

Licensing Sub-Committee Report

Item No:	
Date:	17 th August 2017
Licensing Ref No:	17/06464/LIPN - New Premises Licence
Title of Report:	1 St James's Market London SW1Y 4AH
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 June 2017		
Applicant:	The Crown Estate		
Premises:	1 St James's Market London SW1Y 4AH		
Premises address:	1 St James's Market London SW1Y 4AH	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	According to the application the proposed licensed area is to be located on the 7th floor of the premises to cover office catering, staff canteen and corporate hospitality facilities.		
Premises licence history:	The premises does not benefit from a premises licence, therefore does not have a current premises history.		
Applicant submissions:	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.		
Plans:	Copies of the premises plans are available on request and for display at the hearing.		

1-B Proposed licensable activities and hours				On or off sales or both:			Both
Sale by retail of alcohol							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:							

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
NOTE:		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.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	6 July 2017
Received:	Maxwell Kodusah
<p>I refer to the application for a new Premises Licence which is located in the West End Cumulative Impact area</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Supply of Alcohol for consumption "On & off" the premises 10:00 to 23:00 hours Monday to Saturday and 12:00 to 22:30 hours on Sunday <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 and impact on Public Safety within the West End Cumulative Impact area <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area</p> <p>The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health</p>	
Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	10 th July 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises –</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance 	

- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The applicant seeks to allow an office space to be used as an event space in cumulative impact area. whilst we accept conditions have been proffered, we do not believe they address our concerns, specifically in relation to PBS2 of the Westminster Statement of Licensing Policy. It is currently the policy to refuse new applications for bars and pubs in the cumulative impact area.

Whilst we accept the hours proffered are within core hours, we are concerned, that with an as yet unspecified capacity, when these patrons leave, they will continue their night in the cumulative impact area. We would propose that the applicants seeks to limit the number of 'Persons attending by prior invitation to a private or organised function' to a set figure, rather than unlimited.

We are pleased to see that external promoters won't be used, however, the licence holder themselves would be free to promote any events they wished, should the licence be granted.

Please accept this as a formal representation, in short we believe this application does not comply with the policy for the reasons set out above. We welcome any further submissions for us to consider that may allow us to withdraw our objection.

3. Policy & Guidance

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

Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the</p>
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	Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
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4. Appendices

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

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	12 th June 2017
5	The Environmental Health Service	6 July 2017
6	The Licensing Authority	10 th July 2017

Thomas & Thomas
Partners LLP**Application for Premises Licence****1 St James's Market, London SW1Y 4AH****APPLICATION SUMMARY****Proposed Hours**

Sale of Alcohol (on and off)	Monday – Saturday: 10:00 – 23:00 Sunday: 12:00 – 22:30
Opening Hours	Monday – Sunday: 00:00 – 24:00

Proposed Conditions

1. The licence shall remain ancillary to the use of the premises as corporate offices.
2. Alcohol shall not be sold or supplied otherwise than to
 - a) Directors, partners, officers and employees of the Licensee (and subsidiaries and affiliated companies thereof) and their bona fide guests
 - b) Persons attending by prior invitation to a private or organised function in the premises a list of whom is to be kept at reception and made available for inspection by the relevant authorities immediately upon request.
3. There shall be no events involving licensable activities organised by an external promotor at the premises.
4. No draught beers shall be sold.
5. Non-alcoholic drinks including drinking water shall be available at all times when alcohol is sold or supplied.
6. There shall be no sales of alcohol for consumption off the premises, with the exception of alcohol sold for consumption in other non-licensed areas of the building.
7. 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.
8. When the premises licence is in use, notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. When this premises licence is in use, the number of persons permitted in the premises at any one time (excluding staff) shall not exceed [TBC] persons or such lesser number imposed on the safety certificate or by other statutory regulations.
10. No advertising of the licensed premises outside of the premises.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.

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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. The licence shall remain ancillary to the use of the premises as corporate offices.
10. Alcohol shall not be sold or supplied otherwise than to
 - a. Directors, partners, officers and employees of the Licensee (and subsidiaries and affiliated companies thereof) and their bona fide guests
 - b. Persons attending by prior invitation to a private or organised function in the premises a list of whom is to be kept at reception and made available for inspection by the relevant authorities immediately upon request.
11. There shall be no events involving licensable activities organised by an external promoter at the premises.
12. No draught beers shall be sold.
13. Non-alcoholic drinks including drinking water shall be available at all times when alcohol is sold or supplied.
14. There shall be no sales of alcohol for consumption off the premises, with the exception of alcohol sold for consumption in other non-licensed areas of the building.
15. 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.
16. When the premises licence is in use, notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. When this premises licence is in use, the number of persons permitted in the premises at any one time (excluding staff) shall not exceed [TBC] persons or such lesser number imposed on the safety certificate or by other statutory regulations.
18. No advertising of the licensed premises outside of the premises.
19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.

Proposed Environmental Health conditions additional to those contained within the operating schedule

1. There shall be no bar area at any time at the premises
2. The external doors to the 7th Floor terraces shall be kept closed after 21:00 hours except for the immediate access and egress of persons
3. 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
4. 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.
5. 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.
6. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
7. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

1 St James's Market



August 4, 2017