staff and this must be kept up to date with the details of the training provided. 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) any complaints received regarding crime disorder
- (c) any incidents of disorder
- (d) any faults in the CCTV system or searching equipment or scanning equipment
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

Persons temporarily leaving the premises shall not be permitted to take any drinks with them.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Loudspeakers shall not be located in the entrance lobby or outside the premises building. All external doors shall be kept closed after 21:00 hours, or at any time when regulated

Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
10/06797/LIPN	New Premises Licence	18.11.2010	Granted in full by Licensing Sub-Committee
11/00613/LIPV	Full Variation to extend hours of licensable activities and add live music.	07.04.2011	Refused by Licensing Sub-Committee
11/01762/LIPRW	Removal of works condition	08.04.2011	Granted under Delegated Authority
12/01215/LIPVM	Minor variation to add Regulated Entertainment	09.03.2012	Refused under Delegated Authority
13/03631/LIPT	Transfer premises Licence	14.06.2013	Granted under Delegated Authority
13/03635/LIPDPS	Vary DPS	14.06.2013	Granted under Delegated Authority
13/04550/LIPV	Full variation to change layout, extend opening hours by 30 mins and amend conditions.	29.08.2013	Granted by Licensing Sub-Committee
14/06520/LIPT	Transfer premises Licence	09.09.2014	Granted under Delegated Authority
14/06522/LIPDPS	Vary DPS	09.09.2014	Granted under Delegated Authority
14/07075/LIPVM	Minor Variation to vary layout	08.09.2014	Granted under Delegated Authority
16/09142/LIPT	Transfer premises Licence	29.09.2016	Granted under Delegated Authority
16/10721/LIPDPS	Vary DPS	26.10.2016	Granted under Delegated Authority

21/00140/LIPT	Transfer premises Licence	25.01.2021	Granted under Delegated Authority
21/00142/LIPDPS	Vary DPS	25.01.2021	Granted under Delegated Authority
21/07104/LIPT	Transfer premises Licence	03.08.2021	Granted under Delegated Authority
21/07228/LIPDPS	Vary DPS	06.08.2021	Granted under Delegated Authority
21/14415/LIPT	Transfer premises Licence	05.01.2022	Granted under Delegated Authority
21/14479/LIPDPS	Vary DPS	06.01.2022	Granted under Delegated Authority

There is no appeal history

Temporary Event Notice History for Licence Holder

Application	Details of Application	Date of event	Decision
23/01269/LITENN	Temporary Event Notice	11.03.2023	Event allowed to proceed
22/10985/LITENN	Temporary Event Notice	15.12.2022 to 18.12.2022	Event allowed to proceed
22/10984/LITENN	Temporary Event Notice	08.12.2022 to 11.12.2022	Event allowed to proceed
22/10983/LITENN	Temporary Event Notice	01.12.2022 to 04.12.2022	Event allowed to proceed
22/10982/LITENN	Temporary Event Notice	24.11.2022 to 27.11.2022	Event allowed to proceed
22/10986/LITENN	Temporary Event Notice	22.12.2022 to 25.12.2022	Event allowed to proceed
22/09756/LITENN	Temporary Event Notice	28.10.2022 to 30.10.2022	Event allowed to proceed
22/02045/LITENP	Temporary Event Notice	12.03.2022	Refused.

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 appropriate for the promotion of the licensing objectives.

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

- (ii) For the purposes of the condition set out in paragraph 9(i) above -
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii) Where the permitted price given by Paragraph 9(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv) (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

10. Signage must be displayed asking patrons to leave the premises quietly and respect local residents.
11. Children may only be permitted on the premises if accompanied by an adult.
12. ~~The venue 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 venue 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.~~

The above condition 12 to be replaced with:

12.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
 - (b) 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.
13. Twice yearly all front of house staff shall be retrained in regard to their personal responsibilities in connection with the 2003 Licensing Act. There must be an employment record for all staff and this must be kept up to date with the details of the training provided.
14. 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.
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) any complaints received regarding crime disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
16. Persons temporarily leaving the premises shall not be permitted to take any drinks with them.

17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
18. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
19. The supply of alcohol shall be by waiter or waitress service only.
20. Regulated Entertainment shall only be provided to persons dining at the restaurant.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. All external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- ~~25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons.~~

The above condition 25 to be replaced with:

25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times except when the premises are operated under the authority of a Sexual Entertainment Venue licence.
28. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
29. There shall be no takeaway of hot food or hot drink after 23:00 hours.
30. On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day.

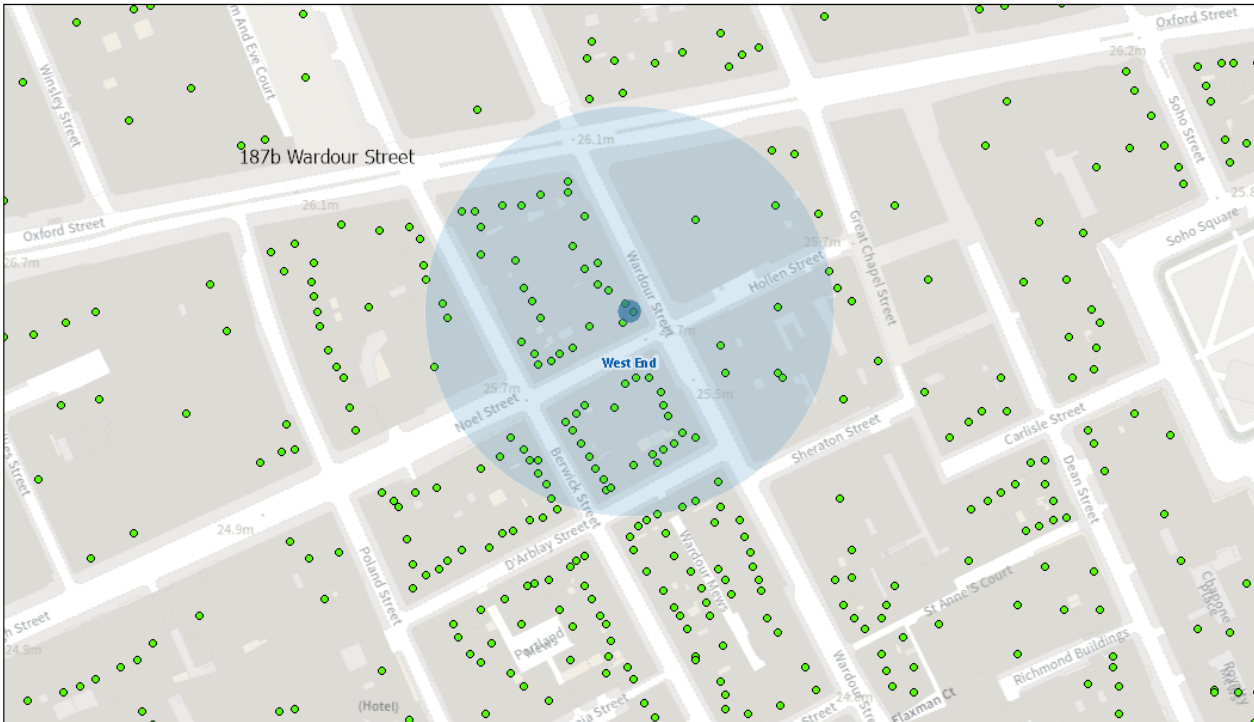
Conditions proposed by the applicant.

31. After 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff)
32. After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
33. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
34. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
35. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
36. 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 refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

Residential Map and List of Premises in the Vicinity

Appendix 5

187 Wardour Street London W1F 8ZB



06/03/2023, 16:02:03

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

Resident Count: 60

Licensed premises within 75 metres of 187 Wardour Street, London W1F 8ZB				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/14479/LIPDPS	AMICI	Basement 187 Wardour Street London W1F 8ZB	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 11:00 - 00:00 Friday to Saturday; 11:00 - 00:30
22/03766/LIPVM	BRGR	Ground Floor 187 Wardour Street London W1F 8ZB	Restaurant	Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Sunday; 12:00 - 00:00

18/05695/LIPN	Not Recorded	Basement And Ground Floor 189 Wardour Street London W1F 8ZD	Restaurant	Saturday; 12:00 - 22:00 Sunday; 12:00 - 20:00 Monday to Wednesday; 12:00 - 22:00 Thursday to Friday; 12:00 - 23:00
21/04120/LIPN	Not Recorded	193 Wardour Street London W1F 8ZF	Cafe	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 10:00 - 18:30
21/12112/LIPV	Scarlett Green	Ground Floor 2 - 4 Noel Street London W1F 8GB	Cafe	Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:30
19/10000/LIPN	Not Recorded	Basement And Ground Floor 27 Noel Street London W1F 8GZ	Cafe	Friday; 11:00 - 21:00 Monday to Thursday; 11:00 - 20:30 Saturday to Sunday; 11:00 - 20:30
19/02746/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Sunday; 11:30 - 23:00 Monday to Saturday; 10:00 - 23:30
16/02387/LIPDPS	The Melt Room	26 Noel Street London W1F 8GY	Restaurant	Saturday; 11:00 - 21:00 Sunday; 11:00 - 21:00 Monday to Friday; 08:30 - 21:00

22/07017/LIPDPS	Simmons	201 - 203 Wardour Street London W1F 8ZH	Night clubs and discos	Sunday; 10:00 - 00:30 Monday to Saturday; 10:00 - 06:00
19/03802/LIPN	Simmons	201 - 203 Wardour Street London W1F 8ZH	Not Recorded	Sunday; 10:00 - 00:30 Monday to Saturday; 10:00 - 06:00
22/11516/LIPRW	Maresco	45 Berwick Street London W1F 8SF	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
16/05293/LIPCH	Franco Manca	51 Berwick Street London W1F 8SJ	Restaurant	Sunday; 11:00 - 23:00 Monday to Saturday; 11:00 - 00:00
20/07470/LIPDPS	The Real Greek	Ground Floor 50 - 51 Berwick Street London W1F 8SJ	Restaurant	Sunday; 11:00 - 23:00 Monday to Saturday; 11:00 - 00:00
18/03839/LIPDPS	The George Public House	1 D'Arblay Street London W1F 8DG	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
21/10406/LIDPSR	Cookhouse Joe	55 Berwick Street London W1F 8SP	Restaurant	Sunday; 10:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30
21/05452/LIPN	Toi Moi	38 Berwick Street London W1F 8RT	Cafe	Monday to Sunday; 07:30 - 22:00
22/11036/LIPDPS	Ember Yard	Development Site At 60 - 61 Berwick Street London	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:00

22/07037/LIPN	Live True London	Basement And Ground Floor 173 Wardour Street London W1F 8WT	Not Recorded	Monday; 09:00 - 21:00 Tuesday; 09:00 - 21:00 Wednesday; 09:00 - 21:00 Thursday; 09:00 - 21:00 Friday; 09:00 - 21:00 Saturday; 09:00 - 21:00 Sunday; 09:00 - 21:00
21/05520/LIPN	Fadiga	Basement And Ground Floor 71 Berwick Street London W1F 8TB	Restaurant	Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
18/01923/LIPVM	Korkers (Basement) And Mustafas Thai Cottage (Ground Floor)	Ground Floor 34 D'Arblay Street London W1F 8EX	Not Recorded	Not Recorded; XXXX - XXXX
22/10814/LIPCH	The Breakfast Club	33 D'Arblay Street London W1F 8EU	Cafe	Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:00
18/06968/LIPT	Conko	72 Berwick Street London W1F 8TD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/09717/LIPDPS	London Gin Club	22 Great Chapel Street London W1F 8FR	Not Recorded	Sunday; 10:00 - 23:00 Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30
19/01244/LIPVM	Star Cafe	22 Great Chapel Street London W1F 8FR	Restaurant	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 23:30 Sunday; 12:00 - 23:00