



City of Westminster

Licensing Sub-Committee Report

Licensing Ref No:

23/05987/LIREVP

Date:

02 November 2023

Classification:

For General Release

Title of Report:

**Canwood55
55 Frith Street
London
W1D 4SJ**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Kevin Jackaman
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 6500
E-mail: kjackaman@westminster.gov.uk**

1. APPLICATION DETAILS

Application Type:	A review of premises licence application under the Licensing Act 2003.		
Applicant:	Licensing Authority	Date Application Received:	13 September 2023
Premises Name and Address:	Canwood55 55 Frith Street London W1D 4SJ		
Ward Name:	West End	Stress Area:	West End
Description of Premises:	<p>The premises are a ground floor premises within the West End Cumulative Impact Zone.</p> <p>The premises hold a premises licence which was granted in November 2020. It is a restaurant licence and was granted with conditions that the premise would operate only as a restaurant and where alcohol would be ancillary to food.</p> <p>A full premises licence history for the premises can be seen at Appendix F.</p>		
Preliminary Note:	During the consultation period, the designated premises supervisor (DPS) for the premise applied to remove himself as the DPS. This was granted and the updated current licence (23/06960/LIDPSR) can be seen at Appendix E .		

2. SUMMARY OF APPLICATION

2.1 An application was submitted by the **Licensing Authority** for a review of the premises licence for the premises known as Canwood55, 55 Frith Street, London, W1D 4SJ

The application was received on 13 September 2023 on the grounds of:
Prevention of Crime and Disorder
Public Safety
Prevention of Public Nuisance

A copy of the application for review and the supporting documents appears at **Appendix A** and **Appendix B** respectively.

2.2 The premises licence contains a condition that:

13. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway service of food or drink after 23. 00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

2.3 The initial grounds for this Review were events that took place at the premises over the weekend of 1st and 2nd July 2023. Activity was detected at the premises which was not

authorised either through the premises licence or a Temporary Event Notice. It was found that the premises were carrying out unlicensed sales of alcohol and unlicensed regulated entertainment, both of which are offences pursuant to Section 136 (1) of the Licensing Act 2003 i.e., 'to carry on or attempt to carry on a licensable activity on or from any premises other than under and in accordance with an authorisation'.

City Inspectors and Licensing Police visited on numerous occasions and issued a series of verbal warnings to the management team. These warnings however were repeatedly ignored, and even with the serving of a Section 19 Closure Order issued by PC Adam Deweltz, the premises continued to engage in unlicensed activity.

- 2.4 Since August 2022, City Inspectors and Licensing Police have tried on multiple occasions to engage and work with the premises to ensure compliance with the conditions of their premises licence, in particular the restaurant condition.

The premises have repeatedly demonstrated a disregard for complying with licence conditions and by extension, the promotion of the licensing objectives. The incidents on 1st and 2nd July 2023 are a testament to this.

- 2.5 Westminster Council has written to the premises licence holder and designated premises supervisor on many occasions, inviting them to respond and put their case forward following persistent non-compliance of licence conditions and unsatisfactory management of the premises. Unfortunately, all formal letters sent by the Council, in the period outlined in this Review, have remained unanswered.

- 2.6 Westminster Council will also evidence two recent test purchases, both of which show the premises is clearly not running as a restaurant.

The Licensing Authority have no confidence that the negative behaviour of the premises licence holder and/or the designated premises supervisor towards Westminster Council, Licensing Police and licensing requirements is likely to change. Applying further conditions to the licence is not a solution as the premises struggle to follow their current conditions.

- 2.7 Revised Home Office Guidance (December 2022) issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 2.8 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.

- 2.9 The premises currently benefits from a premises licence that permits the following licensable activity:

Sale by Retail of Alcohol:

Monday to Saturday 10:00 to 23.30 hours,
Sunday 12:00 to 22.30

- 2.10 These review proceedings are brought under the licensing objectives on the grounds of the prevention of crime and disorder, public safety, and the prevention of public nuisance.

3. REPRESENTATIONS:

- 3.1 The application received a representation in support of the review from the Metropolitan Police on 5 October 2023 on the grounds that the premises is failing to promote the licensing objectives. A copy of the representation and supporting evidence can be found at **Appendix D.1**
- 3.2 The application received a representation in support of the review from the Environmental Health Service on 11 October 2023 on the grounds that the premises is failing to promote the licensing objectives and can be found at **Appendix D.2**
- 3.3 Three interested parties have submitted representations to the application. Two of those are supporting the review. The remaining representation is from an agent acting on behalf of the freeholder, who is objecting to the review on the grounds that the premises licence holder has been removed from the premises and is seeking that the premises licence remain in order that the premises can be marketed with a licence. All interested party representations can be seen at **Appendix D.3**

4. OPTIONS:

- 4.1. The Licensing Sub-Committee will have a range of powers to exercise on determining a review where it considers them appropriate for promotion of the licensing objectives.
- 4.2 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps to be taken by the Licensing Sub-Committee using their powers in determining the matter are:
 - (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- 4.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.4 The Licensing Authority's determination of this application does not have effect until the 21-day appeal period has expired or if the decision is appealed the date the appeal is determined and/or disposed of.
- 4.5 The Applicant is seeking revocation of the licence due to the serious and ongoing nature of the incidents which occurred at the premises and submitted as evidence. The Applicant states that the premises licence holder fails to comply with the conditions attached to the premises licence and promote the licensing objectives.

5. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

- 5.1 Any applications under the Licensing Act 2003 are set out in Appendix F.
- 5.2 The chronology relating to appeals and applications is set out in Appendix F.

List of Appendices:	Appendix A – Application for Review Appendix B – Applicant’s supporting documents Appendix C – Premises licence holder’s supporting documents Appendix D – Representations Appendix E – Current Premises Licence Appendix F – Licence and Appeal History Appendix G – Residential Map and list of premises in the vicinity
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (October 2021)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (August 2023)



City of Westminster

APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service
REVIEWS
Westminster City Council
Westminster City Hall
14th Floor
64 Victoria Street
London
SW1E 6QP

AND

Please give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service;

1. The Chief Officer of Police
Westminster Police Liaison Team
15th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP
2. Fire Safety Regulation: South West Area 4
169 Union Street London SE1 0LL
3. Premises Management (Environmental Health; Health & Safety; Weights and Measures)
Westminster City Council
Environmental Health Consultation Team
15th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

Continued.....

4. Development Planning Services
Westminster City Council
64 Victoria Street
London
SW1E 6QP

5. Area Child Protection Committee
Head of Commissioning – Child Protection & Quality, Social and Community
Services – Children and Families
4 Frampton Street
NW8 8LF

6. Director of Public Health
Inner North West London Primary Care Trusts
(Hammersmith and Fulham, Kensington and Chelsea, Westminster)
15 Marylebone Road, London
NW1 5JD

For boats only

The Navigation Authority (for vessels not permanently moored)

Tidal Thames
The Harbour Master
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames
The Environment Agency Recreation and Navigation, Thames Region, Kings
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals
The Leisure Manager
British Waterways Board
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General
The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll
Rise

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I The Licensing Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Canwood55 55 Frith Street	
Post town	Post code (if known)
London	W1D 4SJ

Name of premises licence holder or club holding club premises certificate (if known)
First Floor Macclesfield Street London England W1D 6AU

Number of premises licence or club premises certificate (if known)
23/03488/LIPDPS

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)


(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Andrew Ralph - Head of Licensing and Regulatory Services The Licensing Authority City of Westminster 15 th Floor Westminster City Hall 64 Victoria Street London SW1E 6QP
Telephone number (if any) 
E-mail address (optional) hrichards@westminster.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Canwood55, 55 Frith Street is a ground floor premises in heart of the West End Cumulative Impact Zone, on the corner of Frith Street and Bateman Street, London W1. The premises licence holder is 8UERTE Limited and [REDACTED]. The Designated Premises Supervisor is [REDACTED].

Canwood55 has a premises licence which was granted in November 2020. It is a restaurant licence and was granted on the understanding that the premise would operate only as a restaurant and where alcohol would be ancillary to food.

The premises licence also authorises the sale by retail of alcohol (Monday to Saturday until 23.30 hours, Sunday until 22.30 hours).

The full premises licence (23/03488/LIPDPS) is included as **APPENDIX 1**

This Review will demonstrate that there has been a clear and consistent pattern of non-compliance on the part of 8UERTE Limited and the designated premises supervisor because on almost every visit undertaken by City Inspectors and/or Licensing Police, there has been one stand-out condition that has repeatedly been found in breach, i.e., condition 13 which reads as follows:

13. The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,*
- (ii) where the supply of alcohol is by waiter or waitress service only,*
- (iii) which provide food in the form of substantial table meals that are*
- (iv) prepared on the premises and are served and consumed at the table using non*
- (v) disposable crockery,*
- (vi) which do not provide any takeaway service of food or drink for immediate consumption,*
- (vii) which do not provide any takeaway service of food or drink after 23.00, and*
- (viii) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

The initial grounds for this Review were events that took place at Canwood55 over the weekend of 1 and 2 July 2023. Activity was detected at the premises which was not authorised either through the premises licence or a Temporary Event Notice. Nor could the premise claim any type of exemption. It was found 8UERTE Limited and the designated premises supervisor were carrying out unlicensed sales of alcohol and unlicensed regulated entertainment, both of which are offences pursuant to Section 136 (1) of the Licensing Act 2003 i.e., 'to carry on or attempt to carry on a licensable activity on or from any premises other than under and in accordance with an authorisation'. City Inspectors and Licensing Police visited on numerous occasions and issued a series of verbal warnings to the management team. These warnings however

were repeatedly ignored, and even with the serving of a Section 19 Closure Order issued by PC Adam Deweltz, the premises continued to engage in unlicensed activity.

Background Information

Since August 2022, City Inspectors and Licensing Police have tried on multiple occasions to engage and work with the premises to ensure compliance with the conditions of their premises licence, in particular the restaurant condition.

Prior to this date, it was confusing and at times difficult to identify the true owner of the legal entity, which person(s) were authorised to act in a legal capacity, and who was responsible for carrying on licensable activities at the premises.

This Review will show that 8UERTE Limited and the designated premises supervisor have repeatedly demonstrated a disregard for complying with licence conditions and by extension, the promotion of the licensing objectives. The incidents on 1 and 2 July 2023 are a testament to this.

Westminster Council has written to the premises licence holder and designated premises supervisor on many occasions, inviting them to respond and put their case forward following persistent non-compliance of licence conditions and unsatisfactory management of the premises. Unfortunately, all formal letters sent by the Council, in the period outlined in this Review, have remained unanswered.

Westminster Council will also evidence 2 (two) recent test purchases, both of which show the premises is clearly not running as a restaurant.

I have no confidence that the negative behaviour of 8UERTE Limited and the designated premises supervisor towards Westminster Council, Licensing Police and licensing requirements is likely to change. Applying further conditions to the licence is not a solution as the premises struggles to follow their current conditions.

The review is sought for:-

The prevention of crime and disorder, the prevention of public nuisance, and to reduce the likelihood for endangering public safety, arising from overcrowding, the lack of control on persons entering the premises, and the lack of progress in implementing new procedures to achieve consistent compliance with the conditions of the premises licence and uphold of the licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 3)

31 August 2022

City Inspectors investigate a complaint received from a local resident alleging unlicensed activity, i.e., unlicensed regulated entertainment and unlicensed sales of alcohol. There was also an allegation of non-compliance of the food condition requiring alcohol to be sold ancillary to food. **SEE APPENDIX 2**

5 September 2022

City Inspectors visit and feedback that some remedial action has been taken.

17 September 2022

Local resident notes '*conscious efforts being made*' to comply with the food condition.

2 December 2022

Local resident alleges further unlicensed activity however it is confirmed later that the premises were operating under TEN for the period in question.

9 December 2022

Licensing Police visit and note numerous concerns regarding the way the premises is managed. Subsequently they advise the premises to withdraw all future Temporary Event Notices **SEE APPENDIX 3**

11 December 2022

City Inspectors visit and reviewing the CCTV also showed that they were not complying with their restaurant condition 23/05716/LIPDPS. **SEE APPENDIX 4**

6 June 2023

City Inspector, Heath Richards and Police Constable Steve Muldoon visit following a complaint from local resident regarding on unlicensed street trading by using the public highway outside the above premises in Bateman Street for the placing of tables and chairs. These tables and chairs were allegedly blocking the footpath making it difficult for other pedestrians to pass by unhindered. The designated premises supervisor, [REDACTED] was on-site and initially was very dismissive of our presence. He claimed the land on Bateman Street belonged to premises. He was told that until/unless ownership is confirmed, he should remove them immediately. He and another member

of staff then removed the tables upon request. Shortly after this visit Westminster Council received an FOI request from [REDACTED] who wanted further information on the grounds on which the tables and chairs were deemed non-compliant. The request and subsequent account of the visit is evidenced at **APPENDIX 5**

1 July 2023 (16.40 hours)

Canwood55 was visited by council officers due to allowing off sales, playing loud music, and causing large crowds to gather. Officers spoke with the designated premises supervisor, [REDACTED] who argued he had a TEN, and then blamed the council to the crowd when turning the music down. This remedial action was short lived as officers had cause to revisit 4 hours later.

1 July 2023 (20.45 hours)

Council and police officers were on duty in Soho, W1 and their attention was drawn to Canwood55 due to its doors being open, loud music noise being audible from the street, a DJ being visible inside the premises, and customers inside dancing. The DJ was playing music inside the venue, the bar counter was staffed, and people were dancing in the front part of the premises while drinking alcohol. All of the tables and chairs had been cleared away to create a dancefloor.

In summary it was found that licensable activities were being provided at Canwood55, namely the sale of alcohol and provision of regulated entertainment, otherwise than under and in accordance with a relevant and valid authorisation.

The premise was clearly not operating as a restaurant; there was no food in the front part of the premises, as required by condition 13 of their premises licence.

During this visit officers met a male member of staff, [REDACTED] initially tried obstructing the police in breach of section 179 of the Licensing Act 2003

179 Rights of entry to investigate licensable activities.

- (1) Where a constable or an authorised person has reason to believe that any premises are being, or are about to be, used for a licensable activity, he may enter the premises with a view to seeing whether the activity is being, or is to be, carried on under and in accordance with an authorisation.*

After some discussion with the police, he eventually said he was the manager-in-charge but had only been working for one day. He was not able to provide further information as to who was in charge or of the premises licence. However, upon checking Companies House, [REDACTED] 8UERTE Limited, the holder of the premises licence for 55 Frith Street and has been in this position between 3 May 2021 and 1 June 2021, then again from 26 September 2022 to present.

Due to the disarray of the premises, the police served a Section 19 Closure Notice on [REDACTED]. The music was turned down and officers left shortly after.

See Witness Statement by PC Adam Deweltz at APPENDIX 6

See Witness Statement by Team Manager, James Hayes at APPENDIX 7

2 July 2023 (00.45 hours)

At 00:41 hours on Sunday 2 July council and police officers were still on duty in Soho when advised of a noise complaint at Canwood55, 55 Frith Street, London W1

Officers attended at 00:45 hours and despite the verbal warnings given earlier in the day, music noise was still clearly audible across the street and people could be seen inside the premises dancing. There were signs in the window advertising cocktails, beer, shots, and spirits, as well as the prices and again it was observed that licensable activities were being provided at the premises, namely the sale of alcohol and provision of regulated entertainment, otherwise than under and in accordance with an authorisation.

Inside the premises a DJ was playing music inside the venue, people were dancing in the front part of the premises while drinking alcohol, and all the tables and chairs had been cleared away to create a dancefloor. No food was seen in the premises.

The licence for 55 Frith Street authorises the Sale by Retail of Alcohol Monday to Saturday: 10:00 to 23:30, Sunday: 12:00 to 22:30 so the premises was operating well beyond permitted hours. No music or dancing is authorised by the licence, and the premises was clearly not operating as a restaurant.

Officers met the designated premises supervisor, [REDACTED] who was not able to produce a licence or a Temporary Event Notice. [REDACTED] was cautioned and confirmed he understood the caution, but that he would not answer questions without his solicitor present. [REDACTED] was advised that to prevent further offences being committed he should cease trading. He did so.

**See Witness Statement by Team Manager, James Hayes at APPENDIX 7
(Mr Hayes's statement encapsulates both visits)**

See Witness Statement by Acting Police Sergeant, Will Murch at APPENDIX 8

5 July 2023

Letters sent to designated premises supervisor, [REDACTED] and 8UERTE Limited [REDACTED] regarding the visits and offences on 1 and 2 July 2023. Both were asked to attend interviews under caution and provide their CCTV recordings in

accordance with the relevant licence conditions on the premises licence for Canwood55.

See letters at **APPENDIX 9**

No response was received to the letters from either [REDACTED] or [REDACTED]. The requested CCTV recordings have also not been provided.

The fact that 8UERTE as the legal entity and the designated premises supervisor chose not to respond and provide a response and/or CCTV footage is detailed in the Witness Statement by Team Manager, James Hayes at **APPENDIX 10**

5 July 2023 (21.50 hours)

City inspectors visit Canwood55 following the events of 1 and 2 July. The following notes are taken from the council's data system.

Visit to Canwood55 with Kevin Elliott, following events of weekend when licence breaches were discovered which are to result in prosecution.

Inspection conducted with, [REDACTED] Floor Manager. I spoke to the DPS, [REDACTED] by telephone and explained the reason for visit and that I would write to the licence holder, copying him in, with result of my inspection.

Unable to produce part A, one page of Part B displayed. Authorisation document out of date by [REDACTED] admission. Front door open in contravention of c19 and 14..

27 people inside at time of arrival. Food (pizzas) on 3 tables. No cutlery on any table. [REDACTED] claims premises is a restaurant, but clearly operating as a cocktail bar which serves a limited amount of food. Breach of c

Seating for 47 or 48 people, despite capacity being 35. No door supervisor (only weekends) and no apparent control of entry/exit, but [REDACTED] did know the capacity figure and claimed counts are carried out to monitor.

[REDACTED] was unable to show CCTV as only [REDACTED] has access to it and was not present.

Last entry in incident log 13.04.23.

People drinking at tables and chairs on Frith Street. No T&C licence. Photo taken.

12 July 2023

Letters detailing the licensing contraventions are sent to the registered legal entity (both the old and new addresses), the premises at 55 Frith Street and to another address for [REDACTED]. See letters at **APPENDIX 11**. Westminster Council has not received a reply to these letters.

14 July 2023 (23.37 hours)

PC Steve Muldoon and PC Reaz Guerra visit the premises and witness bar staff preparing alcohol for sale at 23.37 hours, 7 minutes after the terminal hour. Two

daiquiris were seen being prepared and then placed on the bar counter ready to be taken to customers. Officers challenged [REDACTED] the designated premises supervisor who accepted he should have stopped serving at 22.30 hours, but his defence was that it was ok because the drinks had been 'pre-paid'. It was put to him that he could not do this however, [REDACTED] was insistent and said that he could.

This visit was captured on Police body worn camera. A full transcript can be provided to the LSC upon request.

15 July 2023 (21.10 hours)

City Inspectors Claire Dunn and John Whelan carry out a test purchase to determine if the premises was complying with condition 13 of its premises licence, i.e., consumption of alcohol being ancillary to a table meal.

On arrival City Inspectors noted an A-board was seen directly outside the premises advertising 2-for-1 cocktails. Inspectors asked if it were possible to come in for the cocktail deal and were told yes. There was insufficient seating inside the venue and were led to a table outside on the pavement. Inspectors were each given a cocktail menu and were told that they needed to order the same cocktail to receive the 2 for 1 offer, and that they would be £15.

At no time during the visit were the City Inspectors asked if they would like to see the food menu. Shortly afterwards, Inspectors were invited inside as a table became free. Once inside, Inspectors noted that of the 7 tables (including theirs), only two were having food whilst consuming alcohol.

- Witness Statement for this visit is at **Appendix 12**
- Receipt and debit card receipt are evidenced at **Appendix 13**
- Photograph of officer during the visit is evidenced at **Appendix 14**

27 July 2023 (22.00 hours)

City Inspectors Tienie Schoeman and Sam Bucpapaj carry out a further test purchase to determine if premises is complying with its premises licence, i.e., consumption of alcohol being ancillary to a table meal. The inspectors noted an 'A' board outside the premises advertising 2-4-1 cocktails. They informed bar staff that they simply wanted the cocktail offer and were promptly given a drinks menu. At no time on their arrival where they informed that they had to order food.

Witness Statement for this visit is at **Appendix 15**

29 July 2023 (21.37 hours)

Team Manager, Heath Richards and City Inspector, Martin Ratley visit Canwood55 following an absence of reply to letters sent on 12 July. On arrival, City Inspectors noted what appeared to be an SIA doorman standing outside the main door to the premises. Inspectors revealed their identity and then asked to see his SIA badge. He was argumentative and refused to do so. He then promptly left his post and disappeared up Frith Street towards Soho Square meaning that no person was on the door to manage customers and ensure the compliance with condition 15, the capacity, which reads as follows:

15. The number of persons accommodated at the premises at any one time shall not exceed 35 persons (excluding staff).

Customers were able to freely gain access into the premises which subsequently became overcrowded. At one point, 39 persons (excluding staff) were counted inside the premises. City inspectors also noted clear breaches of condition 13 requiring alcohol to be ancillary to a substantial meal. Whilst on the premises Martin Ratley spoke with the designated premises supervisor, [REDACTED] by phone. Mr Ratley asked him why he had failed to respond to his letters. [REDACTED] said that he did not reply because everything had already been addressed. Clearly it had not.

Inspectors left the venue at 22.15 hours and noted that the SIA door supervisor still had not made a reappearance.

Account of visit by City Inspector, Martin Ratley is at **APPENDIX 16**

Witness Statement of visit by Team Manager, Heath Richards is at **APPENDIX 17**

Summary

Compliance with licensing regulations appears to be very low priority for the licence holder and the designated premises supervisor as they have demonstrably failed in their responsibility to manage the premises to ensure compliance with the conditions attached to the premises licence and to promote the licensing objectives. The addition of new conditions to the premises licence is unlikely to be effective in addressing the problems associated with the operation of these premises.

The premises licence in its current form already has a comprehensive set of conditions aimed at ensuring the venue is run as a restaurant and in a safe and responsible manner, consistent with the promotion the licensing objectives. The licence holder and the designated premises supervisor have repeatedly failed to comply with those conditions, and it is not clear, therefore, how the premises licence could be improved by adding more.

Candwood55 has a premises licence with model conditions attached to ensure the premises is run and managed as a restaurant. However, there have been too many incidents which show that the premises is either incapable of running as a restaurant and/or their business model conflicts with operating in accordance with the licence it holds.

It must be viewed as unacceptable, that having been served with several formal letters identifying failures to comply with many conditions (notably condition 13), the licence holder and the designated premises supervisor chose not to respond to these letters and continued to breach licence conditions and fail to promote the licensing objectives. **Appendix 9** confirms the investigating officer has not received a reply of any sort to his letters. Additionally, **Appendix 14** contains the telling fact that in response to why letters had gone unanswered, [REDACTED] the designated premises supervisor said that he did not reply because in his opinion all the issues that had been identified had now been addressed.

The events over the weekend of 1 and 2 July 2023 demonstrate serious licence breaches – unlicensed sale of alcohol and unlicensed regulated entertainment. As explained earlier it took the serving of a Section 19 Closure Order before the premises decided to take any form of remedial action and even then, police officers and City Inspectors had call to revisit in the early hours of 2 July.

The Metropolitan Police Body cam footage captures the designated premises supervisor, [REDACTED] explaining that the reason for the unlicensed sale of alcohol is because customers could 'pre order drinks'. Furthermore, on 29 July the premises was found to be overcrowded due to the failure of the licence holder / designated premises supervisor to appoint a responsible person to ensure capacity is not exceeded.

It is hard to avoid the conclusion that this establishment is very poorly run. The management and staff have consistently demonstrated a disregard for the Licensing Act 2003, the premises licence and the conditions attached to it.

The above evidence shows that bringing the problems associated with the premises to the attention of the licence holder and designated premises supervisor and giving them warnings of the consequences of further breaches, has failed to bring about any improvement in how the premises operates.

Conclusion

In conclusion, therefore, I recommend that this premises licence be **revoked**. It is believed that this recommendation, due to the distinct lack of engagement from the licence holder resulting in a premises that is poorly run and managed, is appropriate and proportionate to promote the licensing objectives.

The application for review is also fully supported by the Westminster Police Licensing Team, including the recommendation the premises licence be revoked. .

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes, please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises, please state what they were and when you made them

Please tick ✓ yes

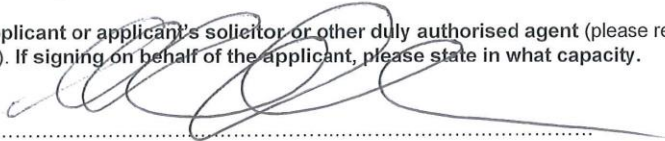
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant, please state in what capacity.

Signature



Date

13 September 2023

Capacity

Andrew Ralph - Head of Licensing and Regulatory Services

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Andrew Ralph - Head of Licensing and Regulatory Services
The Licensing Authority
City of Westminster
15th Floor
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Post town

London

Post Code

SW1E 6QP

Telephone number (if any)

020 7641 3385

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

licensing@westminster.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

APPENDIX 1



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

Schedule 12
Part A

WARD: West End
UPRN: 100023621881

Premises licence

Regulation 33, 34

Premises licence number:

23/03488/LIPDPS

Original Reference:

20/08309/LIPN

Part 1 – Premises details

Postal address of premises: Canwood55 55 Frith Street London W1D 4SJ
Telephone Number: Nor Supplied

Where the licence is time limited, the dates: Not applicable
--

Licensable activities authorised by the licence: Sale by Retail of Alcohol
--

The times the licence authorises the carrying out of licensable activities: Sale by Retail of Alcohol Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 22:30
--

The opening hours of the premises: Saturday to Sunday: 10:00 to 23:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies: Alcohol is supplied for consumption on the Premises.
--

Part 2

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

8UERTE Limited
4 Gerrard Street
3rd Floor
London
W1D 5PE

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

11528019

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

Name: [REDACTED]

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

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

Licence Number: [REDACTED]

Licensing Authority: [REDACTED]

Date: 07 July 2023

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are
 - (iv) prepared on the premises and are served and consumed at the table using non
 - (v) disposable crockery,
 - (vi) which do not provide any takeaway service of food or drink for immediate consumption,
 - (vii) which do not provide any takeaway service of food or drink after 23.00, and
 - (viii) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

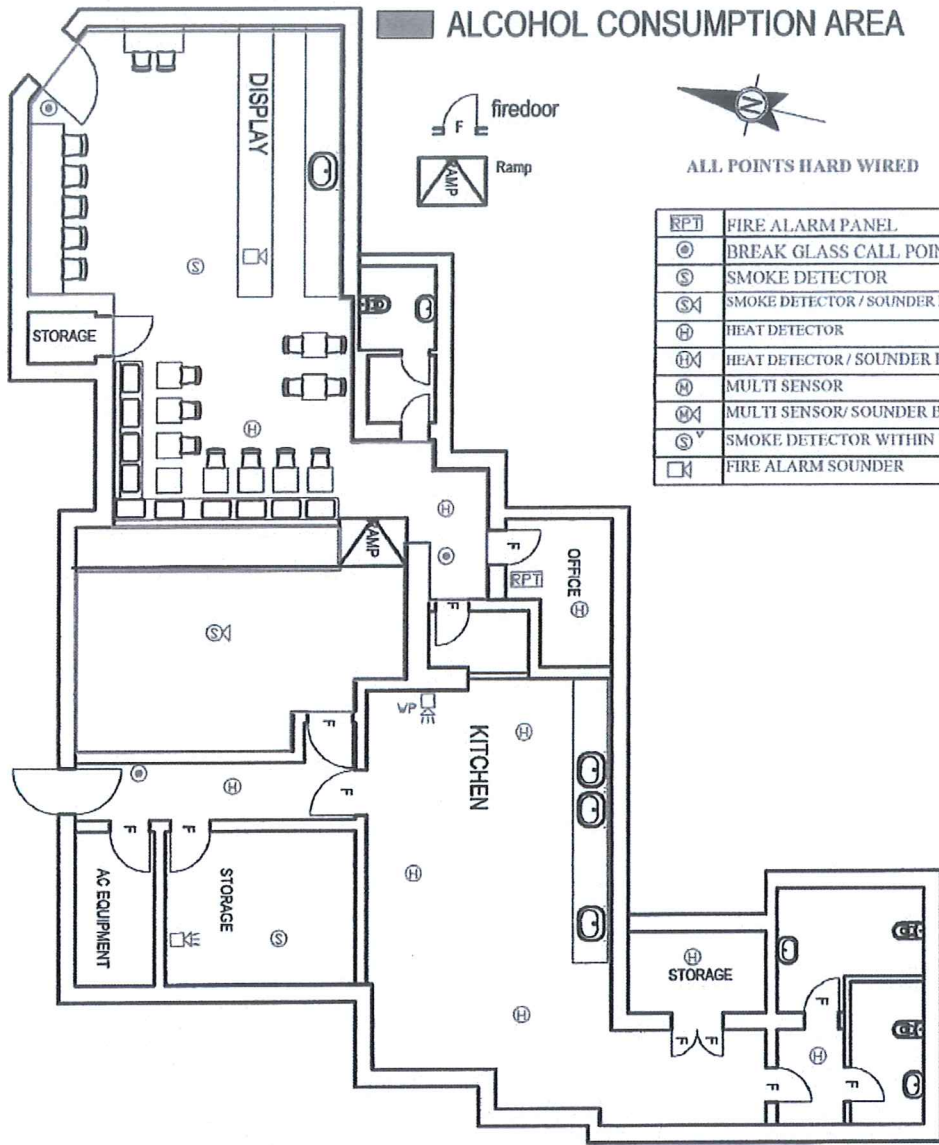
14. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
15. The number of persons accommodated at the premises at any one time shall not exceed 35 persons (excluding staff).

16. 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.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
19. All outside tables and chairs shall be rendered unusable by 23.00 each day.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. 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.
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
23. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.

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

None

55 FRITH STREET, LONDON, W1D 4SJ



<p>1:100CM@A4</p> <p>SCALE : From the plan to be scaled, the above scale bar must be measured correct. e.g 5 centimeters when printed</p>	<p>Ground Floor</p>	<p>drawing file 55 FRITH STREET, LONDON, W1D 4SJ</p> <p>scale 1:100CM@A4</p> <p>copyright</p> <p>date 17.02.2020</p>
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City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: West End
UPRN: 100023621881

Premises licence
summary

Regulation 33, 34

Premises licence number:

23/03488/LIPDPS

Part 1 – Premises details

Postal address of premises:

Canwood55
55 Frith Street
London
W1D 4SJ

Telephone Number: Nor Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:30

Sunday: 12:00 to 22:30

The opening hours of the premises:

Saturday to Sunday: 10:00 to 23:30

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

Alcohol is supplied for consumption on the Premises.

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

8UERTE Limited
4 Gerrard Street
3rd Floor
London
W1D 5PE

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

11528019

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

Name: [REDACTED]

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

Restricted

Date: 07 July 2023

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

APPENDIX 2

From: [REDACTED]
Sent: 31 August 2022 19:18
To: [REDACTED]
Cc: [REDACTED]

Subject: Canwood 55 licence

Dear gentlemen,

I have got your contact emails from [REDACTED] at the [REDACTED]

We have experienced ongoing problems with one of the businesses in the area.

While I was in touch with Westminster Council, the business has been extremely inconsiderate and has breached its licence on many ongoing occasions. For example, this past Saturday, the business was serving drinks at 23.15h past the licensed hours and had an unlicensed DJ playing so loud that the residential apartment above it was shaking. No food was sold as required for the sale of alcohol. All its advertising is 2-4-1 cocktails to drive more alcohol sales.

Additionally, last night, Tuesday 30th August. The music was played so loudly that it prevented sleeping at 00:05, again past licenced hours. After banging on the floor, the music was lowered until 00:25, when the volume was turned up for two further songs, so high that the entire household woke up. The music was then lowered and played until past 1 am.

Saturdays, their glass bins are left out on the street all day on Sunday and are only removed from the public walkway when the business reopens the next day on Mondays.

We have continuously given feedback before reporting the business, but their main focus seems to be set on driving alcohol sales and ignoring the licence and the neighbours.

Please see previous description/communication below.

Kind regards

[REDACTED]

Dear [REDACTED]

I am contacting you to provide feedback on a license application that we have received notice of. I have been a Westminster resident [REDACTED] for the last 16 years.

Reference 22/05067/TCH

[REDACTED] that the ground floor business on 55 Frith Street has applied for additional terraced seating. Overall, I do not oppose outside seating for a business. However, there is some concern regarding this specific business. The operator has a strong tendency not to stick to many regulations agreed in the license. As an example, the current seating of 6 tables always has more chairs added than the agreed 2 per table.

My other concerns relate to the business overall, reference 18/08454/LIPT. When the license was transferred to the current operator and the neighbours were allowed to participate in the consultation, we were explained by the owner that the business will operate as a non-profit art gallery for a children's charity that will play light jazz music and serve

some cocktails to their clients. As the venue had the second ceiling taken out many years ago (the ceiling is our flat floor), we did not express any concerns with such a proposition.

However, we are now very far from an art gallery with jazz music. The venue is solely run as a bar with very upbeat and loud music that travels into the flat. Unfortunately, with the ceiling removed, almost every spoken word can be heard in the flat above. Understandably, living in Soho comes with a raised level of noise, but we would have heavily opposed to the proposition if we had been aware that the sole purpose of the business was alcohol sales.

There are various regulations in the business's license that are consistently in breach. While the council has been informed of these previously, the operator sticks to the regulations for 1-2 weeks and then goes back to its usual ways. As an example, this past weekend, music was still blaring at 00.15h on Saturday night, after licensed hours and hardly any food is sold. If food is sold, it's merely a bar snack.

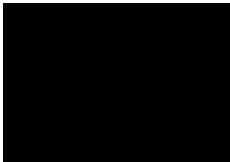
The premises are required to run as a restaurant as per the license, though it has not an A3 license to cook to my understanding, only A1. But I might be mistaken here.

Overall, I thought the addition of an art gallery similar to the one on Bateman Street was a great addition to the area, and the operator did a great job on the look and feel of the design of the premise. But having had this turned into a bar that is focused on the sale of alcohol to drive sales is something that was not laid out originally.

Below, I am adding my concerns raised to the council a while back.

If you have any questions, please feel free to contact me.

Kind regards



APPENDIX 3

From: [REDACTED]
Sent: 10 December 2022 00:13
To: Duty Manager: WCC <dutymanager@westminster.gov.uk>
Cc: Met Police Licensing Team: WCC <MetPoliceLicensingTeam@westminster.gov.uk>
Subject: FW: 55 Frith Street - Canwood

Hello All,


Please see below and apologies for the brief email, if possible could a visit be made tomorrow late evening if possible to check compliance, I believe they have a TEN for this weekend.

Premises visited 8pm Friday 9th Dec, observed from outside that there appeared to not serving food. Spoke to the DPS [REDACTED] also present was the owner [REDACTED] he stated food was being served. From inside all off the tables visible from the front door had no food and premises insisted they were serving food. Several customers who were seated consuming alcoholic drinks were then asked if they had ordered food, they all stated they had not order food, neither had they been shown a menu, some even stated they weren't even aware that food was available. Despite this owner insisted all customers were shown to the table and provided with a menu – CCTV shows contrary. Premises is operating as a bar, walkthrough of premises only three table showed any evidence of food.

- Premises has restaurant model condition.
- Chef spoken to in kitchen and was only preparing two meals with no pending orders. Dishwash area showed only three dirty plates which staff had brought back into kitchen.
- Estimated capacity at time of visit was 35pax,
- CCTV recordings only available for past 7 days and time stamp incorrect. CCTV poor quality with insufficient coverage of entrance. Incident log stated CCTV was reported faulty on 14th Sep2022 – no further details as to what fault was or remedial steps.
- Unable to produce premises licence
- DPS unfamiliar with conditions on licence.

- CCTV viewed for previous weekend, premises operating under a TEN to 1am, undertakings to comply with all licence conditions – CCTV showed premises trading past 0100 hours.
- Premises advised to withdraw forthcoming TENS and that future TENS would be objected to.

I will be back at work on Monday and a follow up to be arranged.


Westminster Police Licensing Unit
15th Floor

Westminster City Hall

64 Victoria Street
London SW1E 6QP
Tel. 0207 641 1705

APPENDIX 4

[REDACTED]

Sent: 12 December 2022 03:00

[REDACTED]

[REDACTED]

Subject: RE: Police request - 55 Frith Street - Canwood

Hi [REDACTED]

I visited last night(Sat) with [REDACTED] We observed from outside for 10mins and did not see any food being brought to tables. We met with [REDACTED] He was not able to produce the current premises licence. Viewing the CCTV also showed that they were not complying with the restaurant condition. [REDACTED] was adamant that they were. I asked him to keep the CCTV available so that it could be viewed. Their CCTV system is not compliant and can only save 7 days.

[REDACTED] one of your premises and needs urgent follow up.

- No current licence available
- No sect 57
- CCTV wrong time and not compliant
- Not complying with restaurant condition.

I am sure that the above is not all that is not wrong.

Thanks

[REDACTED]

APPENDIX 5

[REDACTED]
Sent: Monday, June 19, 2023 1:43 AM

[REDACTED]
[REDACTED]
Subject: RE: FOI New case notification (ref: 32040090)

Hi [REDACTED]

Sorry for the delay. I have been off shift and did not activate my out-of-office.

I believe the incident referred to occurred on 6 June at approximately 1645 hours.

On that day in question, Mary O'Connor and I were enroute to meet Steve Muldoon and PC Andy De Santis (Soho SNT). The four of us were due to attend the Soho Business Alliance meeting on Bateman St due to start at 17.00.

Mary & I met the 2 PCs on Old Compton Street. They arrived with [REDACTED] resident and member of the [REDACTED]. She informed us that 55 Cranwood were using unlicensed tables and chairs on Bateman Street which were blocking the public highway. This was the basis on which the visit was made.

On our arrival we noted tables and chairs outside on Bateman Street. Steve and I spoke with the person in charge, [REDACTED]. We introduced ourselves before stating the reason for our visit.

I am aware this email may be used as part of the FOI investigation but I can confidently say that [REDACTED] was very dismissive of our presence and request. Steve was trying to reason with [REDACTED] however he was rude to him and demanded to know the source of the complaint. I said it was not possible to give him the details and explained why. He then said the area on which he placed his tables and chairs was his. I replied I was not aware this was the case and in the absence of any known land registry search, he was to remove the T&C until/unless he obtained evidence pertaining otherwise.

The T&Cs were removed immediately by staff.

After this intervention, we went to the planned meeting of the Soho Business Alliance.

I should also say that having looked at the FOI request under the reference given, I note the requester, [REDACTED] has written purporting to be the licence holder. I do not believe this to be the case. He is the intended DPS, but he is not the holder of the premises licence and he is not a company director of the named licensee, i.e. 8UERTE Limited. Also his second application to become the new DPS has been invalidated but it is not clear as to the reason why.

I have this discussed this with Martin who is responsible for the premises and due to visit shortly. He has written to the venue on many occasions and on other matters but his sole contact has been [REDACTED]

I hope this helps.

[REDACTED]

APPENDIX 5 (cont'd)

Initial assessment

Assessment

Assign to

Start at stage

Scheme

Description

Request summary

Process request

██████████ (10 cases assigned, last seen 2 hours ago)

Request

Environmental Information Regulations

55 Frith Street, London W1D 4SJ

Specifically, I am seeking details pertaining to the individual(s) responsible for reporting and subsequently initiating the removal of tables situated outside my establishment, located at 55 Frith Street, W1D 4SJ.

As an esteemed governing body, I trust that you appreciate the importance of transparency and accountability in matters that directly impact local businesses. It is within this framework that I kindly request access to the following information:

* The identity or identities of the person(s) who reported the presence of tables outside my restaurant.

* The grounds on which the aforementioned tables were deemed non-compliant or in violation of any pertinent regulations or bylaws.

* Any written communication, including letters, emails, or memoranda, exchanged between the reporting individual(s) and the relevant authorities regarding the aforementioned tables.

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Constable Adam Deweltz
 Age if under 18: Over 18
 Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: 12th July 2023

My name is Adam Deweltz and I am a Police Constable for the Metropolitan Police Service. I have been a Police Officer for 22 years and I am an experienced licensing officer currently working in the Westminster Police Licensing Team. I have been in this role since November 2014. Since then I have dealt with a wide range of licensing matters including applications for new premises licences, licence committee hearings, licence review hearings and a large number of licensing visits to a variety of licensed premises within the City of Westminster. My team is responsible for approximately over 3,500 licensed premises in Westminster. When visiting licensed premises, our aim is to work in partnership with them by making improvements and offering advice to ensure the licensing objectives are promoted.

This statement is in relation to a premises named Canwood55 at 55 Frith Street, London, W1D 4SJ. The premises benefits from a Premises Licence (number 23/03488/LIPDPS), which authorises the sale of alcohol on the premises only. The premises licence permits the premises licence holder to sell alcohol between the hours of 10:00 and 23:00 Monday to Saturday, and 12:00 and 22:30 on Sunday. The Designated Premises Supervisor is [REDACTED] and the Premises Licence Holder is a company called 8UERTE Limited, 4 Gerrard Street, London, W1D 5PE. Companies House checks reveals the director of this company to be [REDACTED]

(The previous licence was 23/03092/LIDPSR).

The premises licence has several conditions, one of which is condition 13, which states:

The premises shall only operate as a restaurant

i) in which customers are shown to their table,

ii) where the supply of alcohol is by waiter or waitress service only,

iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,

iv) which do not provide any takeaway service of food or drink for immediate consumption,

v) which do not provide any takeaway service of food or drink after 23.00, and

vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Signature: [REDACTED]

Signature Witnessed by:

Continuation of Statement of: Constable Adam Deweltz

They also have two (2) CCTV conditions, 9 and 10 respectively, which state:

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

And

A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises 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.

On Saturday 1st July 2023, I was on duty in plain clothes in company with PC Steve Muldoon 2332AW and Westminster Council City Inspector James Hayes. We were policing Pride London as part of a licensing serial responsible for the licensed premises within the Pride London footprint.

PC Muldoon had made me aware of Canwood55, 55 Frith Street, W1. This licensed premises is a restaurant, but they had previously been breaching their premises licence conditions and trading as a bar. On Saturday 20th May 2023, PC Muldoon and PC Guerra attended the premises and asked to view some CCTV footage as per the conditions on the premises Licence. The operators were unable to action the request and therefore, they had breached their CCTV conditions. No CCTV footage could be shown to Police. As a result, PC Muldoon issued the premises with a closure notice under Section 19 Criminal Justice and Police Act 2001. This was to ensure that the premises rectify the issue and stop breaching the conditions on the premises licence.

PC Muldoon, CI James Hayes and I entered Canwood55, 55 Frith Street, W1 at approximately 20:30 hours. It was clear to see that the premises was not trading as a restaurant. The music was very loud and customers were dancing in the main area of the restaurant. All the tables and chairs had been pushed to the side so they were near the glass windows, which looked out onto Frith Street, W1 and Bateman Street, W1. Customers were drinking what appeared to be alcohol and there was a high level of intoxication within the premises. The premises were trading as a bar.

We approached a member of staff and asked them if we could speak to [REDACTED] or whoever was in charge. We identified ourselves as Police Officers from Westminster Police Licensing and showed our Police warrants cards as identification. This person seemed nervous and anxious. He told us that [REDACTED] was not here and that he did not know who was in charge. I now know this person to be [REDACTED] the [REDACTED] that holds the premises licence.

[REDACTED] then told us he would try and find someone, and he went to the rear of the premises out of sight. At this point we did not know where he went.

There was a state of confusion from the rest of the staff and everything seemed unorganised. No one was presenting themselves to us and the whole operation seemed extremely unprofessional given that this was a licensed premises in the City of Westminster, operating on one of the busiest days in Soho.

Witness Signature: [REDACTED]

Signature Witnessed by:

Continuation of Statement of: Constable Adam Deweltz

PC Muldoon then began filming the inside of the premises on his mobile device to gather evidence of unlawful trading. It was at this point a very drunk female customer came over and was extremely aggressive and rude. She began shouting at PC Muldoon, as she believed she was being filmed and took umbrage to this. She was unsteady on her feet, her eyes were glazed, her speech was slurred and I could smell alcohol on her. I then approached her and tried to explain that my colleague was not filming her. He was gathering evidence of an offence committed by the premises. However, she would not listen and continued to be confrontational.

██████████ then eventually re-joined us and he too became aggressive and confrontational. He was telling PC Muldoon that we have no power to enter his premises and that we were trespassing. It was explained to him several times that Police have a power of entry under section 179 Licensing Act 2003. ██████████ refused to listen and would not be reasoned with. At one point PC Muldoon even Googled the power of entry on his mobile phone to show ██████████ that we were lawfully allowed to be on the premises. But he still refused to listen and would not assist us. It felt like he was deflecting away from the issue of trading as a bar by trying to focus on Police being there "unlawfully."

At this point, PC Muldoon attempted to walk to the back of the premises to locate the DPS. As he moved forward, ██████████ physically placed his hands on PC Muldoon to stop him from walking. Seeing as we had already identified ourselves as Police officers, this constituted an offence of Assault on an Emergency Worker.

PC Muldoon reacted and told ██████████ to desist immediately or he could be arrested. The drunk female customer from earlier also stepped forward and was now shoulder to shoulder with ██████████. The two of them continued to remonstrate about us being there. At no time, did ██████████ make any attempt to ask the customer to calm down and move away. He allowed her in her drunk state to be confrontational with Police and clearly had no control over her and the other customers in his venue.

In using conflict management, PC Muldoon and I continued to reason with ██████████. Eventually, we managed to calm down the drunk customer who walked away and continued to dance with her friends.

We all then made our way to the back of the premises and stood outside their office in the corridor where the CCTV system is kept. CI James Hayes managed to obtain some details from ██████████ and it transpired that he was in fact the person in charge and the manager on duty. There was still no sign of the DPS, ██████████ which was troubling and concerning considering it was Pride London.

Having obtained ██████████ details I issued him a Closure Notice under section 19 Criminal Justice and Police Act 2001 for breaching the restaurant condition and trading as a bar. ██████████ was reluctant to sign the closure notice. I explained that he did not have to sign it and I would therefore write the words, "Refused to sign."

██████████ explained he would sign it but did not agree that he had breached the restaurant condition. I explained to him that signing the notice does not mean you agree with what's on it, it just means you are receiving it. He asked me whether he could record me saying all of this and once that was done, he would then sign it. This is just further evidence of ██████████ being un-cooperative and obstructive. However, to prevent any further hostility, I agreed to explain the section 19 process whilst being recorded on his mobile phone. Once this was done, ██████████ then signed the closure notice.

I then gave him his copy and explained that he had one week to rectify the issues raised today and that he must adhere to the conditions on his premises licence and trade at all times as a restaurant. The time the notice was issued was 20:55 hours. I exhibit the closure notice as ASD/1.

PC Muldoon, CI James Hayes and I then left the premises. At this point the music had been turned down.

Witness Signature: ██████████

Signature Witnessed by:

Continuation of Statement of: Constable Adam Deweltz

In all my experience as a Police Licensing Officer, I have never dealt with such an awkward, unaccommodating and unreasonable operator. His behaviour was completely unacceptable and fell short of what is expected as an operator of a licensed premises in the City of Westminster.

Not only did the premises breach their restaurant condition, [REDACTED] was belligerent towards Police and created a hostile environment for the responsible authorities to carry out their work. He demonstrated that he was not promoting the licensing objectives.

Police fully support any review of this premises licence and any prosecution of the premises licence holder by Westminster City Council.

Witness Signature: [REDACTED]

Signature Witnessed by:



City of Westminster
WITNESS STATEMENT

Reference Number: 23/28707/ELREAC

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2;

Criminal Justice Act 1967, s. 9)

STATEMENT OF James Hayes

Age of witness: Over 18

This statement (consisting of 6 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am a Team Manager employed by Westminster City Council attached to the Public Protection and Licensing Department, 15th Floor, City Hall, 64 Victoria Street, SW1E 6QP. I am authorised to carry out duties under the Licensing Act 2003.

On 01 July 2023 at 20:45 hours I was on duty in Soho, W1, when I approached 55 Frith Street, The premises trades under the name Canwood. My attention was drawn to the premises due to doors being open, loud music noise being audible from the street, a DJ being visible inside the premises, and customers inside dancing.

I am familiar with these premises having worked in Soho for a number of years, as well as visiting the premises on 24 June 2023 to advise the premises of the Pride in London event taking place, and send the manager [REDACTED] an email including the Pride in London Business Pack, which also outlined the licensing requirements on the day. I



City of Westminster

produce a copy of this email to [REDACTED] as Exhibit JH/1, and a copy of the Pride in London Business Pack as Exhibit JH/2.

I produce a copy of the premises licence in place on 01 July 2023 for Canwood, 55 Frith Street, London, W1 as Exhibit JH/3.

I took 2 videos using my work issued mobile phone of outside and inside the premises and produce these videos as Exhibits JH/4-5. There were signs in the window advertising cocktails, beer, shots, and spirits and prices.

I did a walk through of the premises with Police Licensing Colleagues, where I observed approximately 25 customers inside the premises standing, dancing, or walking about. A DJ was playing music inside the venue at the front, the bar counter was staffed, people were dancing in the front part of the premises while drinking alcohol, and all the tables and chairs had been cleared away to create a dancefloor. I could not see any food in the front part of the premises. There were signs in the window advertising cocktails, beer, shots, and spirits, as well as the prices. I was satisfied licensable activities were being provided.

I have checked our licence register and confirm no Temporary Event Notice was in place at the premises on 01 July 2023, and the premises was operating under licence 23/03488/LIPDPS, which is Exhibit JH/3, and subject to the following conditions:

9. The premises shall only operate as a restaurant



City of Westminster

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption,
- (iv) which do not provide any takeaway service of food or drink after 23.00, and
- (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal

18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

After a while we met with [REDACTED] initially tried obstructing the police but after some discussion with the police said he was the manager in charge but had only been working for one day. He was not able to provide further information as to who was in charge or of the licence. Upon checking Companies House, however, [REDACTED] 8UERTE Limited, the holder of the premises licence, and has been in that position between 3 May 2021 and 1 June 2021, then again from 26 September 2022 to present. I produce a copy of the



City of Westminster

Companies House Search of 8UERTE Limited as Exhibit JH/6. [REDACTED] is an [REDACTED]

[REDACTED] who I met on 24 June was also present, and said he had been busy in the kitchen.

The police served a Section 19 Closure Notice on [REDACTED]. The music was turned down and we left shortly after.

At 00:41 hours on Sunday 02 July I was still on duty in Soho when I was advised of a noise complaint about Canwood, 55 Frith Street, London that had been reported via our website. Reference 23/28647/ENC45 refers.

I attended with the police at 00:45 hours. I took a video of the outside of the premises using my work issued mobile phone. Music noise was clearly audible across the street and people could be seen inside the premises dancing. There were signs in the window advertising cocktails, beer, shots, and spirits, as well as the prices. I was satisfied licensable activities were being provided.

I produce this video as Exhibits JH/7.

I entered the premises with the police and asked they capture the visit on their body work camera. Inside the premises I observed there were 2 people I took to be staff behind the bar counter, a DJ was playing music inside the venue, people were dancing in the front part of the premises while drinking alcohol, and all the tables and chairs had been cleared away to create a dancefloor. I observed approximately 35 customers inside the premises standing, dancing, or walking about the premises. I could not see any food in the front part of the premises.



City of Westminster

I did not believe the premises was operating in accordance with the premises licence conditions, and did not believe the premises should be open and trading at all.

Upon a search I know the times the licence authorises the carrying out of licensable activities is for the Sale by Retail of Alcohol Monday to Saturday: 10:00 to 23:30, Sunday: 12:00 to 22:30. No music or dancing is authorised.

I asked someone I believed to be a member of staff to speak to the manager, and after a brief wait I met the designated premises supervisor, [REDACTED]. I advised [REDACTED] that I did not believe the premises was operating in accordance with its licence. [REDACTED] said he did not have a copy of the premises licence available to check and could not produce a Temporary Event Notice. I said:

“It’s an offence under section 136 of the licensing act 2003 to carry on licensable activity otherwise than under and in accordance with an authorisation, I intend to speak to you about that but before I do I must caution you, you do not have to say anything but it may harm your defence if you do not mention now when questioned something you may later rely on in court. Anything you do say may be used in evidence. Do you understand?”

[REDACTED] nodded that he understood the caution, but that he would not answer questions without his solicitor present. I said that was his legal right and I would not ask further questions. I did ask who his solicitor was, but [REDACTED] declined to answer. [REDACTED] asked who had made a complaint and that he would submit an FOI about it. I said he was able to do that.

I then advised [REDACTED] that to prevent further offences being committed he should cease trading. He did so and at approximately 00:55 hours I left the premises.



City of Westminster

On 05 July 2023 I wrote to [REDACTED] regarding my visits on 01 and 02 July 2023. I produce a copy of this letter as Exhibit JH/8.

On 05 July 2023 I wrote to 8UERTE Limited [REDACTED] regarding my visits on 01 and 02 July 2023. I produce a copy of this letter as Exhibit JH/9.

Signed: [REDACTED]

Date: 05.07.2023

To be completed if applicable (or if, not applicable please check here):

Name being unable to read the above statement I, Name of Company or Address, read it to him or her before he or she signed it.

Signed: *Name*

Date: *Date*

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Will MURCH URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Acting Police Sergeant

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] AIP51578AW Date: 02/07/2023

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am the above named person and this statement relates to suspected license breaches at 55 FRITH STREET, W1.

On SUNDAY 2 JUNE 2023 at 00:42 hours I was on uniform patrol with A/Insp FITTON in the company of Mr James HAYES a member of CITY of WESTMINSTER COUNCIL conducting checks of the local area during the gay pride weekend festivities. Whilst walking through the area we arrived at CANWOOD, 55 FRITH STREET, SOHO, LONDON, W1D 4SJ a local bar. The music was loud and audible outside of the venue. Mr HAYES decided to make entry to the venue speak with the designated premises supervisor (DPS) regarding suspected breaches in the terms of their licence. Prior to making entry I activated my body worn camera exhibiting the footage as WJM/01. A/Insp FITTON and I accompanied Mr HAYES into the venue to prevent a breach of the peace.

Entering it was clear that the venue was still open and serving alcoholic drinks as door staff were stood at the door and although the bar was not full there were a significant number of customers still within dancing and consuming alcoholic beverages. We walked through to the back of the venue where we were met by the DPS

During their interaction Mr HAYES cautioned the DPS and began to question him around a notice served earlier that day recording this in his pocket book. Shortly thereafter Mr HAYES insisted that the venue close as it was open later than it was licensed to be with the music immediately being turned off and patrons being asked to leave.

[Signature] AIP51578AW

Signature: [Signature] AIP51578AW Signature witnessed by:

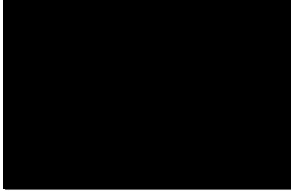
APPENDIX 9



City of Westminster

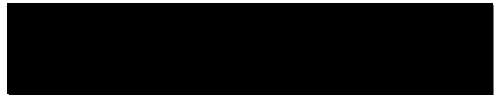
Public Protection and Licensing
15th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

8UERTE Limited



This matter is being dealt with by :
James Hayes

My reference : Your reference :
23/28707/ELREAC



Date : 05.07.2023

Dear 

On 01 July 2023 at 20:45 hours and 02 July 2023 at 00:45 hours authorised council officers and the police visited **Canwood, 55 Frith Street, London W1D 4SJ** where it was observed customers were inside the premises standing, dancing, or walking about. A DJ was playing music inside the venue at the front, the bar counter was staffed, people were dancing in the front part of the premises while drinking alcohol, and all the tables and chairs had been cleared away to create a dancefloor. No food was visible in the front part of the premises. There were signs in the window advertising cocktails, beer, shots, and spirits, as well as prices. Music noise was clearly audible from the street. Officers were satisfied licensable activities were being provided.

Our records indicate that 8UERTE Limited is the licence holder for the premises licence for **55 Frith Street, London W1D 4SJ**, and that you are the company director. There was no Temporary Event Notice in place on 01 July 2023 at 20:45 hours or 02 July 2023 at 00:45 hours. You were present on 01 July 2023 at 20:45 hours where the police served a Closure Notice on you.

The premises licence for **55 Frith Street, London W1D 4SJ** is subject to numerous conditions, including:

- A. Sale by Retail of Alcohol is authorised Monday to Saturday: 10:00 to 23:30; Sunday: 12:00 to 22:30
9. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (iv) which do not provide any takeaway service of food or drink after 23.00, and
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises 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.
14. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are
 - (iv) prepared on the premises and are served and consumed at the table using non
 - (v) disposable crockery,
 - (vi) which do not provide any takeaway service of food or drink for immediate consumption,
 - (vii) which do not provide any takeaway service of food or drink after 23.00, and
 - (viii) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
17. 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.
18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Under Section 136 of the Licensing Act 2003 a person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

This is considered a serious matter and one for which you may be prosecuted. However, **before** the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

I also request that you make the CCTV recordings for 01 July 2023 and 02 July 2023 available to me in accordance with the relevant licence conditions.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response in writing. If you wish to respond in writing, please confirm this within 14 days of the date of this letter and I will write again with specific questions for you to respond to. This is acceptable, as long as you understand **you do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to this letter, something which you later rely on in court. Anything you do say may be given in evidence.**

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Signed:

Date: 05.07.2023

Name in Capitals: James Hayes

Westminster City Council, City Hall, 64 Victoria Street, SW1E 6QP



If you are not sure of your rights or the implications of this letter, you may want to seek independent legal advice

APPENDIX 9 (cont'd)



City of Westminster

Public Protection and Licensing
15th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

This matter is being dealt with by :
James Hayes

My reference : Your reference :
23/28707/ELREAC

Date : 05.07.2023

Dear 

On 01 July 2023 at 20:45 hours and 02 July 2023 at 00:45 hours authorised council officers and the police visited **Canwood, 55 Frith Street, London W1D 4SJ** where it was observed customers were inside the premises standing, dancing, or walking about. A DJ was playing music inside the venue at the front, the bar counter was staffed, people were dancing in the front part of the premises while drinking alcohol, and all the tables and chairs had been cleared away to create a dancefloor. No food was visible in the front part of the premises. There were signs in the window advertising cocktails, beer, shots, and spirits, as well as prices. Music noise was clearly audible from the street. Officers were satisfied licensable activities were being provided.

Our records indicate that you are the designated premises supervisor in relation to the premises licence for **55 Frith Street, London W1D 4SJ**. There was no Temporary Event Notice in place on 01 July 2023 at 20:45 hours or 02 July 2023 at 00:45 hours and you were present on 02 July 2023 at 00:45 hours when you spoke to officers. You were cautioned during the visit, and you stated you wished to have a solicitor present before answering any questions.

The premises licence for **55 Frith Street, London W1D 4SJ** is subject to numerous conditions, including:

- A. Sale by Retail of Alcohol is authorised Monday to Saturday: 10:00 to 23:30; Sunday: 12:00 to 22:30
9. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (iv) which do not provide any takeaway service of food or drink after 23.00, and
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises 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.

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Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

17. 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.

18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Under Section 136 of the Licensing Act 2003 a person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

This is considered a serious matter and one for which you may be prosecuted. However, **before** the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

I also request that you make the CCTV recordings for 01 July 2023 and 02 July 2023 available to me in accordance with the relevant licence conditions.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response in writing. If you wish to respond in writing, please confirm this within 14 days of the date of this letter and I will write again with specific questions for you to respond to. This is acceptable, as long as you understand **you do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to this letter, something which you later rely on in court. Anything you do say may be given in evidence.**

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Signed:

Date: 05.07.2023

Name in Capitals: James Hayes

Westminster City Council, City Hall, 64 Victoria Street, SW1E 6QP

Telephone:

A black rectangular redaction box covering the first part of the telephone number.A black rectangular redaction box covering the second part of the telephone number.

If you are not sure of your rights or the implications of this letter, you may want to seek independent legal advice



City of Westminster

WITNESS STATEMENT

Reference Number: 23/28707/ELREAC

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;**Criminal Justice Act 1967, s. 9)*

STATEMENT OF James Hayes

Age of witness: Over 18

This statement (consisting of 6 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Further to my witness statement dated 05.07.2023, I can confirm I have not received a response to my letters to [REDACTED] (Exhibit JH/8), or to 8UERTE Limited [REDACTED] [REDACTED] (Exhibit JH/9) regarding my visits to Canwood, 55 Frith Street on 01 and 02 July 2023.

The letters were hand delivered to a member of staff at 55 Frith Street, London, W1D 4SJ as the registered Head Office for 8UERTE Limited, 3 Macclesfield Street, 1st Floor, London, W1D 6AU was within residential properties and could not be accessed. The letter to 8UERTE Limited was also emailed to [REDACTED] and [REDACTED], which are the contact details we have on record for the company.



City of Westminster

I can also confirm I have not been provided with the CCTV recordings requested for 01 July 2023 and 02 July 2023 in accordance with the relevant licence conditions on the premises licence for 55 Frith Street, London W1D 4SJ, namely:

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

11. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises 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.

Signed: _____

Date: 26.07.2023

To be completed if applicable (or if, not applicable please check here):

Name being unable to read the above statement I, *Name of Company or Address*, read it to *him or her* before *he or she* signed it.



City of Westminster

Signed: *Name*

Date: *Date*



City of Westminster

APPENDIX 11

Martin Ratley
Licensing Inspector
Tel: 07811 243955
mratley@westminster.gov.uk

My Ref:- 23/29440/ELSELF



12 July 2023



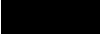
For the attention of 

Dear 

Licensing Act 2003
Canwood 55, 55 Frith Street, London W1D 4SJ

I am writing to you as the sole director of 8UERTE Limited, the company that holds the premises licence (23/03488/LIPDPS) for the above premises.

I visited Canwood 55 at 21:50 on Wednesday 5 July with my colleague Kevin Elliott. The reason for my visit was to follow up on concerns raised after significant breaches of your premises licence were found during the weekend of 1 and 2 July. As you will be aware, the council is currently considering initiating prosecution proceedings in connection with these matters.

I was assisted by  and also spoke by telephone with 
 the designated premises supervisor (DPS).

During my inspection I discovered multiple breaches of the conditions of your premises licence, as detailed below:

Restaurant conditions

Condition 13 of your premises licence stipulates that your premises should operate only as a restaurant where customers are shown to their table and alcohol shall not be sold or supplied otherwise than for consumption by persons who are seated and taking substantial meals. The consumption of alcohol should be ancillary to the taking of those meals.

When I arrived there were approximately 27 customers inside the premises and 7 seated at the tables and chairs outside. There was food in the form of small plates of pizza on only 3 of the tables and no cutlery on any of the tables. The majority of customers were just drinking.





City of Westminster

Furthermore, during the visits by colleagues on the weekend of 1 and 2 July, it was observed that customers were inside the premises standing, dancing, or walking about. A DJ was playing music inside the venue at the front, the bar counter was staffed, people were dancing in the front part of the premises while drinking alcohol, and all the tables and chairs had been cleared away to create a dance floor. No food was visible in the front part of the premises.

Based on my observations and those of my colleagues it is my opinion that Canwood 55 is trading primarily as a bar and not as a restaurant and is therefore operating in breach of premises licence condition 13.

CCTV

When I asked to view CCTV, [REDACTED] told me that I could not do so because only [REDACTED], who was not present, has access to the system.

Condition 9 requires that you shall maintain a comprehensive CCTV system, that it shall continually record whilst the premises are open for licensable activities and that viewing of recordings shall be made available immediately upon request of a police or authorised officer throughout the entire 31 day period.

Condition 10 requires that a staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises when the premises is open. The 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.

At the time of my visit, therefore, conditions 9 and 10 were both being breached.

I know you have been found breaching these conditions before and were served with a closure notice under section 19 of the Criminal Justice and Police Act 2001 by PC Steve Muldoon on Saturday 20 May, when your CCTV system was found to not be recording.

Doors and windows

Premises licence condition 18 requires that all windows and external doors shall be kept closed after 21:00 except for immediate access and egress of persons. At the time of my visit, the front door was held open in breach of this condition.

Incident log

Condition 11 of your premises licence requires that an incident log shall be kept at the premises and made available on request to an authorised officer of the council or police.

[REDACTED] produced a log, but the last entry was on 13 April, so it was evident the log was not being maintained. The events of 1 and 2 July, when





City of Westminster

officers of the council and the police attended the venue were not recorded as they should have been and I am aware of at least three other visits to Canwood 55 by police and council officers since April which were also not noted in the register.

Please ensure the incident log is used and kept up to date.

Accommodation limit

██████████ was aware of the accommodation limit of 35 people (excluding staff) imposed by condition 15 and this was not being exceeded at the time of my visit.

I noted, however, that there was seating available inside the premises for approximately 48 customers and I question why you would have so much capacity if it is your intention to comply with the limit.

I am also aware of a visit to Canwood 55 by PC Steve Muldoon on the night of Saturday 20 May when at least 45 customers were found to be on the premises.

At the time of my visit there was no door supervisor on duty and it was not clear to me how capacity was being controlled. Please ensure the numbers entering and leaving your premises are carefully monitored to avoid any breaches of condition 15.

Outside drinking

Premises licence condition 14 requires that patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. The consumption of drinks by customers seated at the tables and chairs outside Canwood 55 would appear to be in breach of this condition.

I have written to you separately about the status of the tables and chairs I saw on the footway in Frith Street. These are not currently licensed.

Noise nuisance

There was no excessive noise at the time of my visit, but during the visits made on 1 and 2 July it was reported that music noise from a DJ was clearly audible in the street and a noise complaint was received from a local resident at 00:40 on 2 July.

In this respect I remind you of condition 17 of your licence which requires that no noise generated on the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.

Production and display of premises licence

Section 57 of the above Act imposes a duty on premises licence holders to keep their licence on the premises and produce it on request to a police





City of Westminster

officer or an authorised officer of the council. They are also required to display the summary (Part B) of the licence.

At the time of my visit [REDACTED] was unable to produce the full premises licence (Part A) and only one of the two pages of the summary was displayed.

You have recently been issued with a new licence (23/03488/LIPDPS) following the appointment of [REDACTED] as DPS. Please ensure this licence is kept on the premises and is available for production by staff and that both pages of the summary are displayed as required.

Authorisation of staff to sell alcohol

Whilst there is no legal requirement to do so, government guidance contains a strong recommendation that personal licence holders give specific written authorisations to individuals they are authorising to sell alcohol (as they are required to do by mandatory condition 3 of your licence).

Such a written authorisation was displayed inside your premises, but by [REDACTED] admission this was out of date. Please refresh this document and populate it with the names of the current members of staff who have been authorised.

Address of licence holder

Finally, I note the address for 8UERTE Limited recorded on the premises licence differs from that registered with Companies House. Please apply to the Licensing Service (licensing@westminster.gov.uk) to amend this discrepancy.

Please note that it is an offence under section 136 the Licensing Act 2003 to carry on a licensable activity otherwise than under and in accordance with an authorisation and breaching the conditions of your licence may result in prosecution.

Furthermore, failure to promote the licensing objectives can lead to your premises licence being reviewed. Amongst other things, a review can result to the imposition of additional conditions, the removal of the DPS, the suspension of your licence for up to three months or the revocation of your licence.

Please reply to this letter **within 14 days** giving details of how you intend to address the matters I have raised.

I look forward to hearing from you.

Yours sincerely

[REDACTED]





City of Westminster

Martin Ratley

City Inspector

Public Protection and Licensing



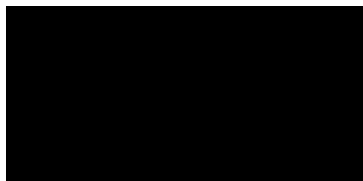
APPENDIX 11 (cont'd)



City of Westminster

Martin Ratley
Licensing Inspector
Tel: 07811 243955
mratley@westminster.gov.uk

My Ref:- 23/29440/ELSELF





12 July 2023

Dear 

Licensing Act 2003
Canwood 55, 55 Frith Street, London W1D 4SJ

I am writing to you in your capacity as designated premises supervisor (DPS) for the above premises.

Attached is a copy of a letter I have written to 
 of the licensing holding company, 8UERTE Limited.

Please be aware that as DPS you are responsible for the day to day running of the premises and for the sale and supply of alcohol. In this role you, as well as the licence holder, bear legal responsibility for the conduct of the premises and may be liable to prosecution for offences under the Licensing Act.

Furthermore, should the licence be reviewed you can be removed as DPS.

Yours sincerely



Martin Ratley
City Inspector
Public Protection and Licensing



APPENDIX 12

*Criminal Justice Act 1967 s9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Magistrates Court Rules 1981, r70*

Statement of witness

Statement of :
Claire Dunn

Age of Witness
Over 18

Occupation of witness: City Inspector.

This Statement [, consisting of ...1...page(s) each signed by me,] is true to the best of my knowledge and belief and I make knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I have been employed by Westminster City Council as a City Inspector since June 2020 and am currently working within Public Protection and Licensing based at 64 Victoria Street, 15th Floor, London SW1E 6QP.

On Saturday 15th July 2023 at 21:10 Myself and John Whelan entered Canwood, 55 Frith Street, SOHO W1D 4SJ, Outside there was an A-Board advertising 2 for 1 cocktails.

When we entered the venue we spoke with a male member of staff and asked if we could come in for the cocktail deal, he replied 'yes'.

At this time there was insufficient seating inside the venue and we were lead to a table outside.

We were each given a cocktail menu and were told that we needed to order the same cocktail to receive the 2 for 1 offer, and that they would be £15.

We ordered 2x Strawberry Daquari via table service and these were brought to our table without being asked if we would like to see a food menu.

After 10 Minutes a table inside became available, and we were invited inside.

Once inside, of the 7 tables including ourselves that were occupied, only two were having food whilst consuming alcohol.

We asked for the bill and was handed a receipt as evidenced (1)

I was only able to pay by card and £16.88 was deducted and card receipt shown as evidence (2).

Signature..... Date.....

Statement of witness – Continuation Sheet

Statement of

Signature

Dated the

day of

2023

Signature..... Date.....

Pageof