



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

22 February 2024

23/08471/LIPN - New Premises Licence

Unit 9  
7 St. Vincent Street  
London  
W1U 4DA

Director of Public Protection and Licensing

Marylebone

City of Westminster Statement of Licensing Policy

None

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Senior Licensing Officer

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 November 2023		
<b>Applicant:</b>	Moxon Street Residential (Luxembourg) S.a.r.l.		
<b>Premises:</b>	N/A		
<b>Premises address:</b>	Unit 9 7 St. Vincent Street London W1U 4DA	<b>Ward:</b>	Marylebone
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises intends to operate as a restaurant.		
<b>Premises licence history:</b>	<p>This is a new premises application and therefore no Premises Licence history exist.</p> <p>The applicant has applied for pre-application advice in 2023 and the report can be found in the applicants' submissions in <b>Appendix 2</b>.</p>		
<b>Applicant submissions:</b>	<p>The applicant has provided the following documents:</p> <ul style="list-style-type: none"> <li>• a mediation letter</li> <li>• Summary of proposals</li> <li>• Site plan</li> <li>• Pre-application advice report,</li> <li>• Planning Permission</li> <li>• Sample Letter to Objectors</li> <li>• Draft Dispersal Policy</li> <li>• Amended Plans</li> <li>• Development Presentation</li> </ul> <p>A copy of the documents can be seen at <b>Appendix 2</b>.</p>		
<b>Applicant amendments:</b>	<p>Following consultation, the applicant reduced the opening hours from 09:00 to 00:00 Monday to Thursday, 09:00 to 00:30 Friday to Saturday &amp; Sunday 09:00 to 23:00 to the timings stated at <b>section 1-B</b>.</p> <p>The applicant has also amended condition 9 to represent the full model condition 66 eliminating any scope for bar use and removed the external areas from the on-licence demise and added a condition which is within <b>Appendix 4</b> of the report.</p> <p>The applicant has made a change to the basement layout introducing a secondary means of escape following feedback from the District Surveyor.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Years' Day to the start of permitted hours on New Years' eve. 23:00 to 00:00 on Sundays immediately before Bank Holiday Monday.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Years' Day to the start of permitted hours on New Years' eve. 00:00 on Sundays immediately before Bank Holiday Monday.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Years' Day to the start of permitted hours on New Years' eve. 00:00 on Sundays immediately before Bank Holiday Monday.					

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	19 December 2023
<p>Representations made as the proposal may undermine the licensing objectives of Prevention of Public Nuisance, Public Safety and Prevention of Harm to Children.</p> <p>The applicant has offered an extensive list of conditions but these may not be sufficient to allay Environmental Health concerns, in particular further information is requested on capacity, prevention of internal noise transfer, prevention of odour and dispersal at closing time.</p> <p>The applicant is requested to contact the undersigned to discuss the above after which additional conditions may be proposed.</p>	

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	18 December 2023		
[REDACTED]. This seems too close to the school. More than half of the kids would be walking past it every afternoon/evening.			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	18 December 2023		
[REDACTED] and an establishment serving alcohol so close to the school gates is not appropriate. I am concerned for the potential for broken glass, and bad behaviour at all hours of the day. Further, the street is already very narrow so an establishment bringing in incremental traffic will be an issue for safeguarding the children and make for a more chaotic pickup and dropoff.			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	18 December 2023		
[REDACTED] I'm struggling to understand how anyone could think it is appropriate to have an outlet selling alcohol at all hours on the doorstep to a primary school.			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	18 December 2023		
Absolutely outrageous that the company plans to have a restaurant/cafe right at the door of the school where we drop and pick up our children. There are hundreds of parents and children meeting there in the morning and the afternoon, children scooters and bikes passing by. We are concerned about the cleanness of the pathway, rubbish collection, smells and usage of outdoor space. Also against the idea of selling and serving alcohol during the school hours. There are plenty of other units at the development and far away from the school that would be better suited for an A3 license. We trust that the Council will protect the wellbeing of our children and decide in favour of the community.			

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		

The premises are directly opposite the rear of The St Marylebone Church of England School (a large secondary school and [REDACTED]: St Vincent's RC Primary School (a large primary school).

Due to the very close proximity to two schools, we do not feel that it is appropriate to license premises for the sale of alcohol other than as part of a seated meal service. We object to the application in its current form on the following grounds:

a) In respect of Condition 1: this application allows the premises to be used as a bar for the service of drinks only for up to 20% of their capacity. This is not appropriate so close to two schools.

b) In respect of Condition 12: no mention is made as to where customers would smoke outside of the premises. We would ask, for health & safety reasons, that smoking is not permitted on St Vincent's Street (where the two schools are located) and is only permitted on Aybrook Street.

c) In respect of Condition 16: no mention is made as to where deliveries will be made. We would ask, for health & safety reasons, that delivery vehicles are not allowed on St Vincent's Street and must take place from Aybrook Street.

Given the immediate proximity of two schools, we would ask that the premises are required to have appropriate measures in place in respect of safeguarding of children and security of the surrounding area.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		

[REDACTED] I object for this establishment to be built as it is so close to school and it is not nice to be seen by the children alcohol drinkers close by the school. Thank you.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		

I object to this application on the grounds that it is too close to residential apartments and the local primary school

The area is also too enclosed, so noise and disturbances would be greatly increased.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
[REDACTED] [REDACTED] [REDACTED]			
<p>Pupils are dismissed from the school from the doorway right outside this location. Indeed, it appears that the photos supporting the license were taken It is entirely inappropriate for a licensed premises to be operating, let alone selling alcohol for consumption off the premises, outside a school, particularly one which educates 4 to 11 year olds. These are impressionable students, who should not be exposed to alcohol outside their school. The facility and outdoor drinking will be visible from the rooftop playground.</p> <p>There are more than enough licensed premises in the very near vicinity (including the Gunmakers just across the street), to provide residents, workers and visitors ample choice. While Marylebone's night-time and tourism is the life-blood of the local economy, this activity opposite a primary school can only detract from the provision of the first class education standards which the staff of St Vincent's provide.</p> <p>To flourish as a sustainable community, Marylebone needs a balanced mix of drinking, dining and retail establishments complemented in a way that allows the excellent schools in the area to also flourish. Otherwise the quality of school provision, and in turn the sustainability of family service provision in the area, declines. Provision of local services for families in the area is already under substantial pressure, as demonstrated (inter alia) by for example housing policies which seek to favour planning which provides accommodation for family sized units.</p> <p>The facility does not positively contribute to the immediate vicinity of the local area, and there is no information on any wider contribution to the area - Councillors must oppose it.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
<p>[REDACTED] [REDACTED] so it will be not safe for children and families, unless the opening time is after the school clubs finish by 5:30pm on weekdays. Often, we have family events/school celebrations on weekends in which case it is not safe for children and families.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
I do not see the need of having yet another alcohol licensed place in the area, at a distance so close to both primary and secondary schools. This is not something I find comfortable for the benefits of the children and the neighbourhood especially knowing that there are already plenty of places to chose from.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
I strongly object to allowing this license as it will facilitate anti-social behaviour. There is a primary school around the corner, that has recently been vandalised after hours. Such incidences will only increase if this licence is granted.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
I strongly object to this project as I think it is a terrible idea to have an establishment serving alcohol so close to a school ([REDACTED] is very close).			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
[REDACTED] I strongly oppose this project. This will disturb the life of the school and children and does contradict with the ethos of a school. There are plenty of space to open a night bar in London, simply not next to a school. Thank you.			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
This is a completely inappropriate business to have so close to a school. The hours requested encourage lengthy drinking sessions. Completely unnecessary in an area that is well served with establishments like this already. They should be focussed more on supporting the parts of the community that have been most affected by this project rather than bringing further disruption to the area.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
A premises license shouldn't be authorized so close to a primary school as it comes with alcohol consumption and smoking outside as well as gathering and noise. There are many options around and it is not what we need in front of a school.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
I strongly object to the planning application request as I feel it will affect the environment near St Vincent's Primary School and the well being of the children.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
There are plenty eateries and local pubs available on Marylebone High Street, it's very unnecessary to have another drinking establishment on the door step of a primary school. St Vincent street is an already very small street having a drinking establishment will crowd the walking area and I feel very strongly that this is not appropriate.			



<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	17 December 2023		
Is essential that the restaurant respects residents [REDACTED]. No deliveries before 9am, no noise/people seated on street after 9pm, rubbish not left on street (there is already a problem with rats, foxes and gulls opening food waste bags)			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
I would like to object to this on the basis of its proximity to the school [REDACTED] and the nursery. It doesn't seem at all appropriate.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
Too close to the school.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
Why would you open a late night bar in front of a primary school and a secondary school ? How about an application for a library or community hall or tea room or a nice bakery? [REDACTED] have already endured quite a lot the past 2 years with the noise and the dust.			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		

[REDACTED] To allow alcohol to be consumed directly in front of the school including those times when hundreds of children are sharing the same communal public space outside is a serious concern to child welfare. Protection and safeguarding of children must be the council's first consideration especially where the school has been established in this location for 85 years and is a key stakeholder in the local community. A licensed premises in direct proximity to the school and its busy thoroughfare would jeopardise such safeguarding by unnecessarily increasing the risk of inappropriate behaviour. This licensing application has not been advertised to the school parents until the very last minute, otherwise you would have hundreds of objection comments.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		

[REDACTED] and as a regular supporter of [REDACTED] I object to provide any premises with an alcohol license given its proximity to the school and the church.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		

This is much too close to St Vincent's Primary school. It is entirely inappropriate to have a premises selling alcoholic drinks right next to a school for children of ages 3 and up. Marylebone has plenty of locations for alcoholic drinks and it does not need one place adjacent to a place of learning for children.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		

This site is too close to a school and it unnecessary to place it so close to a place of education when there are lots of children moving around, there are so many bars to choose from in very close proximity already.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
Very close to Primary school			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
I object in the strongest possible terms. [REDACTED] To propose a licensed premises selling alcohol from 9am on the school's doorstep is completely inappropriate.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
[REDACTED] Why on earth would you open a bar next to a school? I am wondering why there is even an application made. There are plenty of nice lively places for drinks around so why considering opening an other one just across two schools? I am sure there would be loads of wiser ideas.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
This is too close to the primary school. Alcohol will be on sale from 9am throughout the school day. There are many alternative places to buy alcohol in a very small radius. It is completely unnecessary to apply for this so close to a primary school. Even the other side of the development would be better.			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		

We are writing to object strongly to this licensing application on several grounds.

First, the very close proximity to two schools; a primary with nursery contained within, and a secondary school with young children (ages 11+) attending is unacceptable. This would be very close to the entrance, and thus viewed by children on entering and leaving their school gates. This is harmful in several ways. There is clear clinical evidence that proximity of alcohol retailers to schools in urban areas increases alcohol intake among adolescents within those schools, as has also been found with research into retailers of 'junk'/ 'fast' foods and subsequent intake of those foods. This exposure has deleterious impact which we must do all we can to avoid. Further, the associated negative impacts of such an application must be considered. These include individuals smoking / using illicit drugs / engaging in antisocial behaviour, all of which are linked to premises with late night licenses and all of which would be witnessed indirectly by the school children through cigarette ends/ glasses/ waste on the street that would be left there. This is simply unacceptable.

We object also due to the impact on the neighbourhood including local residents, through late night noise, and associated antisocial behaviour. Unfortunately this particular area already has witnessed multiple incidents of vandalism over the past couple of years. This venue would not help.

We have read the application carefully, and note the proposed conditions. Many of these are simply unrealistic, e.g. 12, 17, and almost impossible to enforce should the application be permitted. That 'after 11pm patrons permitted to temporarily leave... shall be limited to 6 person at a time' is unworkable and will not - and simply can not - be enforced by the venue.

We implore the council to see reason and reject this outright.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		

This Licence Application is far too close to St Vincents School and the Marylebone Girls 6th form college and also the Montessori Nursery.

There are already a number of pubs trading around the corner and serving food.

The trading hours show that the venue will be open when the school is open, children will clearly see any drunk or disorderly behaviour and even be in danger. Parents picking up children from the Nursery and the school will also be apprehensive near the school.

There is no sense in putting any child in a potentially dangerous situation three yards from the school.

It would be a very poor decision to grant a licence on this spot.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
I object to above application as the premises are too close to St. Vincent's Catholic Primary School and the Montessori nursery. No doubt, anti-social behaviour (waste, glasses, cigarettes, urinating in the street) and noise pollution will increase as a result of these premises and will impact its neighbours in a negative way. It is not safe for our children to be exposed to the above on their way to/from school.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	15 December 2023		
Looks great. However, hopefully no outside noise after 9 pm and no deliveries before 8.00 am (if possible not even before 9 am).			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	19 December 2023		
[REDACTED] just by the property in question. It is quite unbelievable that you are considering a licence selling alcohol in that location! It is definitely inappropriate for the wellbeing of the pupils of St Vincent primary school and Hope Montessori nursery!			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	18 December 2023		
Too near [REDACTED] school			