

Licensing Sub-Committee Report

Item No:	
Date:	4 th April 2017
Licensing Ref No:	17/00627/LIPN - New Premises Licence
Title of Report:	15 th and 16 th Floor 20 Eastbourne Terrace London W2 6LG
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	19 January 2017		
Applicant:	Citrix Systems UK Ltd		
Premises:	20 Eastbourne Terrace		
Premises address:	15 th & 16 th Floor 20 Eastbourne Terrace London W2 6LG	Ward:	Hyde Park
		Cumulative Impact Area:	None.
Premises description:	<p>The building is purpose built office block and Citrix Systems Ltd occupies the 15th & 16th floor with access to the roof terrace.</p> <p>A number of meeting rooms are located on the 15th & 16th floor which on occasions will have alcohol served during the duration of a meeting. Functions will take place on 16th floor and roof terrace where alcohol will be consumed.</p>		
Premises licence history:	This is an application for a new premises licence therefore no premises licence history exists.		
Applicant submissions:	The roof terrace is accessed and egressed from the stairwell located on the 15th floor. Main entry to the building is located on Eastbourne Terrace with access to the floors by a card entry system. There is a delivery entrance located at the rear of the building. Alcohol will be consumed on all 3 levels.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00		
End:	00:00	00:00	00:00	00:00	00:00		
Seasonal variations/ Non-standard timings:		None applied for.					

Sale by retail of alcohol	On or off sales or both:	On Sales
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Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00		
End:	00:00	00:00	00:00	00:00	00:00		
Seasonal variations/ Non-standard timings:	None applied for .						
Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00		
End:	00:00	00:00	00:00	00:00	00:00		
Seasonal variations/ Non-standard timings:	None applied for.						
Adult Entertainment:	Not applicable.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Ayesha Bolton
Received:	6 th March 2017
<p>The applicant has submitted floor plans of the premises. This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To permit Supply of Alcohol 'On' the premises Monday to Friday 12.00 to 00.00 hours. 2. To permit Late Night Refreshment both Indoors and Outdoors from the premises Monday to Friday 23.00 to 00.00 hours. <p>I wish to make the following representation.</p> <ol style="list-style-type: none"> 1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area. 2. The provision and hours requested for the Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area. <p>The granting of the application as presented would have the likely effect of causing an</p>	

increase in Public Nuisance and impact on Public Safety within the area.

A site visit will be arranged to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

Following the agreement of conditions (see appendix 4) Environmental Health have withdrawn there representation.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	15 th February 2017

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

If you could agree to the following conditions, I will withdraw my representation:

- 1) *A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
- 2) *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.*
- 3) *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.*
- 4) *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) any complaints received concerning crime and disorder*

- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

Following the agreement of conditions (see appendix 4 & the above) the MET Police have withdrawn there representation.

2-B Other Persons	
Name:	South East Bayswater Residents' Association (SEBRA)
Address and/or Residents Association:	John Zamit 2, Claremont Court Queensway LONDON W2 5Hx
Received:	6 th March 2017
<p>The presentation is made on the grounds of 'prevention of public nuisance'. There is insufficient detail in the application for me to make a proper assessment as to whether we would maintain an objection subject to certain modifications to the application, particularly in terms of the conditions proposed. Meanwhile, we have the following points to make.</p> <ol style="list-style-type: none"> 1. I had trouble locating the statutory blue notice advertising the application when I walked past the premises. Eventually I ascertained where the blue notice was - not exactly 'prominently' displayed. 2. The hours proposed for sale of alcohol are beyond the 'core hours' set out in the City Council's Statement of Licensing Policy. The application does not seem to set out any justification for this. 3. I note that it is the intention to serve alcohol in meeting rooms during meetings - does this really require a premises licence until midnight? 4. I note that it is also the intention for alcohol to be consumed at functions on the 16th floor terrace. There is no detail about the nature, size or frequency of the functions, each of which has the potential to impact on the licensing objectives. 5. Notwithstanding our reservations expressed in (3) and (4) above, the application does not in any event propose any conditions limiting the provision of licensable activities in this way, or at all. 6. For instance, there is no condition proposed as below: 'The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.' 7. We would expect, given what is said in the application, for a condition to be added that provision of licensable activities will be limited to, for example, employees of the company. 	

8. The premises is an office block. Could the applicant explain what security procedures are in place to a) limit and control access and egress by members of the public to the building as a whole; and b) limit and control access and egress by members of the public to the 15th and 16th floors?

9. Will there be additional measures during functions, e.g. provision of SIA door supervisors to assist with controlling access, egress and dispersal?

I look forward to receiving the hearing date, although I believe that the application is capable of being agreed and we may be able to withdraw our representation subject to satisfactory clarifications and answers from the applicant to these points.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751

	Email: hlawrance@westminster.gov.uk
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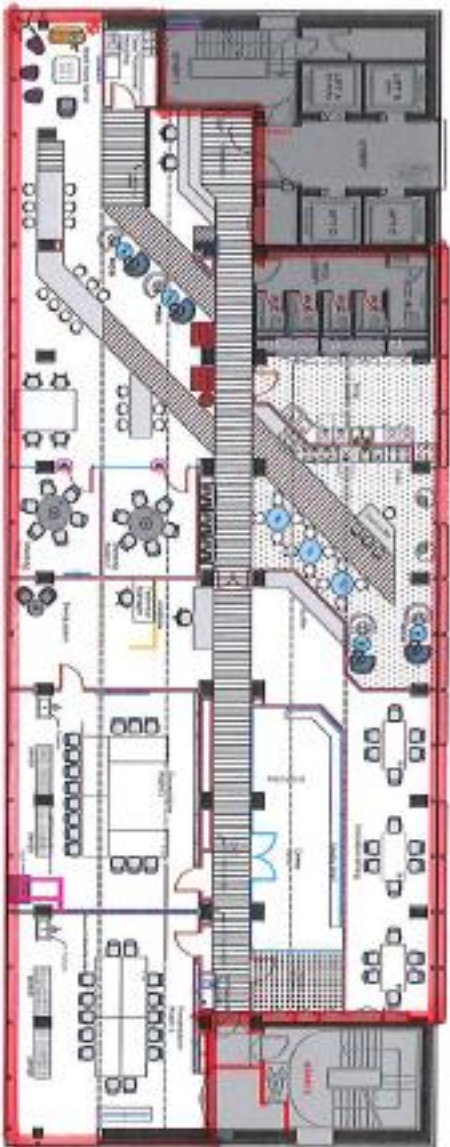
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	19 th January 2017
5	Representation – Environmental Health	6 th March 2017
6	Representation – MET Police	15 th February 2017

Premises Plans

Appendix 1



GENERAL NOTES

The drawings to the left are the property of
 of Chicago, Illinois, U.S.A. and are not to be
 used for any other project without the
 written consent of the architect. The
 drawings are the property of the architect
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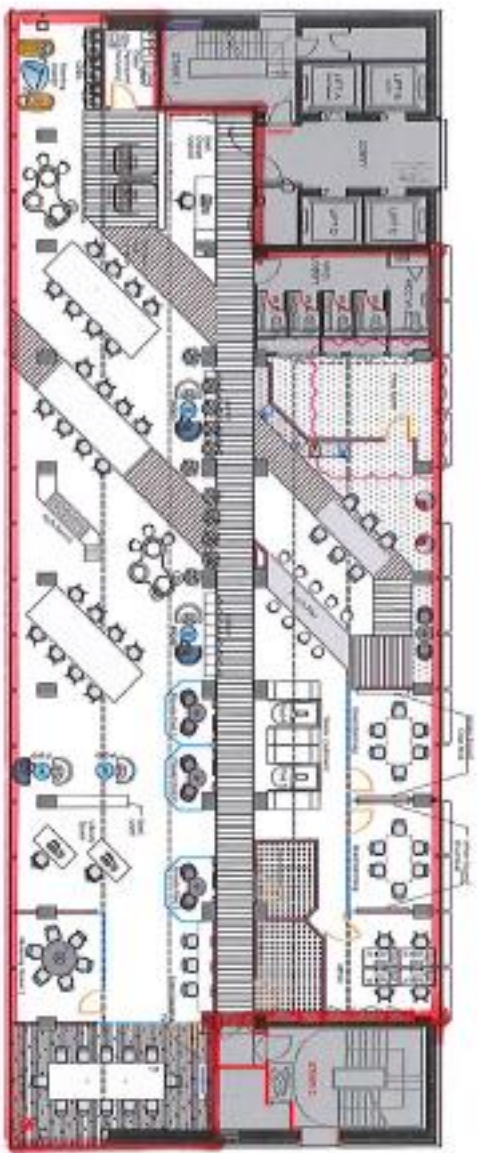
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02	FOUNDATION	FOUNDATION
03	CONCRETE	CONCRETE
04	STEEL	STEEL
05	MECHANICAL	MECHANICAL
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07	PLUMBING	PLUMBING
08	PAINT	PAINT
09	FINISHES	FINISHES
10	MECHANICAL	MECHANICAL
11	ELECTRICAL	ELECTRICAL
12	PLUMBING	PLUMBING

CONSTRUCTION



CITRIX
 20 EAST CHICAGO AVENUE
 CHICAGO, ILLINOIS 60604
 TEL: 312.231.1500
 WWW.CITRIX.COM

DESIGN STUDIO
 20 EAST CHICAGO AVENUE
 CHICAGO, ILLINOIS 60604
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NO.	REVISION/DATE	BY

CONSTRUCTION

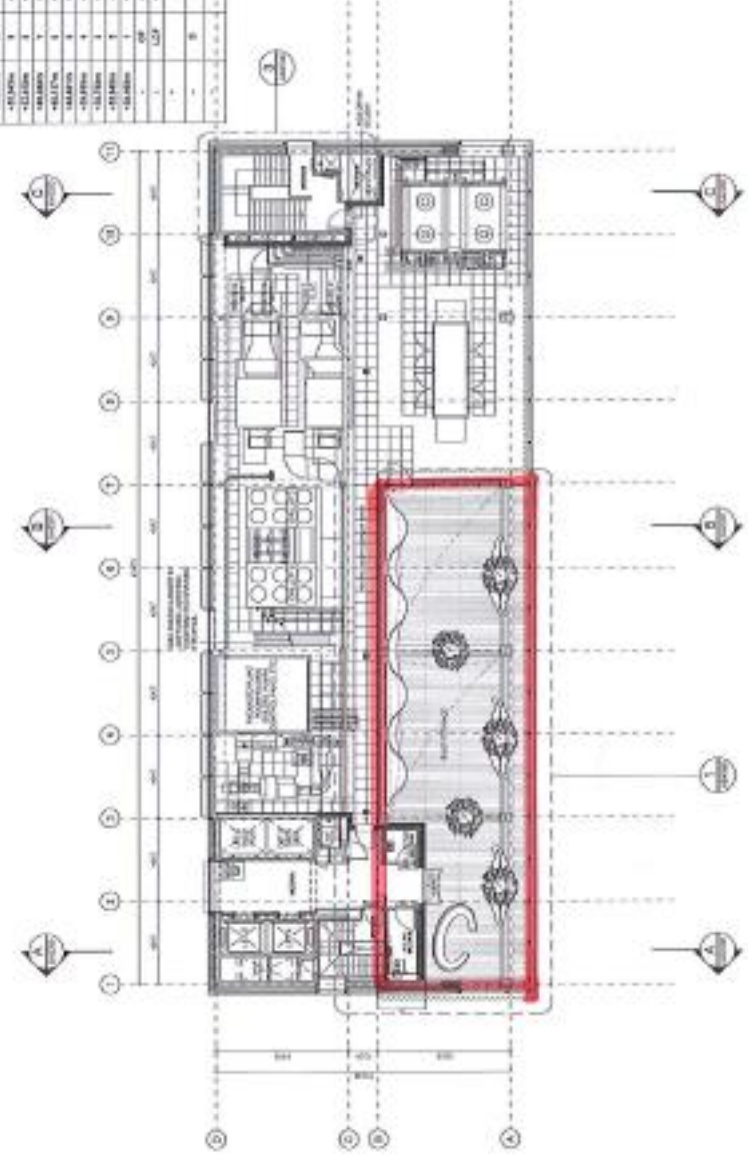
mf Design Studio
 11th Floor, 110, Collyer Quay
 Singapore 049315

CTEPA
 80 EASTBOURNE TERRACE
 SINGAPORE

GENERAL ARRANGEMENT PLAN
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LAND SECURITIES
 EASTCOURT TERRACE
 BUILDING 20

GENERAL ARRANGEMENT
 PROPOSED
 ROOF PLAN - TERRACE

A 1101 GA 2087 G
 THROUGH USE ONLY
 2018/11/15

LANDSCAPE ARCHITECTS
 HENNING & HENNING
 1101 GA 2087 G
 ATLANTA, GA 30309
 404.525.1100

Applicant Supporting Documents

None Submitted.

Premises History

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

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

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.

Conditions consistent with the operating schedule

9. Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:
 - a) no selling or serving of alcohol to underage people
 - b) no drunk and disorderly behaviour on the premises area
 - c) no violent and anti-social behaviour
 - d) no harm to children
10. Training for staff on the Licensing Act (Training Record), to make or authorize each sale.
11. CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.
12. The premises will not sell of alcohol to drunk or intoxicated customers.
13. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
14. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol.
15. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

Conditions proposed by the Environmental Health and agreed by Applicant

16. The supply of alcohol shall only be to members of the Citrix System Ltd companies or employees of member companies or their bona fide guests.
17. 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.
18. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.
19. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
20. 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
21. Loudspeakers shall not be located in the roof terrace area of the building.

Conditions proposed by the Police and agreed by Applicant

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

23. 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.
24. 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.
25. 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

Residential Map and List of Premises in the Vicinity

