

Licensing Sub-Committee Report

Item No:	
Date:	25 January 2018
Licensing Ref No:	17/13294/LIPN - New Premises Licence
Title of Report:	<p>7-8 Eccleston Yard Westminster London SW1W 9AZ</p> <p>Situated within:</p> <p>Development Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury Street And 2 Elizabeth Street London</p>
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	14 November 2017		
Applicant:	Curious Restaurants Limited		
Premises address:	7-8 Eccleston Yard Westminster London SW1W 9AZ	Ward:	Warwick
		Cumulative Impact Area:	None
Premises description:	According to the application, the premises intends to operate as a restaurant called the Jones Family Kitchen. The restaurant is situated on the ground floor on a private courtyard. There is no access from the street. The applicant states that there will be approximately 80 covers internally along with a small outside seating area that will accommodate a further 24 seats.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	If this new premises licence is granted, the applicant has requested the premises licence to start on 1 March 2018.		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	00:00	00:00	00:00	
Seasonal variations/ Non-standard timings:			None				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	20:30
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	11:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		The premises will be closed on Christmas Day, Boxing Day and New Years Day.					
Adult Entertainment:		None					

2. Representations

Received:	11 December 2017
<p>My apartment is located above the Ecclestone Place entrance to "Ecclestone Yards".</p> <p>I am concerned about the noise which will result if this application were to be granted in its present form without appropriate conditions.</p> <p>For over a year now the enjoyment of my home has suffered as a result of the traffic (both vehicular and pedestrian) generated by the building works. This has given me a good indication of what is likely to follow and I expect the situation to worsen by the operation of licensed premises which will be using the Ecclestone Place entrance from 07:00 in the morning for deliveries, especially as under the section "Prevention of Public Nuisance" it is stated that deliveries will take place before 10am. This will impose significant nuisance on the immediate neighbours.</p> <p>Similarly with the premises being open to the public till 23:30 and 00:00, Monday to Wednesday and Thursday to Saturday respectively, I am concerned that the traffic of people entering and especially leaving the premises so late will significantly and adversely impact the quiet enjoyment of Flat 15.</p> <p>I have a similar concern about patrons sitting outside in the yard late. I would like to see restrictions on early morning deliveries; restrictions on late closing and restrictions on use of the open spaces for eating, drinking, smoking and using mobile telephones near the residential apartments and near or outside the archway and gate at Ecclestone Place.</p> <p>The applicant should provide for double glazing to be installed at the windows of the residential apartments facing the yard, as a way of mitigating the nuisance. Similarly gates which are not as noisy to operate as the current ones should be considered.</p> <p>The application states that "there is no access from the street"; this is a disingenuous representation as it fails to account for the fact that patrons will have to enter the courtyard from the street. The applicant should be responsible for the patrons entering and leaving the yard.</p>	

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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. 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 Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	April 2017
4	Representation resident	11 December 2017

**Operating Statement for the Jones Family Kitchen,
Eccleston Yard, London SW1****Introduction:**

The Jones Family Kitchen is an all day restaurant run by Curious Restaurants Limited, a small family owned and operated business. It specialises in the highest quality ingredients, and notably sources all its meat from The Ginger Pig Farm and Butchery in Levisham, North Yorkshire. The owners and directors of the business have more than 25 years experience in the restaurant trade.

General Operation:

The restaurant opens for breakfast at 9am and then goes through to lunch service and dinner. There will be approximately 80 covers internally along with a small outside seating area (mainly for use in the summer) that will accommodate a further 24 seats.

Food:

All our ingredients are delivered fresh on an almost daily basis. All food preparation takes place on the premises and is mainly finished in our charcoal oven. The business is known for its simple yet very high quality meat dishes. We have established a relationship with our farmer and butcher over the past four years and have formed a partnership with them as the only restaurant in London serving their main meat products. We also work hand in hand with them at shows and events such as the BBC Good Food show. Relationships with our suppliers are at the heart of our business and most suppliers have been known to the directors of the business for over 20 years.

Waste Management:

The site is equipped with an internal refuse store that is accessed directly from the unit. Recycling facilities are available and as the business is a member of The Sustainable Restaurant Association, we aim to recycle as much as possible and reduce landfill waste to an absolute minimum.

Extract systems:

The unit has an installed kitchen extract system that terminates at high level. A fan motor that emits only low levels of noise will be located within the building. Specification for a kitchen extract fan, Daikin model number AM45E/S, has already been agreed. The rooftop plant rooms are already constricted in accordance with the requirements of the relevant planning permission and have been approved by Westminster Environmental Health Authority.

Air conditioning and air movement.

The unit has provision for 2 roof mounted condensers of a specification already agreed with the freeholder, The Grosvenor Estate.

Local air movement will be carried out by means of small louvres already installed in the shopfront. An air handling unit to power supply and extract will be located within the unit

Access for maintenance.

All mechanical and electrical equipment will be located with easy access for maintenance and repair. With the exception of the condenser units for the air conditioning system, all equipment is located within the demise of the unit and thus access is easily arranged. The kitchen extract duct has easily accessible access hatches (to enable cleaning) installed every 3 metres.

Except in the case of emergencies all maintenance is carried out when the unit is closed to the public.

Fire safety

The shopfit will meet or exceed all current fire regulations. Fire exits are provided on both sides of the unit that face external areas and there are no excessive travel distances in order to gain access to them. Fire safety equipment is provided inside the unit including an Ansul fire suppression system in the kitchen to prevent any possible fire entering a kitchen extract duct. Fire marshal training is an intrinsic part of the induction process for managers and staff and regular fire equipment testing and drills are carried out. Annual maintenance contracts will be in place for all fire prevention equipment.

The fire alarm system is connected to the main landlord operated system that is monitored on a 24/7 basis.

General Operation

Hours of operation will be as follows:

Monday to Wednesday	9am to 11.30pm
Thursday to Saturday	9am to Midnight
Sundays	11.30am to 10.30pm

We anticipate being closed from Christmas Eve until 4th January each year.

During opening hours access will be from Eccleston Yard. A host greeting position will be situated directly within the front door and all guests will be greeted by a host and seated. The main restaurant area will to the North and West sides of the entrance and will hold approximately 80 covers. The area to the east of the entrance will include the bar and the disabled toilet. Seats in this area will be available for casual dining or

simply for coffee and drinks during the day. The bar itself is available for high level dining. The bar dispenses drinks to floor staff for the whole area and is predominantly a cocktail and wine bar.

The external seating area will close at 11pm each night to comply with the planning consent granted for its use. All customers will leave the building via the North exit, rather than the exit onto the courtyard. Final exit from the courtyard is by the means of the Eccleston Place exit.

End of day procedures

Signage will be posted to inform customers how to leave the area. Late at night only the Eccleston Place entrance will be open and all guests will have to leave through that exit.

We realise that most customers now use Uber or other apps to organise taxis but the hosts will have accounts with a minimum of 2 other minicab companies to ensure that we can always obtain taxis for guests. We also use these companies for staff taxis where necessary.

Suppliers and deliveries

We have a very small list of designated suppliers. All our meat arrives every other day, and fresh fish daily. Wines and spirits arrive once per week. All our suppliers will be informed of delivery information and where necessary goods can be wheeled in by hand. All suppliers use small scale vehicles only.

Sustainability

The company is a member of the Sustainable Restaurant Association. Once the site is open for a trade they will be invited in to conduct an audit of the operation and give recommendations where appropriate. Their comments on the proposed plans have already been actioned and adopted.

We will work with Grosvenor, where appropriate, to see where we can facilitate any waste consolidation measures for the site.

Curious Restaurants Limited
34 Rockley Road
London
W14 0BT

Daisy Gadd
Senior Licencing Officer
Public Protection and Licencing Department
Portland House
London
SW1E 5RS

17th January 2018

Dear Ms Gadd,

Applicant: Curious Restaurants Limited
Application: Premises Licence - New, Licensing Act 2003
Location: Development Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury
Street And 2, Elizabeth Street, London

I have been made aware that Westminster Council has received a representation from a local resident regarding the premises licence application referred to above.

I thought it would be helpful to address the points raised by [REDACTED] in his representation of 11th December 2017. I have also written to him to see if he would like to meet to discuss any of these points.

Before going into any detail, it is worth I think explaining the situation of the unit in question as it is a little different from the norm.

The unit is located in a privately owned courtyard situated between Eccleston Place and Ebury Street.

There are two entrances to the site, known now as Eccleston Yards. One is on Eccleston Place and the other is located on Ebury Street.

A plan of the development is shown on the next page along with some photographs of the entrances.

Plan of the entire development located between Eccleston Place and Ebury Street.



Entrances to the development from Eccleston Place (left) and Ebury Street (right).



Entrance through these points allows access to the retail, gymnasium and office uses in the development. These gates are locked from 11.30pm or midnight on each day of the week and then re-opened at 7.00am. The 24-hour security presence carries out this function. The courtyard itself is constantly monitored by both CCTV and a security personnel presence.

The occupiers of the yard are a restaurant, some small independent retailers and offices in addition to a gym.

The premises subject to this application are situated on the Eastern side of the courtyard, underneath some offices and adjacent to some small retail units.

View of the proposed restaurant from the courtyard:



Our comments on the points raised by the representation are as follows:

Deliveries:

It seems sensible to restrict deliveries to a certain time window and in consultation with the Freeholder, The Grosvenor Estate, and Westminster Council during the planning application process, it was agreed that this should be limited to 7.00am to 10.00am on any day. This appears to be a reasonable time frame, and most critically it will not be possible for deliveries to take place before this time as the entrances to the development will be locked and thus no access can be physically possible.

During the permitted delivery times, access is only available to smaller vehicles as the entrance is space limited.

We have very limited deliveries on Saturdays and none on Sundays.

Access to the premises

The hours that have been applied for are generally the core hours for Westminster but with an additional 30 minutes on Thursday evenings. The premises are not located within a stress area. Last service from our kitchen will be at 9.30pm or 10.00pm, so the number of people entering after that time will be minimal. All members of the public have to leave within 15 minutes of the terminal hour as the whole development is then closed to the public. Security guards will obviously be on site to lock the gates and thus are also available to ensure that any customers leave the area as quickly and quietly as possible.

External area

The outside terrace, which is on the public square itself and is round the corner from the Eccleston Place entranceway, is only available for use until 11.00pm at the latest. This is stipulated in the planning application and has also agreed in the conditions that have been suggested and agreed by the Environmental Health Consultation Team.

In consultation with the Environmental Health Consultation Team, and the Police Authority, a designated smoking zone for the courtyard has been provided and is shown in the attached plan. This is located at the furthest point possible from any of the residential occupiers of the development and thus noise from people talking or smoke from cigarettes should not have any impact on residential amenity.

A condition has also been agreed that any customers leaving the premises to use the smoking area are not permitted to take any drinks or glass containers with them.

The smoking area is indicated below.



Gates

As far as we are aware the gates do not make any noise as they are simply manual metal gates on hinges. We have mentioned the point to the freeholder, The Grosvenor Estate. We think this might just require a simple instruction to security personnel to ensure that the bolt that secures the gate into the floor is fully retracted before the gates are opened, ensuring it does not drag on the floor.

Conclusion

We hope that these clarifications help address the issues raised in the representation. It is worth adding that we did hold an open day in the unit itself on 29th November for local residents and anyone else interested in seeing the development. This was an extremely well attended event with over 100 local residents attending and commenting on both our plans and Grosvenor's plans for Eccleston Yards as a whole. Feedback at the event was overwhelmingly positive, particularly from the two residents associations in the area.

The owners of the business are experienced restaurant operators with over 25 years in the business. Our existing restaurant is in Shoreditch, in the heart of the Hackney Stress area. We have traded there for 4 1/2 years without any problems or incidents and look forward to doing the same in this unique location in Westminster.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Duncan Watts
Director
Curious Restaurants Limited

Premises History

Appendix 2

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.

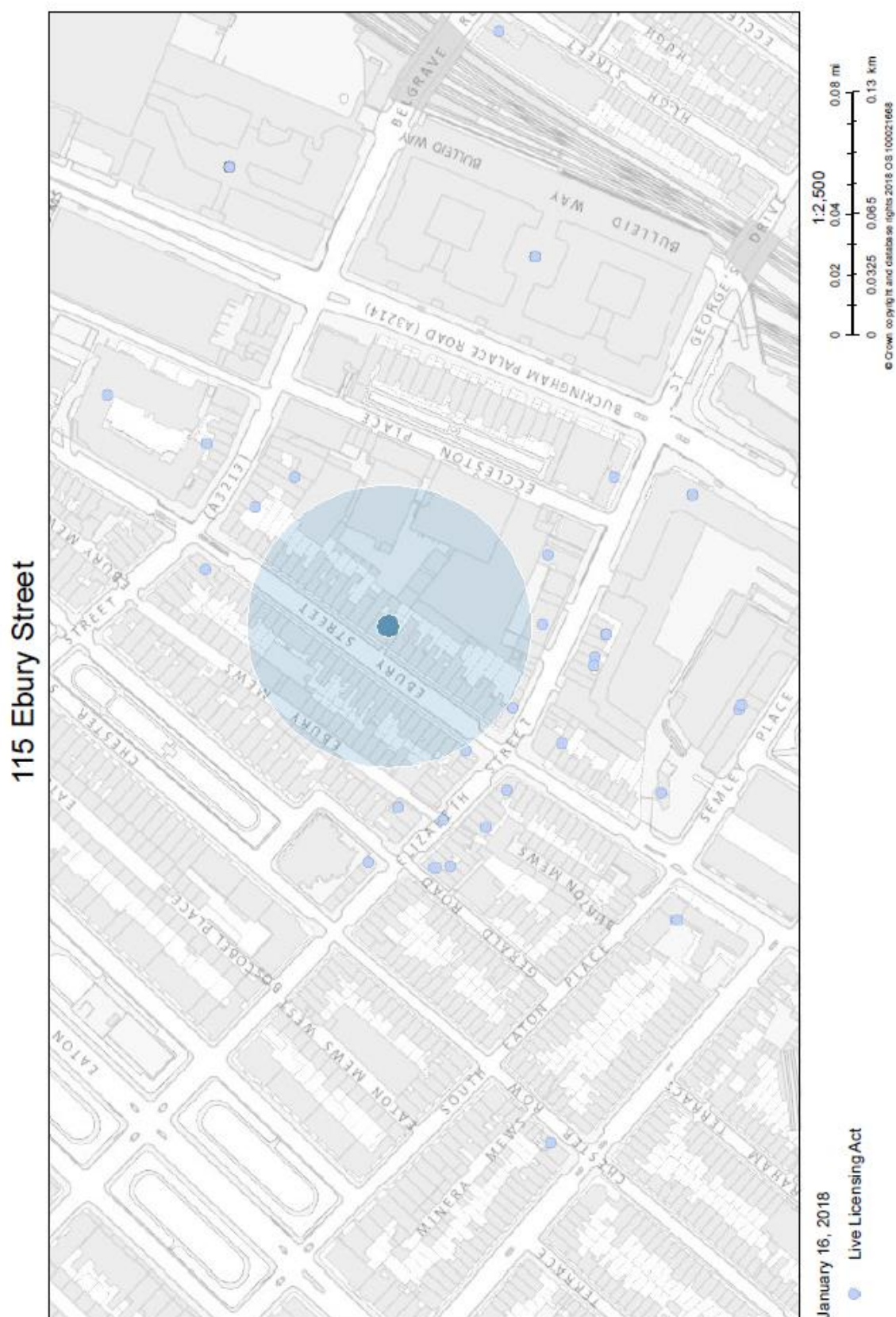
Conditions consistent with the operating schedule

None

Conditions proposed by Environmental Health and agreed with the applicant so as to be incorporated within the operating schedule

9. There shall be no sales of alcohol for consumption off the premises after 23:00.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only.
11. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
12. 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.
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. All outside tables and chairs shall be rendered unusable by 23:00 each day.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. A Challenge 21 or Challenge 25 proof of age scheme shall operate at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
18. 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.
19. 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
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
21. 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.
22. No licensable activities shall take place at the premises until the premises has 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.



Resident count = 128