



MINUTES

CITY OF WESTMINSTER

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 17th August, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Angela Harvey (Chairman), Karen Scarborough and Rita Begum

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 11-15 GROSVENOR CRESCENT, SW1

LICENSING SUB-COMMITTEE No. 1 Thursday 17th August 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Karen Scarborough and Councillor Rita Begum

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: One local resident.

Present: Mr Robert Botkai (Solicitor, representing the applicant) and Mr Sebastian Moritz (Applicant).

11-15 Grosvenor Crescent, London, SW1X 7EE (“The Premises”)
17/06659/LIPN

1. Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

	<p>Seasonal Variations/Non-Standard Timings:</p> <p>The provision of Late Night Refreshment shall be limited to the residents of 11-15 Grosvenor Crescent and their bona fide guests.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the provision for late night refreshment outdoors was withdrawn.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Collection Properties Ltd for a new Premises licence in respect of 11-15 Grosvenor Crescent, London, SW1X 7EE.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the City Council's Environmental Health Department had withdrawn its representation following the agreement of conditions with the applicant. The Sub-Committee noted that prior to the hearing the Licensing Team had attempted unsuccessfully to contact the resident who had submitted the representation.</p> <p>Mr Botkai, representing the Applicant, explained that 11-15 Grosvenor Crescents consisted entirely of private residences. There were five entrances to the buildings, three for the townhouses and two for the serviced apartments. Access could only be gained to these entrances through the use of a security fob. The application had been submitted to allow residents to be able to keep or buy wine in the wine cellar and also allow them and their guests to be able to consume it in certain designated areas within the Premises. These areas would consist of a wine cellar, a lobby area and a meeting room. There would be no element of a bar. Only one representation had been received and the Sub-Committee was advised that the Applicant had made numerous attempts to contact the individual to explain the application but all of these had been unsuccessful. It was stated that all the residences were held on long term leases and the nature of the application would have no impact on the licensing objectives.</p> <p>The Sub-Committee was interested to learn whether the residences were only leased on a long term basis? Mr Moritz, the Operations Manager for the Applicant company, confirmed that the minimum lease period was for six months to avoid any short term transition of apartments. Further clarity on the security of the building was requested. Mr Moritz explained that the building was serviced twenty-four hours a day by the management team and all wine cabinets used for storing wine were locked and only accessible to key holders. Residents would only have access to their own wine cabinets. CCTV had also been installed and every communal area would be monitored to ensure control was maintained at all times.</p> <p>The Sub-Committee asked further questions relating to the capacity of the</p>

	<p>Premises. Mr Moritz confirmed that the wine cellar had seating for twelve people or alternatively a maximum capacity of twenty people standing if the furniture was removed from the room. However, the furniture was designed to remain within the room and therefore it was not envisaged that any events involving residents and guests standing would be held. Residents would book any of the three designated areas on a first come first serve basis.</p> <p>In response to a question over the availability of late night refreshment Mr Botkai stated that this would be provided indoors and the outdoor element of the application was withdrawn. The Sub-Committee also noted that on and off sales of alcohol had been applied for to allow residents to purchase wine and then take it back to their residence if they so desired.</p> <p>After careful consideration the Sub-Committee agreed to grant the application. The Sub-Committee had been reassured that all the residences were subject to leaseholds of a minimum period of six months which would prevent the wine cellar being utilised by people sub-letting the residences for shorter periods of time. With regards to security it was noted that a twenty-four hour concierge service was to be implemented and a CCTV system was in place at the entrance and exit points of the building. The Sub-Committee also noted that the individual wine cabinets for each residence were locked and only accessible to their owners through the use of a security fob. The small capacity of the three designated areas was also taken into account along with the fact that there were no representations from any of the Responsible Authorities. Therefore due to the nature of the application, the security measures to be introduced and the fact residents would have a minimum lease period of six months the Sub-Committee was of the opinion that the application would uphold and promote the licensing objectives. The Sub-Committee considered that the Conditions imposed on the Licence were appropriate and proportionate.</p> <p>The following condition was added to the licence to ensure that the wine cellar could not be used by people sub-letting any of the residences for periods shorter than six months:</p> <ul style="list-style-type: none"> • Condition 9 to read “The provision of licensable activities at the premises shall be ancillary to the use of the premises as serviced apartments or townhouses on long term leases which do not allow sub-letting for less than six months.”
2.	<p>Sale by Retail of Alcohol – On and Off</p> <p>Monday to Sunday: 00:00 to 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>The sale of alcohol shall be limited to the residents of 11-15 Grosvenor Crescent and their bona fide guest.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>
3.	<p>Hours Premises are Open to the Public</p> <p>Monday to Sunday: 00:00 to 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
	<ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> (2) In this paragraph, an irresponsible promotion means nay 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- <ol style="list-style-type: none"> (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> (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

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| <p>the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) Drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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).</p> | <p>5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</p> <p>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.</p> <p>(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.</p> <p>(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—</p> <p>(a) a holographic mark, or</p> <p>(b) an ultraviolet feature.</p> <p>7. The responsible person must ensure that—</p> <p>(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—</p> <p>(i) beer or cider: ½ pint;</p> |
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- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where –

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

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

Conditions consistent with the operating schedule

9. The provision of licensable activities at the premises shall be ancillary to the use of the premises as serviced apartments or townhouses on long term leases which do not allow sub-letting for less than six months.

10. The extend of the premises licensed for licensable activity shall be as follows:

- The wine store in the basement
- The meeting room on the lower ground floor
- The lobby on the ground floor

11. The sale of alcohol and the provision of late night freshmen shall be limited to the residents of 11-15 Grosvenor Crescent and their bona fide guest.

12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. The entry and exit points will be covered enabling frontal identification of every person entering the lobby to the premises 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 immediately upon request of Police or authorised officer throughout the entire 31 day period.

13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

14. A challenge 21 or 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 PASS Hologram.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
16. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
17. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
18. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
19. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
20. Curtains and hangings shall be arranged so as not to obstruct emergency.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only.
22. 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.
23. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

4 BASEMENT, 35 THE PIAZZA, COVENT GARDEN, WC2

The application was granted under delegated authority.

5 NESPRESSO, AMALCO HOUSE, 26-28 BROADWICK STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 17th August 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Karen Scarborough and Councillor Rita Begum

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health, Licensing Authority and The Soho Society.

Present: Mr James Rankin (Counsel, Representing the Applicant), Ms Cherry Ho (Trainee Solicitor, Representing the Applicant), Mr Stefan Oerfen (Representing the Applicant Company), Mr Maxwell Koduah (Environmental Health) and Mr David Sycamore (Licensing Authority).

Amalco House, 26-28 Broadwick Street, London, W1F 8JB (“The Premises”) 17/06881/LIPN	
1.	<p>Sale by Retail of Alcohol – On Sales</p> <p>Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30</p> <p>Sale by Retail of Alcohol – Off Sales</p> <p>Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None.</p>
	Amendments to application advised at hearing: Model Condition 70A would be imposed in relation to off sales of alcohol.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Nespresso – Do & Do Café UK Ltd for a new premises licence in respect of Amalco House, 26-28 Broadwick Street, London, W1F 8JB.

	<p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Police had withdrawn their representation following the agreement of proposed conditions.</p> <p>Mr Rankin, representing the Applicant, explained that Nespresso was a high end brand which planned to open a café within Westminster which would not be considered a normal high street shop. The Sub-Committee was advised that a similar premises had already been opened in Cheapside one year ago with another branch located near Harrods. The concept of the application was to style itself as a European style café and would therefore not operate as a bar. The premises in Cheapside, which this application was seeking to replicate, was not drink-led and alcohol only accounted for 2-3% of its wet sales. The Sub-Committee noted that following constructive discussions with the City Council's Environmental Health ("EH") and the Licensing Authority a consensus of conditions had been agreed. Mr Rankin highlighted the small nature of the Premises and informed the Sub-Committee that an application had been submitted for planning permission to allow the use of an outside area. It was hoped a decision on the outside tables and chairs application would be received in September 2017. The hours requested were less than those stipulated in the core hours policy and all the Police's proposed conditions had been accepted. The Sub-Committee's attention was drawn to one of the proposed conditions which would ensure any sales of alcohol would be ancillary to food. Following discussions with EH and the Licensing Authority it had been proposed that the standard restaurant condition, Model Condition 66, be placed on the licence to provide reassurance the Premises would not operate as a bar. Mr Rankin expressed reservations to this as the proposed style of operation did not fit into the standard restaurant condition. It was therefore proposed to attach an amended model condition 66 to the licence. The condition would ensure the Premises should only operate as a restaurant where the supply of alcohol was only provided with food in the form of a substantial table meal that was prepared on the Premises and served and consumed at the table. This would remove the requirement to provide non-disposable crockery to customers along with having to show them to their table. The provision requiring all persons to be seated when taking substantial meals would be kept. The model condition also provided certain restrictions on take away service, however the application was seeking to allow take away and it was requested these provisions be removed.</p> <p>Mr Rankin highlighted that EH had requested to separate the condition requiring no noise or odours to emanate from the Premises into two separate conditions under model conditions 12 and 87. EH had also proposed model condition 20 to control the removal of tables and chairs from any outside area. The applicant confirmed that the addition of these conditions on to the licence would be accepted.</p> <p>With regards to the capacity Mr Rankin highlighted how small the Premises was. There was seating for thirty-six customers inside and, if permitted, eighteen outside. EH had expressed concern over the provision of toilet facilities and Mr Rankin suggested that a condition had therefore been proposed to limit the number of people allowed to consume alcohol at the premises at any one time to twenty-six. It was considered that if levels of alcohol sold at the proposed site</p>
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	<p>were similar to the Premises at Cheapside this condition could be comfortably managed. EH had also expressed a wish to ensure the alcohol content of all alcoholic beverages listed on the menu be displayed. The applicant already did this for the wine it sold and would be happy to extend it to all alcoholic drinks.</p> <p>The Sub-Committee noted that the Premises would have a high staff to customer ratio with ten staff employed and six being on duty at any one time. All food would also be prepared freshly on the Premises.</p> <p>The Sub-Committee noted that the Premises was sited within a Cumulative Impact Area (“CIA”) and were keen to discover how the application would not add to the cumulative impact in the area. Mr Rankin drew the Sub-Committee’s attention to the Cheapside operation which was acknowledged as not being within a CIA but nevertheless was located in a very busy location. It was stated that the Premises operated as a café not a bar and had been very successful in selling coffee and food alongside a small element of alcohol. With the conditions proposed to be added to the application it was felt that the Premises would not add to the cumulative impact. The Sub-Committee was interested to know if the applicant was of the opinion that the bar snacks menu would constitute a substantial meal? Mr Rankin discussed the difficulties involved in confirming what a “substantial table meal” consisted of but suggested that offerings of quiche or sharing platters would fall within this definition.</p> <p>In response to a question regarding off sales of alcohol Mr Rankin confirmed that this had been applied for to allow customers to take out partly consumed bottles of wine. The Council’s Licensing Policy Adviser clarified that customers taking away half consumed bottles of wine would be considered as an on sale. As such Mr Rankin confirmed that this aspect of the application could therefore be withdrawn.</p> <p>With regards to customers smoking the Sub-Committee was informed that a limit on customers could be imposed however such a restriction for smoking outside was usually associated with alcohol led establishments. The application was for a small café, it was stated that the Cheapside premises did not have a high number of smokers and the hours requested were less than core hours. It was therefore suggested that imposing a condition on smokers would not be required.</p> <p>The Policy Adviser brought to the Sub-Committee’s attention that according to the plans submitted the application intended for the public highway to form part of the Premises. However, to avoid any confusion this could create the Council’s Licensing Policy preferred using model condition 70(a) which would in fact permit the use of that area by allowing off sales but only to an area authorised for the use of tables and chairs on the highway. Mr Rankin referenced the fact off sales had earlier been withdrawn. This could now become a qualified withdrawal of off sales of alcohol save allowing it only to those customers seated at the designated outside tables and chairs. The Policy Adviser confirmed that if this was agreed then a new plan would have to be submitted. The Sub-Committee also requested that the new plan highlight exactly where the seating for the thirty-six customers would be located.</p>
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Mr Sycamore, representing the Licensing Authority, confirmed that constructive discussions with the applicant had taken place. It was remarked however that whilst the other premises was located in Cheapside this was a very different area to the application site and was not directly comparable. Whether the food offer available at the Premises could be considered substantial was a matter for the Sub-Committee to decide. The qualified withdrawal of off sales of alcohol was welcomed along with the intended restaurant/cafe style operation of the Premises. If the application as amended had been submitted initially then the Licensing Authority may have initially considered it differently. Mr Sycamore was now reassured about the application but further clarity over whether it constituted a restaurant was required.

Mr Koduah, representing EH, explained how there had been initial concerns over the application but following agreed changes EH were now more comfortable with its proposals. Agreement over the safety provisions at the Premises had been reached and the provision of one toilet on the ground floor was considered acceptable by limiting the number of customers able to consume alcohol at any one time. Mr Koduah proposed that model conditions 32 and 87 replace proposed condition 27 with regards to noise and odour emanating from the premises.

The Sub-Committee questioned Mr Rankin as to how in practical terms the number of customers consuming alcohol could be limited? Mr Rankin explained that in Cheapside only 2% of wet sales involved alcohol. This was a very small proportion of customers and it was therefore felt that it could comfortably restrict this to twenty-six. The Sub-Committee still expressed reservations over the toilet provision at the Premises. Mr Rankin advised that a Licensing Sub-Committee had previously granted a licence to a branch of Itsu which was located within the immediate vicinity of the application site and this only had one toilet available with a maximum capacity of forty persons allowed to consume alcohol. This exceeded the capacity requested for the application currently before the Sub-Committee.

The Policy Adviser brought to the Sub-Committee's attention that the opening hours requested for Sundays exceeded the core hours policy by thirty minutes. Mr Rankin confirmed that this would be amended so the Premises would close at 22:30 on Sundays to reflect the core hours.

The Sub-Committee carefully considered the application and having heard all the evidence before it was of the opinion that the Premises was a café style operation and not a bar or restaurant. As such an amended model condition 66 would be added to the licence ensuring the Premises only operated as a café with alcohol only being served by waiter/waitress service to those customers seated and for consumption to those taking a substantial table meal. This would provide reassurance that the Premises could not operate now, or in the future, as a drink-led Premises. The Sub-Committee noted that it was located within a Cumulative Impact Area and the Council's Licensing Policy recognised that cafes which sold alcohol ancillary to food were unlikely to add to cumulative impact before 20:00 hours. The application was seeking however to sell alcohol until 23:00 hours Monday to Saturday and 22:30 on Sundays. The Sub-Committee was of the opinion that granting the sale of alcohol to such hours was

	<p>likely to increase cumulative impact in the area and undermine the licensing objectives. It was noted however that a branch of Itsu in the immediate vicinity of the application had been granted a licence to sell alcohol until 21:00 hours and this was for a larger capacity than the application before it. The Sub-Committee therefore considered it appropriate and proportionate to allow the sale of alcohol but only to 21:00 hours. It was felt this earlier hour would not add to cumulative impact in the area and ensure the licensing objectives were upheld and promoted. Therefore due to the nature of the Premises, its limited capacity and the reduction in its opening hours on a Sunday to core hours the Sub-Committee decided to grant the application accordingly.</p> <p>The Sub-Committee requested that the applicant submit a new plan of the Premises excluding the outside area from the application and specifying the Premises seating arrangements.</p> <p>The Sub-Committee agreed to amend the following conditions on the licence in order to update it accordingly:</p> <ul style="list-style-type: none"> • Condition 11, 12 and 13 be removed from the licence and replaced with the following condition: "That the premises shall only operate as a café: <ul style="list-style-type: none"> (i) where the supply of alcohol is by waiter or waitress service only; (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table or bar counter; and (iii) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal."</p> <ul style="list-style-type: none"> • Condition 21 to be replaced with model condition 70A. • Condition 26 to be replaced with model condition 65 to read "No deliveries to the premises shall take place between 23.00 and 08.00 on the following day." • Condition 27 to be replaced with model conditions 12 and 87. • Model Condition 20 to be added to the licence; • Model condition 36 be added to the licence to read "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 36 persons." • Model condition 93 be added to the licence to read "The consumption of alcohol on the premises or in any outside area shall cease at 21:00 hours."
2.	Hours Premises are Open to the Public

	<p>Monday to Sunday: 07:00 to 23:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the closing hours on Sunday would be reduced to 22:30 in line with the core hours policy.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
	<ol style="list-style-type: none"> 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 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- <ol style="list-style-type: none"> (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) Drink as much alcohol as possible (whether within a time limit or otherwise); (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of

undermining a licensing objective;

- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are

available.

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

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

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

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii)the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

Conditions consistent with the operating schedule

9. 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 be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. That the premises shall only operate as a café:

- (iii) where the supply of alcohol is by waiter or waitress service only;
- (iv) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table or bar counter; and
- (iii) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal 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.

12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold for consumption on the premises.

13. 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.

14. No draught beer shall be sold or supplied at the premises.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
16. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
17. There shall be no self-service of alcohol for consumption on the premises.
18. 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.
19. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.
20. Prominent signage indicating permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
21. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme of on-going review and shall be made available to a responsible authority on reasonable request.
22. Notices shall be prominently displayed at the exit/entrance requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. Loudspeakers shall not be located near the entrance lobby or outside the premises building.
24. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
25. 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.

26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
27. All tables and chairs shall be removed from the outside area by (23.00) each day.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 36 persons.
29. The consumption of alcohol on the premises or in any outside area shall cease at 21:00 hours.

6 THE SPICE OF LIFE, 37-39 ROMILLY STREET, W1

The application was withdrawn by the applicant.

7 1 ST JAMES'S MARKET, SW1

LICENSING SUB-COMMITTEE No. 1

Thursday 17th August 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Karen Scarborough and Councillor Rita Begum

Legal Adviser: Horatio Chance
 Policy Adviser: Chris Wroe
 Committee Officer: Tristan Fieldsend
 Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health and the Licensing Authority.

Present: Thomas O'Maoileoin (Solicitor, representing the applicant), Mr Maxwell Koduah (Environmental Health) and Mr David Sycamore (Licensing Authority).

1 St James's Market, London, SW1Y 4AH ("The Premises") 17/06464/LIPN

1. Sale by Retail of Alcohol – On and Off
Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30
Amendments to application advised at hearing:
Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by The Crown Estate for a new

	<p>Premises licence in respect of 1 St James's Market, London, SW1Y 4AH.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>Mr O'Maoileoin explained how the application related to the 7th floor of an office building which had recently been redeveloped by the applicant who he was representing, The Crown Estate. Conditions proposed by the applicant and the City Council's Environmental Health Department ("EH") had been agreed aside from a slight amendment to EH's first condition so it would read "There shall be no fixed bar area at any time at the Premises." To provide reassurance to the Sub-Committee that the general public would not be able to access the Premises condition 10 had been proposed to ensure that alcohol could only be sold or supplied to Directors, partners, officers and employees of the Licensee and their bona fide guests. Also, a list of those attending private events would be maintained at the reception and be made readily available for inspection by the relevant authorities upon request. Mr O'Maoileoin stated to the Sub-Committee that the hours requested were slightly less than core hours and the licence would be ancillary to the use of the Premises as corporate offices.</p> <p>Mr O'Maoileoin recognised that the Premises was located within a Cumulative Impact Area ("CIA") however it was felt the nature of the application and the proposed conditions to be added to the licence would satisfy the Sub-Committee that it would uphold the promotion of the licensing objectives and not add to cumulative impact in the area. It was stated that the Licensing Service's representation focused on the licensing objectives of prevention of crime and disorder and public safety. In response it was highlighted to the Sub-Committee that the Premises was not located in a residential area, there were no residents living within the immediate vicinity and the highway it was located on was not particularly busy. The conditions proposed by the applicant addressed those licensing objectives in particular. They would ensure:</p> <ul style="list-style-type: none"> • no events could be held at the Premises by external promoters; • no draught sales of beer; • if staff or guests leave the Premises to smoke they would not be permitted to take drinks or glass containers with them; and • notices would be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses. <p>Staff would be on-site at all times when the Premises was in use and help ensure patrons exited the building in a respectful manner. The ground floor of the building was always fully staffed and CCTV would also be operation throughout the entire building to guarantee there was an appropriate level of security and control in place. There would be no fixed bar at any time in the Premises in order to provide reassurance that the Premises would remain an office space. It was acknowledged that the Premises contained a terrace area which could be a source of contention however it was proposed for it to be open throughout the day but with access prohibited after 21:00 hours. To provide extra guarantees that the Premises would not create any noise disturbance a condition had been proposed requiring no noise to emanate from the building. Mr O'Maoileoin highlighted that the Police had not made a representation as</p>
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they were satisfied that the application would not create any nuisance or crime and disorder. The Sub-Committee's attention was also drawn to condition 17 which related to the capacity of the venue. As yet a capacity had not been specified for the premises when the licence was in use and it was hoped this could be agreed at a later date with EH and the District Surveyor. Based on the toilet provision on the floor however it was felt when hosting an event the maximum capacity would be approximately 180 people.

Mr O'Maoileoin was of the opinion that that the conditions offered and agreed hopefully provided assurances to the Sub-Committee that that the application would not add to the cumulative impact in the area and addressed any concerns raised.

Mr Sycamore, representing the Licensing Authority, noted that the Premises was located within a CIA and expressed concern that approximately 180 extra people would have access to alcohol in this sensitive location. It was unclear in the application how many events the Applicant envisaged planning to hold each year and whether they would also be held on weekends? Further clarification was also sought on the style of events planned to be held at the Premises along with how the Applicant would ensure the dispersal of customers did not result in more people entering further into the CIA.

Mr Koduah, representing EH, provided further details with regards to the issues surrounding the capacity of the venue. It was explained that when licensable activities were taking place the toilet provision of the venue would limit the capacity to 180 persons. However, discussions were still on-going as to the capacity of the premises and in particular how this would change depending on how many persons would be drinking alcohol. Mr Koduah confirmed that EH had no concerns over the use of a temporary bar at the premises.

Mr O'Maoileoin was unaware how many events the applicant intended to hold each year and the number of people expected to attend. Due to the Applicant not being present at the hearing this could not be confirmed to the Sub-Committee. However, it was believed the number of events held would be seasonal with more expected in the summer months and around the Christmas period. The Sub-Committee was reminded that the Premises was primarily an office space however events would not be held on a daily basis. It was submitted that the Applicant, The Crown Estate, was a very responsible organisation and would be very particular with what events they were associated with.

The Sub-Committee was interested to learn why the Applicant felt prohibiting draught beer but allowing the provision of bottled beer would help uphold the licensing objectives? Mr O'Maoileoin confirmed that bottled beer would be available. The availability of draught beer though was generally associated with a different style of event which would normally be drink-led. This application was not seeking to become a drink-led Premises and by prohibiting draught beer was aiming to avoid this. The Sub-Committee noted the Premises location and requested further information on why it was felt this application would not add to cumulative impact in the area? Mr O'Maoileoin highlighted the high degree of security and supervision in place for customers using the Premises. Extensive

	<p>CCTV coverage, a list held at reception of all potential guests attending events and a large degree of staff supervision would all contribute to ensuring the application did not add to cumulative impact in the area.</p> <p>The Sub-Committee expressed concern that there seemed to be a lack of clarity with regard to the extent and type of events to be held at the Premises along with the capacity of the venue. Mr O'Maoileoin recognised the difficulties over capacity and was of the opinion that it would be no more than 180 persons. Further clarity over the number of events to be held could not be provided, however this would be limited as the Premises was primarily operating as an office space. The events held would be of a corporate nature and would be hosted in partnership with companies that worked, or had links with, The Crown Estate. Concerns over customers smoking were raised by the Sub-Committee and Mr O'Maoileoin confirmed that the terrace area could be used by customers up to 21:00 hours. After such hour they would have to smoke on the street and would be prohibited from taking drinks or glass containers with them.</p> <p>The Sub-Committee carefully considered the application but was of the opinion that it was difficult to make an informed decision on the application due to the lack of clarity in respect of several important elements of the application. It was currently unknown the number of events it was expected to be held each year, the type of events to be held, the capacity of the Premises and what type of affiliated companies would be utilising the Premises all key information the Sub-Committee required in determining the matter. The Applicant was not present before the Sub-Committee to provide the necessary further information required and to answer these specific questions. The Sub-Committee was therefore of the view that it could not determine the matter properly without this essential information from the Applicant and to be able to reach an appropriate and proportionate decision. In the absence of this information the Sub-Committee therefore agreed to adjourn the application to a future Sub-Committee meeting.</p>
2.	<p>Hours Premises are Open to the Public</p> <p>Monday to Sunday: 00:00 to 00:00</p> <p>Note:</p> <p>The general public do not have access to the premises and there will be no external advertising of licensed facilities. Off-sales are restricted to other areas within the building.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was adjourned, the reason for the decision is detailed in section 1.</p>

8 TEMPORARY EVENT NOTICE - 89 WESTBOURNE PARK ROAD, W2

The Temporary Event Notice was withdrawn following agreement between Environmental Health and the Premises user.

The Meeting ended at 1.42 pm

CHAIRMAN: _____ **DATE** _____