



City of Westminster

Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Wednesday 15th July, 2015**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Nickie Aiken (Chairman)	Murad Gassanly
Heather Acton	Angela Harvey
Rita Begum	Louise Hyams
Susie Burbridge	Tim Mitchell
Melvyn Caplan	Jan Prendergast
Nick Evans	Shamim Talukder
Jean Paul Floru	Aziz Toki
Peter Freeman	

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the Membership.

2. DECLARATIONS OF INTEREST

To receive any declarations by Members and Officers of any personal or prejudicial interests in Matters on this agenda.

3. MINUTES

To approve the minutes of the meeting held on 11 March 2015.

(Pages 1 - 8)

4. ESTABLISHMENT OF A POOL OF MODEL CONDITIONS FOR GAMBLING PREMISES

Report of the Director of Public Protection & Licensing.

(Pages 9 - 46)

5. REVIEW OF LICENSING ACT 2003 NEW AND VARIATION APPLICATION LICENSING SUB-COMMITTEE REPORT FORMAT

Report of Director of Public Protection and Licensing

(Pages 47 - 80)

6. LICENSING APPEALS

Report – to follow

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

8. FUTURE LICENSING COMMITTEE MEETING DATES

18 November 2015 and 9 March 2016

**Charlie Parker
Chief Executive
10 July 2015**



City of Westminster

Minutes

Meeting:

Licensing Committee

Time and date of meeting:

10:00 hours on Wednesday 11 March 2015 at City Hall, 64 Victoria Street, London, SW1E 6QP

Attendees:

Councillors:

- Tim Mitchell (Chairman)**
- Nickie Aiken**
- Susie Burbridge**
- Melvyn Caplan**
- Nicholas Evans**
- Peter Freeman**
- Angela Harvey**
- Louise Hyams**
- Patricia McAllister**
- Shamim Talukder**
- Aziz Toki**

Apologies:

Councillors Heather Acton, Rita Begum, Jean-Paul Floru and Jan Prendergast.

Contact:

**Jonathan Deacon
Senior Committee and Governance Officer**

Details:

**Tel: 020 7641 2783
Email: jdeacon@westminster.gov.uk**

1. DECLARATIONS OF INTEREST

1.1 There were no declarations of interest.

2. MINUTES

2.1 The minutes of the Licensing Committee meeting held on 19 November 2014 were agreed as a correct record and were signed by the Chairman.

3. REVIEW OF LICENSING SUB-COMMITTEE REPORTS, FREQUENCY OF MEETINGS AND HEARING PROCESSES

3.1 Clare Hayes, Acting Assistant Service Manager, introduced the report. With the introduction of the new Public Protection and Licensing operating model from 1 April as part of the Council's drive for significant transformation to achieve its goals for reducing its expenditure, there is a focus on removing inefficiencies within its processes. She stated that this influenced the approach to licensing applications from beginning to end, not just those applications which ultimately were considered at Licensing Sub-Committee meetings. It was proposed that revisions to Sub-Committee reports, the way applications are listed, frequency of hearings and a cap on finishing times for the meetings were trialled during the first quarter of the 2015/16 financial year. The feedback gained from Members, residents, applicants and representatives would be put before the Licensing Committee at the July 2015 meeting.

3.2 Councillor Caplan commented that he would not support a reduction in the frequency of meetings at this stage. In practical terms it was better to keep the meetings in Members' diaries and cancel a meeting should there be a lack of items in a given week rather than look to cancel a meeting a month initially only to find that an additional meeting might be needed at a later stage with Members contacted at short notice. The scheduling of applications on a weekly basis worked well currently and there were no complaints about this from Members of the Committee. He had no problems with an informal aim to finish meetings at 4.30pm but this should be at the discretion of the Sub-Committee. He was content with trialling proposals to change the way applications are listed for Sub-Committee hearings and to revise Sub-Committee reports.

3.3 Ms Hayes explained in response to Councillor Caplan's point and also a question from Councillor McAllister that it was possible for applications to be listed in a smarter fashion. Senior Licensing Officers would be responsible for preparing reports at an earlier stage and would make a judgement based on policy whether an application was likely to require a Licensing Sub-Committee hearing. Applications would be listed earlier than the statutory deadline. Discussions were likely to take place with those who had submitted representations at an earlier stage. There would be an increased potential for applications to be resolved prior to meetings and therefore a greater potential for meetings not to be required. Meetings would not be cancelled only to be reinstated at a later stage.

- 3.4 It was felt by Members that whilst 4.30pm could be seen as an informal guideline in terms of being a latest time for Sub-Committee meetings to be concluded, of particular importance was how the meetings were managed. Members were able to inform the parties at the meetings that they had read the papers and would expect oral representations to be to the point. Councillor Aiken referred to the fact that she stipulated that meetings that she chaired needed to be completed by 3pm in order that she was able to collect her children from school. It was possible to manage hearings, including cases such as the Madame Jo Jo's interim steps hearing, in such a way that parties would agree to be relatively succinct and keep to a time limit providing they were given an equal period of time to make their points.
- 3.5 Peter Large, Head of Legal and Democratic Services, confirmed that the Licensing Act Hearings Regulations encouraged the setting of time limits provided that equal time was given to applicants and objectors. The courts also permitted time constraints for the parties involved. The Council's Rules of Procedure reflected that Chairmen were able to explain how the proceedings would be conducted and any time limits that would apply to the parties to the application. Barry Panto, Senior Assistant Solicitor, added that in his experience of Sub-Committee meetings most of the applicants and their legal representatives wanted to progress their applications and be relatively succinct. It was those exceptions which needed to be managed carefully. Richard Brown addressing the Sub-Committee on residents' behalf often lessened the length of a hearing in comparison to when residents did not have a representative present. It was rare for meetings to continue past 3pm and there were less instances of late meetings than there had been in the past. There were of course some cases that were more complex which required more time. He made the point that if one meeting in a month was cancelled the average number of four applications per week would be increased and would potentially lead to a significant workload at the following meeting. He expressed the view that the themes of the review should be applauded but the key was smart management of the applications rather than a pre-programmed reduction in the Sub-Committee meetings.
- 3.6 Councillor Harvey referred to the fact that Chairmen of the Planning Applications Committee read out a statement at each meeting which reflected that they had read the papers. It was agreed that it would be useful to provide a chairman's note for meetings. The Chairman referred to the proposal in the report to review the reports and use technology available at the hearings as a driver to reduce paper documents. These would include maps and photographs on the screens at the meetings and the provision of plans in a larger format. The Chairman and Councillor Evans recommended that for larger versions of CRIS and CAD reports which often were several hundred pages, one paper copy be made available at the Callover meeting in addition to being e-mailed to the Sub-Committee. Councillor Aiken stated there was a benefit to summarising the content of letters in the report if there were a number which were very similar in nature. It was noted that officers had the software to be able to summarise this information.

3.7 The Committee agreed to trial the new reports format which would be assessed at the next Licensing Committee in July. Members were also content for officers to introduce a change to the way applications are listed for Sub-Committee hearings. Members were not of the view that the current frequency of hearings, held on a weekly basis each Thursday, should be reduced. In the event that the new scheduling of applications system introduced by the Licensing Service lead to there being a lack of applications in a given week then there was the potential for that meeting to be cancelled. The suggested cap of 4.30pm for Sub-Committee hearings and a set 30 minute lunch period would be used as an informal guideline. Members were content for officers to develop guidance and a rules document for the Sub-Committee process and that a final draft be brought before the Licensing Committee in July 2015.

3.8 **RESOLVED:** (i) That the trialling of revisions to the proposed Licensing Sub-Committee reports be approved;

(ii) That the trialling of a change to the way applications are listed for Sub-Committee hearings be approved;

(iii) That the results from the approved trials along with feedback and recommendations whether to adopt these new approaches as part of the Licensing Sub-Committee process be put before the Licensing Committee in July 2015; and,

(iv) That the proposal for officers to develop guidance and a rules document for the Licensing Sub-Committee process be approved and the final draft of that document be brought before the Licensing Committee in July 2015 for approval.

4. GENERAL LICENSING FEES (EXCLUDING SEX ESTABLISHMENTS, MARRIAGE AND SPECIAL TREATMENTS) REVIEW 2015/2016

4.1 The Committee received a report which set out the methodology, costs, budgets and proposed fees for general licensing regimes in 2015/16. These included gambling premises and scrap metal dealers but did not include sex establishments, marriage and special treatment licensing regimes which it was proposed would be deferred to a later date in 2015. Ms Hayes stated that it would be necessary to review the fees every year. The proposed fees would enable the Council to recover its reasonable costs in processing, determining and ensuring compliance of the licence. The increase in gambling premises and scrap metal dealer fees reflected the increased workload being undertaken this year.

4.2 The Committee asked Ms Hayes a number of questions in respect of the report. The Chairman referred to the fact that the Gambling Commission was proposing some changes this year in respect of applications and some more fundamental ones in 2016. He asked about the impact of these on the Council, particularly the likely requirement for risk assessments in 2016. Ms Hayes replied that the Gambling Regulations set a cap on the amount that

licensing authorities can charge for applications under the Gambling Act. Therefore though there was the potential for the Council to spend more on meeting the changes put forward by the Gambling Commission, there was a limit to what the Council could charge in order to try and recover its reasonable costs. The Council was spending more money already than it could charge for aspects of the gambling regime, such as betting shops, due to the cap. The Chairman made the point that a record should be kept of where spending had exceeded the cap as part of Council lobbying on this issue.

- 4.3 Councillor Aiken asked whether work was being undertaken to encourage online renewals. Ms Hayes replied that purely in terms of the gambling regime, it was not part of the EU Services Directive and it was therefore not possible to apply online for applications at this time. It was intended to provide gambling applications online when possible. Online renewals had worked successfully for special treatments. The Council did not receive many applications for animal licensing and at the moment it was necessary to weigh up the cost benefit of introducing this service online. The ultimate goal was to have all the licensing regime applications online. In response to Councillor Burbidge's question as to why the riding establishments' fees had risen significantly, Ms Hayes informed Members that this related to staff visits which were required to be carried out accompanied by vets. The vets' time was charged to the Council. There had also been an increased number of these applications.
- 4.4 The Committee approved the proposed fees set out in the report and that the fee reviews for sex establishments, marriage and special treatment licensing regimes would be deferred until later in the year. It was agreed as requested by Councillor Caplan that the fees being considered would be assessed on an annual basis and that would also be the case for the licensing regime fees deferred until later in 2015.
- 4.5 **RESOLVED:** (i) That the proposed fees attached to the report as Appendix 1 be approved commencing 1st April 2015;
- (ii) That the fee reviews for Sex Establishments, Marriage and Special Treatment licensing regimes be deferred to a later date in 2015 and the current fees remain in effect until that review; and
- (iii) That the licensing regime fees be assessed on an annual basis.

5. **DEREGULATION – IMPLEMENTATION OF THE ENTERTAINMENT LICENSING LEGISLATIVE REFORM ORDER 2014**

- 5.1 The Committee received a report which provided details of entertainment deregulation which is scheduled to be implemented on 6 April 2015 and would have an impact on the Council's licensing functions. The deregulation included that between 08:00 and 23:00 on any day live music in licensed premises (open for the sale of alcohol for consumption on the premises) or in a workplace with an audience of not more than 500 people was no longer

licensable as was the case for recorded music in licensed premises (with on-sales) with an audience of not more than 500 people. Mr Wroe, Licensing Policy & Strategy Manager, advised that there was further deregulation of the licensing regime referred to in the report which did not as yet have a scheduled date for implementation.

- 5.2 Councillor Harvey asked whether the proposal that local authorities could reject Community and Ancillary Seller Notices ('CANs') in their own cumulative impact policy areas was being taken into account in the Council's policy. The CAN would allow small-scale, "low" risk alcohol sales over 36 months, without the need for a premises licence or Temporary Event Notice ('TEN') providing there is no objection from the Police, environmental health or the local authority. Mr Wroe replied that this was a proposal which was due to be implemented at a later date than 6 April. In the event that it came into force before the updated Statement of Licensing Policy was published, there was the potential for it to be reflected in that document.
- 5.3 The Chairman stated that he had previously responded to the alcohol and entertainment licensing proposals at a consultation stage. He was concerned at the CAN for "community groups" that may regularly hold small "one-off" events at which they wish to sell alcohol. Members agreed that the Police or Environmental Health would need to be vigilant regarding potential private parties or events that might take place after the Notting Hill Carnival had officially ended. The Chairman commented that the Local Government Association was keen to amend TENs legislation to prevent premises drawing up a hypothetical line down the middle of their establishments and applying for a separate licence.
- 5.4 Councillor Burbridge asked what residents or councillors should be advised in the event they had concerns about premises giving notice of proposed events in their areas under the CANs process. Ms Hayes advised that they should contact Environmental Health officers who were able to make representations on temporary event notices.
- 5.5 **RESOLVED:** That the contents of the report be noted.

6. LICENSING APPEALS

- 6.1 The Committee received a report providing information in respect of the appeals that had been submitted in response to decisions taken by the Licensing Sub-Committee. Mr Large, Head of Legal and Democratic Services, advised Members that there were two upcoming appeals. One was ME Hotel at 335 Strand scheduled for June 2015 and the other was 8-10 Hill Street scheduled for October 2015. Since the report for the current meeting had been produced, an appeal had been withdrawn by the licence holder for Friends Supermarket in Lupus Street and the Council was seeking costs. An appeal against the revocation of street trading licences for Pitches 611, 612 and 613 in Church Street Market had also now been withdrawn.

6.2 Mr Large stated that the sex establishment licensing fees case had been heard in the Supreme Court on 13 January 2015. After the hearing the Court had written to all parties inviting further submissions on matters which, they considered, may not have been dealt with fully at the hearing because of shortness of time. Due to submissions from the Council, the interveners and the respondents, judgment is not expected for another two to three months.

6.3 **RESOLVED:** That the contents of the report be noted.

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

7.1 There were no additional items for consideration.

8. FUTURE LICENSING COMMITTEE MEETING DATES

8.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 15 July 2015, Wednesday 18 November 2015 and Wednesday 9 March 2016. All meetings are scheduled for 10.00am.

9. CLOSE OF MEETING

9.1 The meeting ended at 11.05am.

Chairman

Date

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City of Westminster

Executive Summary and Recommendations

	Full Licensing Committee Report
Date:	15 th July 2015
Subject:	Establishment of a pool of model conditions for gambling premises

Summary

This report sets out the proposal to establish a pool of model conditions for gambling premises under the Gambling Act 2005 which will mirror the approach taken for Licensing Act 2003 premises licences

Recommendations

The Committee is recommended to approve the establishment of the of a pool of model conditions for gambling premises which will be updated and amended by the Director of Public Protection & Licensing when necessary.



City of Westminster

Committee report

Date:	16th July 2015
Classification:	For General Release
Title of Report:	Establishment of a pool of model conditions for gambling premises
Report of:	The Director of Public Protection & Licensing
Wards involved:	All
Policy context:	Statement of Licensing Principles for Gambling
Financial summary:	None
Report Author:	Mr Kerry Simpkin, Licensing Team Manager
Contact details	Mr Kerry Simpkin Telephone 020 7641 1840 ksimpkin@westminster.gov.uk

1. Background Information

- 1.1. The Gambling Act 2005 (the Act) requires the Licensing Authority to consider and determine applications for premises licences within its geographical area.
- 1.2 The Act requires the Licensing Authority to aim to permit gambling so far as it is:
 - 1.2.1 in accordance with the Gambling Commissions Codes of Practice
 - 1.2.2 in accordance with the Gambling Commissions Guidance to Licensing Authorities
 - 1.2.3 reasonably consistent with the licensing objectives, and
 - 1.2.4 in accordance with the Council's Statement of Licensing Principles for gambling
- 1.3 To meet the relevant considerations under the Act, applicants can propose conditions as part of their application. Interested parties and responsible authorities will also propose conditions if they feel that conditions would address their concerns.
- 1.4 Each premises licence is subject to mandatory conditions which are prescribed by regulations. These mandatory conditions are specific to the relevant category of premises licence and cannot be removed or amended. In addition to the mandatory conditions there are some categories of premises licences which have default conditions. These conditions restrict the licensable hours for that category of licence. The default conditions can be removed if requested in an application for a new premises licence, a variation of the existing licence or following a review.

2. Detail

- 2.1 Since September 2007 the Licensing Authority has been empowered to permit gambling facilities within Westminster. Since this time the Licensing Authority has imposed a number of conditions on licences to address concerns on the potential impact the operation may have on the licensing objectives. Officers are of the view that there is a need to create a more consistent approach to the wording of conditions. To enable this it is proposed that the Licensing Authority should establish a pool of conditions that operators, interested parties and responsible authorities can use which will achieve this consistent approach.
- 2.2 The Licensing Authority has already established a pool of model conditions for premises licences under the Licensing Act 2003 (2003 Act). The 2003 Act premises licence pool of model conditions has been seen to be an effective way of providing a consistent approach to the wording and imposition of conditions for this licensing regime.
- 2.3 Officers have produced a pool of model conditions for gambling premises which has been drawn up from existing conditions already in place on gambling premises within Westminster, from a list of conditions that the Gambling Commission has pulled together from other local authorities around the Country as best practice and conditions officers have developed themselves to address specific issues that come up from time to time relating to gambling premises.

- 2.4 In order to provide a comprehensive list of conditions for all gambling premises officers have included the mandatory and default conditions along with the pool of model conditions in one document. This document will then form one source of reference for operators, interested parties and responsible authorities. This document is attached at Appendix A to this report.

3. Financial Implications

- 3.1 There will be no financial implications as a result of this report.

4. Legal Implications

- 4.1 There are no perceived legal implications associated with this report. The Licensing Authority has the power to impose conditions on premises licences under section 169 of the Gambling Act 2005. Any conditions proposed must be reasonable and relate to one or more of the licensing objectives. However, the Licensing Authority cannot attach conditions to a premises licence which would prevent compliance with a condition of the operating licence issued by the Gambling Commission which authorises the operator to carry out the activity of which the premises licence is granted.
- 4.2 All conditions attached to a premises licence must be enforceable as if breached the operator would be committing an offence under the Gambling Act 2005 and liable on conviction to a fine, imprisonment or both.

5. Staffing Implications

- 5.1 There will be no staffing implications as a result of this report.

6. Reason for Decision

- 6.1 It is recommended that if the Licensing Authority establishes a pool of model conditions for gambling premises it will aid operators, interested parties and responsible authorities in proposing conditions that will address specific concerns. These conditions will also enable a more consistent approach to the wording of conditions across the City. The pool of model conditions will match the approach that has been taken with alcohol, entertainment and late night refreshment premises licences under the Licensing Act 2003 which has been seen to be successful.
- 6.2 The Council is reviewing the current Statement of Licensing Principles for gambling this year and it is likely that, if the Committee agrees to establish these model conditions they will be referred to within the revised Statement.
- 6.2 In order to allow these conditions to be amended or added to when necessary it is also recommended that any subsequent amendment or update is undertaken by the Director of Public Protection & Licensing.

If you have any queries about this report or wish to inspect one of the background papers please contact Mr Kerry Simpkin on 020 7641 1840 or email him at ksimpkin@westminster.gov.uk.

Background Papers

- Gambling Act 2005
- Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007
- Licensing Act 2003 Premises Licence Pool of Model Conditions Document September 2013



City of Westminster

Mandatory, Default and Westminster's Pool of Model Conditions for Gambling Premises Licences

Gambling Act 2005

1st Edition – June 2015

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1. Introduction

- 1.1 Westminster City Council is the Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within Westminster. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.
- 1.2 The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They are:
 - (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
 - (b) ensuring that gambling is conducted in a fair and open way.
 - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers, for example to attach conditions on licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.
- 1.4 The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 impose conditions on each category of gambling premises licence under the Act. For ease of reference and to provide a concise document containing all relevant conditions the Licensing Authority has included the mandatory and default conditions in parts 2 and 3 of this document.
- 1.5 The Licensing Authority has developed a pool of Model Conditions in Part 4 of this document to assist gambling operators, responsible authorities and interested parties in providing a consistent approach to dealing with specific issues and concerns.
- 1.6 Gambling operators will identify measures which would mitigate the risk to the licensing objectives should from their local risk assessment undertaken on for that premises. The model conditions will assist prospective and existing licence holders where they consider that specific conditions would cement these proposed measures within the regulatory framework.
- 1.7 Once an application has been made, the responsible authorities and interested parties are encouraged to engage with the applicant if they are considering making a representation to the application.
- 1.8 The model conditions are not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or other interested parties from proposing any alternative

conditions, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate to aim to permit gambling under section 153 of the Act..

- 1.9 Model conditions are listed numerically and an index is included for ease of reference. This is the first edition of the Mandatory, Default and Westminster's Model Conditions for Gambling Premises Licences that we have produced. We will continue to be updated this document as required and publish it on www.westminster.gov.uk
- 1.10 If you have any comments relating to this documents content and use please contact the Licensing (Gambling) Team on 020 7641 6500 or email gambling@westminster.gov.uk.

2. Mandatory Conditions

- 2.1 Mandatory conditions are conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (2007 Regs). The mandatory conditions for each category of premises licences are listed below as conditions with Westminster's own condition reference and the specific regulation, schedule, part and paragraph where those conditions are located within the 2007 Regs.
- 2.2 These mandatory conditions are to be applied to the relevant category of premises licence and cannot be removed or varied in anyway.
- 2.3 Where a mandatory condition, as specified within the 2007 Regs refers to a paragraph that is a separate condition within that part of the schedule we have replaced that paragraph number with the relevant Westminster condition reference.

2.4 Converted Casinos

CCM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
CCM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
CCM03	The premises shall not be used for— a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
CCM04	The principal entrance to the premises shall be from a street.	Reg 4, Sch 1, Part 1, Para 1(1)
CCM05	No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.	Reg 4, Sch 1, Part 1, Para 1(2)
CCM06	No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect	Reg 4, Sch 1, Part 1, Para 1(3)
CCM07	A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.	Reg 4, Sch 1, Part 1, Para 2

CCM08	No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.	Reg 4, Sch 1, Part 1, Para 3
CCM09	<p>(1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.</p> <p>(2) The condition in sub-paragraph (1) may be satisfied by—</p> <ul style="list-style-type: none"> a) displaying a clear and legible sign setting out the rules; or b) making available to customers leaflets or other written material containing the rules. 	Reg 4, Sch 1, Part 1, Para 4
CCM10	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.	Reg 4, Sch 1, Part 1, Para 5
CCM11	A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.	Reg 8, Sch1, Part 5, Para 1
CCM12	<p>(1) This paragraph shall apply to premises which have a gambling area the floor area of which is no less than 200m².</p> <p>(2) In determining the floor area of the gambling area, all areas in which facilities for gambling are provided on the premises shall be taken into account.</p> <p>(3) The premises shall contain a non-gambling area, the floor area of which is no less than 10% of the floor area of the gambling area.</p> <p>(4) The non-gambling area may consist of one or more areas within the premises.</p> <p>(5) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.</p> <p>(6) Facilities for gambling shall not be provided in the non-gambling area.</p> <p>(7) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (5), shall contain recreational facilities that are available for use by</p>	Reg 8, Sch1, Part 5, Para 2

	customers on the premises.	
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2.5 Bingos

BIM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BIM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BIM03	The premises shall not be used for— a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
BIM04	A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 10, Sch2, Part 1, Para 1
BIM05	No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect— a) a casino premises licence; b) an adult gaming centre premises licence; c) a betting premises licence other than a track premises licence; and	Reg 10, Sch2, Part 1, Para 2
BIM06	(1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises. (2) Any area of the premises to which category B and C gaming machines are located— a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose; b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3). The reference to supervision in this paragraph means supervision by— (3) a) one or more persons whose responsibilities include ensuring children or young persons or both do not	Reg 10, Sch2, Part 1, Para 3

	<p>enter the area; or</p> <p>b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.</p> <p>(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.</p>	
BIM07	<p>(1) 1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.</p> <p>(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.</p> <p>(3) The notice in sub-paragraph (2) shall include the following information—</p> <p>a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;</p> <p>b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and</p> <p>c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.</p> <p>(4) The notice may be displayed in electronic form.</p> <p>(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of “prize gaming”) applies.</p>	Reg 10, Sch2, Part 1, Para 4
BIM08	<p>(1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.</p> <p>(2) The condition in sub-paragraph (1) may be satisfied by—</p> <p>a) displaying a sign setting out the rules,</p> <p>b) making available leaflets or other written material containing the rules, or</p> <p>c) running an audio-visual guide to the rules prior to any bingo game being commenced.</p>	Reg 10, Sch2, Part 1, Para 5
BIM09	Any ATM made available for use on the premises shall be	Reg 10,

	located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Sch2, Part 1, Para 6
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2.6 Betting Tracks

BTM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BTM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BTM03	The premises shall not be used for— <ul style="list-style-type: none"> a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited. 	Reg 3(4)
BTM04	No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect— <ul style="list-style-type: none"> a) a casino premises licence; b) an adult gaming centre premises licence. 	Reg 16, Sch 6, Part 1, Para 1
BTM05	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.	Reg 16, Sch 6, Part 1, Para 2
BTM06	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Reg 16, Sch 6, Part 1, Para 3
BTM07	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets— <ul style="list-style-type: none"> a) will be operating under a valid operating licence; and b) are enabled to accept such bets in accordance with— <ul style="list-style-type: none"> (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act. 	Reg 16, Sch 6, Part 1, Para 4
BTM08	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Reg 16, Sch 6, Part 1, Para 5

BTM09	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Reg 16, Sch 6, Part 1, Para 6
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Mandatory conditions attached to track premises in respect of premises that are horse-race courses

BTM10	<p>(1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.</p> <p>(2) The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operators' assistants to use it for carrying on business in connection with providing facilities for betting.</p> <p>Sub-paragraph (2) is without prejudice to any application under section 187 of the 2005 Act (application to vary a premises licence) to change the location of the part of the track to which that sub-paragraph applies.</p> <p>(3) Where such an application is granted, sub-paragraph (2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.</p> <p>References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.</p> <p>(4) The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—</p> <p>(5) a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and</p> <p>b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.</p> <p>(6)</p>	Reg 16, Sch 6, Part 2, Para 1
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	<p>A betting operator or betting operator’s assistant shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator’s assistant for admission to that part of the track.</p> <p>(7) No charges may be made to betting operators and betting operators’ assistants who are admitted to the existing betting areas of the track, other than—</p> <p style="padding-left: 40px;">a) the charge for admission in accordance with sub-paragraphs (6) and (7), and</p> <p>(8) b) charges levied to cover costs reasonably incurred in connection with enabling betting operators and betting operators’ assistants to operate in the existing betting area.</p> <p>This paragraph shall not apply after 31st August 2012.</p> <p>(9)</p>	
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BTM11	<p>(1) This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.</p> <p>The licence holder shall provide a place on the premises where betting operators and betting operators’ assistants, including small-scale operators, may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.</p> <p>(2)</p> <p>(3) The reference in this paragraph to “small-scale operators” shall have the same meaning as prescribed in The Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.</p> <p>This paragraph shall not apply to converted track premises licences before 1st September 2012.</p> <p>(4)</p>	Reg 16, Sch 6, Part 2, Para 6
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Mandatory conditions attached to track premises licences in respect of premises that are dog racing tracks

BTM12	<p>A totalisator on the premises shall only be operated—</p> <p style="padding-left: 40px;">a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and</p> <p style="padding-left: 40px;">b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.</p>	Reg 16, Sch 6, Part 3, Para 1
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BTM13	<p>(1) 1) At any time during which the totalisator is being lawfully used on the premises—</p>	Reg 16, Sch 6, Part 3,
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	<p>a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and</p> <p>b) there shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.</p> <p>This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.</p>	Para 2
BTM14	For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.	Reg 16, Sch 6, Part 3, Para 3

2.7 Betting (Other)

BOM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BOM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BOM03	<p>The premises shall not be used for—</p> <p>a) the sale of tickets in a private lottery or customer lottery, or</p> <p>b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.</p>	Reg 3(4)
BOM04	A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 14, Sch 5, Part 1, Para 1
BOM05	<p>(1) Access to the premises shall be from a street or from other premises with a betting premises licence.</p> <p>(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.</p>	Reg 14, Sch 5, Part 1, Para 2
BOM06	Subject to anything permitted by virtue of the 2005 Act, or done in accordance with conditions BOM07, BOM08, BOM09 and BOM10 below, the premises shall not be used for any purpose other than for providing facilities for betting.	Reg 14, Sch 5, Part 1, Para 3

BOM07	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.	Reg 14, Sch 5, Part 1, Para 4
BOM08	No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes— a) communicating information about, or coverage of, sporting events, including— (i) information relating to betting on such an event; and (ii) any other matter or information, including an advertisement, which is incidental to such an event; b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.	Reg 14, Sch 5, Part 1, Para 5
BOM09	No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.	Reg 14, Sch 5, Part 1, Para 6
BOM10	No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with BOM08	Reg 14, Sch 5, Part 1, Para 7
BOM11	(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.	Reg 14, Sch 5, Part 1, Para 8
BOM12	A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.	Reg 14, Sch 5, Part 1, Para 9

2.8 Adult Gaming Centres

AGM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
AGM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)

AGM03	The premises shall not be used for— a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
AGM04	A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 12, Sch 3, Para 1
AGM05	No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.	Reg 12, Sch 3, Para 2
AGM06	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Reg 12, Sch 3, Para 3
AGM07	(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.	Reg 12, Sch 3, Para 4

2.9 Family Entertainment Centres

FEM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
FEM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
FEM03	The premises shall not be used for— a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
FEM04	No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect— a) a casino premises licence; b) an adult gaming centre premises licence;	Reg 13, Sch 4, Para 1

	c) a betting premises licence other than a track premises licence.	
FEM05	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Reg 13, Sch 4, Para 2
FEM06	<p>(1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—</p> <p style="padding-left: 40px;">a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;</p> <p style="padding-left: 40px;">b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and</p> <p style="padding-left: 40px;">c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (2).</p> <p>(2) The reference to supervision in this paragraph means supervision by—</p> <p style="padding-left: 40px;">a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or</p> <p style="padding-left: 40px;">b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.</p> <p>(3) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.</p>	Reg 13, Sch 4, Para 3
FEM07	<p>(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.</p> <p>(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.</p>	Reg 13, Sch 4, Para 4

3. Default Conditions

3.1 Default conditions are conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (2007 Regs). The default conditions for each category of premises licences are listed below as conditions with Westminster's own condition reference and the specific regulation, schedule, part and paragraph where those conditions are located within the 2007 Regs.

3.2 These default conditions will be applied to the relevant category of premises licence unless the applicant or licensee specifies that the default conditions are to be removed within their new or variation application.

3.3 Where a default condition, as specified within the 2007 Regs refers to a paragraph that is a separate condition within that part of the schedule we have replaced that paragraph number with the relevant Westminster condition reference.

3.4 Converted Casinos

CCD01	No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.	Reg 9, Sch 1, Part 6
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3.5 Bingos

BID01	Subject to BID02, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.	Reg 11, Sch 2, Part 2, Para 1
BID02	The condition in BID01 shall not apply to making gaming machines available for use.	Reg 11, Sch 2, Part 2, Para 2

3.6 Betting Tracks

BTD01	Subject to condition BTD02, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.	Reg 17, Sch 6, Part 4, Para 1
BTD02	The prohibition in condition BTD01 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.	Reg 17, Sch 6, Part 4, Para 2

3.7 Betting (Other)

BOD01	No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.	Reg 15, Sch 5, Part 2
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4. Model Conditions

- 4.1 The following model conditions can be used by the applicant of a new premises licence, provisional statement or licensees varying their application. The applicant or licensee can select the conditions that they feel will enable them to demonstrate how they will ensure that the premises will operate so as not to impact the licensing objectives.
- 4.2 Gambling operators are recommended during their local risk assessment process to identify control measures, such as conditions to mitigate the impact on the licensing objectives by that premises. These models conditions can be selected to address the risk of impacts identified in these assessments.
- 4.3 These conditions can also be used by responsible authorities or interested parties when making representations on applications submitted to the Licensing Authority. The Licensing Sub-Committee when determining applications will have regard to these conditions and may choose to add one or more conditions or variations of them depending on the concerns raised during the determination process.
- 4.4 The model conditions are not intended to be used as blanket conditions applied to each premises licence. It may appear from the list that the conditions are repetitive, however there are subtle differences so gambling operators; responsible authorities and interested parties are advised to find the most appropriate condition to mitigate the identified risk.
- 4.5 The model conditions set out in this section are not an exhaustive list and new or amended versions of model conditions can be produced to meet the specific requirements of that application.
- 4.6 The model conditions have been put under general topic headings to assist in identifying particular conditions that may address specific issues raised. By the side of each condition a reference to the relevant licensing objective that they relate is indicated. The codes used for the licensing objectives are:

- CD - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- FO - ensuring that gambling is conducted in a fair and open way.
- CV - protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.7 Hours

MC1	No facilities for gambling shall be provided on the premises between the hours of [insert time] on one day and [insert time] on the next day.	CD, FO & CV
MC2	No facilities for gambling shall be provided on the premises between the hours of [insert time] and [insert time] on any day.	CD, FO &

		CV
MC3	The premises shall not provide gambling facilities between the hours of [insert time] and [insert time].	CD, FO & CV
MC4	There shall be no admittance or re-admittance to the premises after [enter time].	CD & CV

4.8 CCTV

MC5	<p>The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of the Metropolitan Police Licensing Team. This system should cover:</p> <ul style="list-style-type: none"> a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions. b) The areas of the premises to which the public have access (excluding toilets) c) Gaming machines and the counter area <p>The CCTV system shall continually record whilst the venue 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 thirty one days with date and time visible. Recordings shall be immediately arranged by a member of staff for handover to Police or authorised officer following their request..</p>	CD
MC6	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 are open to the public. This staff member shall be able to arrange for Police to view recent data or footage with the absolute minimum of delay when requested.	CD
MC7	There shall be [insert number] external cameras which will provide live images to staff in the service counter area.	CD
MC8	Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.	CD
MC9	A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.	CD
MC10	<p>The licensee shall:</p> <ul style="list-style-type: none"> a) provide training on the CCTV system and how to access the footage if requested to do so by the police or other authorised officers as part of the staff induction training programme or when the system is changed, and b) periodically provide refresher training to all of its staff working at these premises on the CCTV viewing process. 	

	Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Police or Licensing Authority as soon as practicable.	
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4.9 Door Supervision

MC11	At least [enter number] SIA licensed door supervisors shall be on duty at every entrance and exit to the premises at all times whilst it is operating under this licence.	CD & CV
MC12	A minimum of [insert number] SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.	CD & CV
MC13	At least [insert number] SIA licensed door supervisors shall be on duty at every public entrance and exit of the premises at all times whilst it is open for business.	CD & CV
MC14	[insert number] of SIA Licensed Door Supervisors are to be on duty at the premises during the whole of permitted hours	CD & CV
MC15	No patrons shall be admitted or re-admitted to the premises after [enter time] unless they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, then physically searched, which will include a 'pat down search' and a full bag search.	CD & CV
MC16	All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.	CD & CV
MC17	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.	CD & CV
MC18	The licence holder shall ensure that the outside areas of the premises are monitored so as to ensure there is no crime, disorder, public nuisance or obstruction of the public highway.	CD & CV

4.10 Children and Young People

MC19	The Licensee shall maintain a bound and paginated 'Challenge [21/25 delete as appropriate] Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.	CV
MC20	Prominent signage and notices advertising the Challenge [21/25 delete as appropriate] will be displayed showing the operation of such policy	CV

MC21	Third party testing on age restricted sales systems shall be carried out on the premises a minimum of [insert frequency] a year.	CV
MC22	Third party testing on age restricted sales systems purchasing shall take at least [insert frequency] a year and the results shall be provided to the Licensing Authority upon request.	CV
MC23	The licensee shall not allow their logos or other promotional material to appear on any commercial merchandising which is designed for use by children.	CV
MC24	All tills shall automatically prompt staff to ask for age verification identification when placing a bet.	CV
MC25	A Challenge [21/25 delete as appropriate] 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.	CV
MC26	The licensee will ensure, through regular checks and intervention, that customer's children are not left unsupervised outside the premises	CV
MC27	The licensee will ensure, though regular checks and intervention that children will not congregate outside the premises.	CV

4.11 Documents Provided to the Licensing Authority

MC28	The licensee shall provide the Licensing Authority with their compliance/operating manual which sets out all of the premises policies to meet the regulatory requirements under the Gambling Act 2005 and shall provide a copy of any update or revision as soon as practicable following the implementation of that change.	CD, FO & CV
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4.12 Entrances and Doors

MC29	A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.	CD & CV
MC30	An Infra-Red Beam connected to a sounder will be installed and maintained at the entrance of the premises so as to notify staff when a customer enters or exits the premises.	CD & CV

4.13 Staffing Levels

MC31	There shall be no pre-planned single staffing at any time.	CD &
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		CV
MC32A	There shall be no pre-planned single staffing after 20:00. Should the premises be single staffed after this time the magnetic door locking system must be in constant use.	CD & CV
MC32B	No pre-planned single staffing after 8pm and, when this is unavoidable, a Maglock shall be in constant use on the entrance/exit door.	CD & CV
MC33	There will be a minimum of [enter number] staff will be present at all times when the premises is open.	CD & CV
MC34	There will be a minimum of two members of staff after 10pm.	CD & CV
MC35	A minimum of two members of staff will be on duty for the duration of the period in which licensable activities are taking place on the premises.	CD & CV

4.14 Cashier Counters and Safe Havens

MC36	The licensee shall maintain a full height polycarbonate or 11.5mm minimum thickness laminated glass security screen counter on the ground floor of the premises.	CD
MC37	A full-height security screen shall be installed at the cashiers counter.	CD
MC38	Full height security bars which are spaced at adequate intervals to prevent a person from reaching through will be installed at the cashiers counter	CD
MC39	The licensee shall install a Safe Haven [add location of safe haven] which includes a secure door with peephole, CCTV Monitor, Telephone, Safe Guard system, maglock control button and any other systems deemed appropriate by the licensee.	CD

4.15 Identification of Offenders or Problem Persons

MC40	The licensee shall provide Spit Kits within the premises and provide staff training on the use of these kits.	CD
MC41	If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.	CD
MC42	The Licensee shall implement a policy of banning any customers	CD

	who engage in crime or disorder within or outside the premises.	
MC43	The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.	

4.16 Seating

MC44A	The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting	CD
MC44B	The licensee shall ensure that all gaming machine seating within the premises are weighted to prevent lifting	CD

4.17 Alarms (Premises and Personal)

MC45A	Each member of staff will be provided and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff or that staff member is lying horizontal for a pre-determined period of time.	CD
MC45B	Lone working staff will be provided and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff or that staff member is lying horizontal for a pre-determined period of time.	CD
MC46	The licensee shall install and maintain an intruder alarm on the premises.	CD
MC47	The premises shall install and maintain a panic button behind the cashiers counter.	CD
MC48	The premises shall install and maintain a panic button behind the cashiers counter that will alert the premises security once pressed.	CD
MC49	An attack alarm shall be installed and maintained behind the cashier counter which would alert [operator name] Security and the police.	CD
MC50	An attack alarm shall be installed and maintained behind the cashier counter which would alert the police.	CD

4.18 Toilets

MC51	A Maglock device will be installed and maintained on the customer toilet door which will be operated by a member of staff from the cashiers counter.	CD & CV
MC52	The Licensee shall install and maintain an ultraviolet lighting	CD

	system in the customer toilet.	& CV
MC53	The licensee will ensure that customer toilets are checked [insert time interval] for evidence of drug taking.	CD & CV

4.19 Restrictions on Food and Beverages

MC54	Only refreshments purchased or supplied on the premises may be consumed on the premises	CV
MC55	The hot refreshment vending machine and refreshment facilities shall be provided for customers and staff use only.	CV

4.20 Signage, Promotional Material and Notices

MC56	<p>The licensee shall place and maintain a sign at the entrance of the premises stating that access to the premises will be excluded to the following people:</p> <ul style="list-style-type: none"> a) Anyone who is under the age of 18, b) Anyone who appears to be under the age of 21 and is unable to provide proof of age that they are over the age of 18, c) Only refreshments purchased or supplied on the premises may be consumed on the premises,* d) Anyone who is barred from the premises, and e) Anyone who has alcohol on their person or appears to be under the influence of alcohol or substances. <p><i>* Only to be added if model condition MC54 is proposed.</i></p>	CD & CV
MC57	<p>The Licensee shall place and maintain a sign at the entrance which states that 'only refreshments purchased on the premises may be consumed on the premises'.</p> <p><i>Only to be added if model condition MC54 is proposed.</i></p>	CV
MC58	All notices regarding gambling advice or support information must be translated into both simplified and traditional Chinese.	FO & CV
MC59	All public signage/documentation relating to age restrictions, gambling advice and gambling support information (e.g. GamCare or similar support service) is displayed or provided on the premises in written English and Chinese (Simplified and Traditional).	FO & CV
MC60	All public signage/documentation relating to age restrictions, gambling advice and gambling support information (e.g. GamCare or similar support service) is displayed or provided on the premises in written English and [insert language relevant to the local population].	FO & CV

MC61	Prominent GamCare documentation will be displayed at the premises.	FO & CV
MC62	The licensee shall ensure that no ethnicity specific gambling promotion is provided or advertised on the premises which is designed and/or intended to entice participation in gambling by the local community.	CV
MC63	The licensee shall ensure that no gambling promotion is provided or advertised on the premises which is designed and/or intended to entice participation in gambling by the local [insert ethnicity] community.	CV

4.21 Enticement Promotions

MC64	The licensee shall not offer any enticement promotions, such as happy hours during which gaming machines stakes are reduced.	FO & CV
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4.22 Staff Training

MC65	<p>The licensee shall:</p> <ul style="list-style-type: none"> a) provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme. b) periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives. <p>Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.</p>	CD, FO & CV
MC66	<ul style="list-style-type: none"> a) The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. b) Participation in this training shall be formally recorded and the records produced to the police or licensing authority upon request. 	CD, FO & CV
MC67	New and seasonal staff must attend induction training and receive refresher training every six months.	CD, FO & CV

4.23 Recording of Incidents and Visits

MC68	An incident log shall be kept for the premises and made available on request to an authorised officer of the City Council or the	CD
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	Police which will record the following; <ul style="list-style-type: none"> a) All crimes reported to the venue; b) Any complaints received regarding crime and disorder; c) Any incidents of disorder; d) Any faults in the CCTV system; and e) Any visit by a relevant authority or emergency service. 	
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4.24 Customer Bags and Belongings

MC69	Customer shall not be permitted to leave bags or other belongings at the premises.	CV
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4.25 Homeless and Street Drinking

MC70	The licensee will contact the local homeless hostels/shelters and offer to provide information on problem gambling support services and how their residents can self-exclude from [operator name] premises.	CV
MC71	The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.	CD & CV
MC72	The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.	CD & CV

4.26 Police Reporting Protocols and Crime Prevention

MC73	The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.	CD
MC74	Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.	CD

4.27 ATMs

MC75	There shall be no cash point or ATM facilities on the premises.	CD & CV
MC76	The ATM shall be located so that the staff behind the cashiers desk has direct line of sight to the machine and customers using it.	CD & CV

MC77	Signage shall be placed on or immediately next to the ATM to warn customers to cover the keypad when entering their PIN number	CD
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4.28 Gaming Machines and Self Service Betting Terminals (SSBTs)

MC78	Gaming machines shall be sited in the locations specified on the premises plans	CD & CV
MC79	Gaming machines shall be sighted so that the cashiers from all counter positions have direct line of sight of the machines and the customers using them.	CD & CV
MC80A	Gaming machines shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC80B	Self Service Betting Terminals shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC80C	Gaming Machines and Self Service Betting Terminals shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC81A	Gaming Machines shall not be emptied when there is only one member of staff on the premises.	CD
MC81B	Self Service Betting Terminals shall not be emptied when there is only one member of staff on the premises.	CD
MC81C	Gaming Machines and Self Service Betting Terminals shall not be emptied when there is only one member of staff on the premises.	
MC82	The number of Self Service Betting Terminals (SSBT's) permitted on the premises is [insert number]	CV
MC83	The over 18 area containing the category C gaming machines will be enclosed with a floor to ceiling partition wall with one point for egress and ingress.	CV
MC84	Privacy screening, known as a 'gaming machine pod' shall not enclose the customer to such a degree that would restrict the customer's peripheral vision of the premises when playing the machine in either a standing or sitting position and prevent a member of staff from observing that person.	CD & CV
MC85	No other gambling facilities shall be provided in a gaming machine enclosure so as to allow a customer the ability to play the machine and participate in other forms of gambling.	CV

4.29 Multiple Storey Venues

MC86	Access to the [floor number] floor of the premises will be controlled by members of staff and a door which can only be operated by members of staff will be positioned at the bottom of the stairs thereby restricting access to only those with staff approval.	CD
MC87	A minimum of one member of staff shall be present at all times when the [floor number] floor is being used by customers.	CD & CV
MC88	The licensee shall install and maintain an internal intercom/phone system to enable staff to communicate with one another on all floors of the premises.	CD & CV
MC89	The licensee shall install monitors within the staff cashier counter areas on all floors that will display live CCTV footage from inside and outside the premises.	CD & CV
MC90	An attack alarm shall be installed and maintained behind the ground and first floor cashier counters which would alert [operator name] Security and the police.	CD
MC91	A magnetic locking (Maglock) device will be installed and maintained on the customer toilet door on the [floor number] floor which will be operated by a member of staff from the cashiers counter on the [floor number] floor.	CD & CV

4.30 Betwatch Scheme

MC92	As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the City of Westminster Betwatch scheme	CD & CV
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Executive Summary and Recommendations

	Full Licensing Committee
Date:	15 th July 2015
Subject:	Review of Licensing Act 2003 New and Variation application Licensing Sub-Committee Report format

Summary

This report sets out the results of the trial period for different Licensing Sub-Committee report formats and seeks the views of the Committee on the final format of the Licensing Act 2003 new and variation application reports.

Recommendations

The Committee is recommended to:

1. consider the trial reports and feedback; and provide views on what officers should include in the final report format.
2. approve that the Chairman of the Licensing Committee approves the final version of the report format for new and variation applications under the Licensing Act 2003.



City of Westminster

Committee report

Date:	15th July 2015
Classification:	For General Release
Title of Report:	Review of Licensing Act 2003 New and Variation application Licensing Sub-Committee Report format
Report of:	Director of Public Protection & Licensing
Wards involved:	All
Policy context:	N/A
Financial summary:	None
Report Author:	Miss Claire Hayes, Senior Practitioner - Licensing
Contact details	Miss Claire Hayes Telephone 020 7641 7816 chayes@westminster.gov.uk

1. Background Information

- 1.1 From the 1st April the new Public Protection and Licensing operating model commenced. As part of that new operating model there has been a significant focus on driving out inefficiencies within processes.
- 1.2 At the Full Licensing Committee hearing on 11 March 2015 a report outlining the Licensing Service proposals in relation to the frequency of meetings, the format of reports and the hearing processes was put forward to make the process more efficient.
- 1.3 The report confirmed that although the current Committee Reports have gone through numerous changes over the past seven years, there had been growing concerns over the size and content of these reports from members, officers, applicants and other stakeholders.
- 1.4 It was proposed that officers would undertake a review of the report format for new and variation applications under the Licensing Act 2003 (2003 Act) to seek to eliminate unnecessary documentation whilst providing the necessary and relevant information within the main text of the report itself.
- 1.5 At the hearing on 11 March 2015 it was resolved that trials would be undertaken during May and June 2015 and the results of that trial would be put before the Licensing Committee in July 2015.
- 1.6 This report covers the results of the report format trial

2. Analysis of Trial Report Formats

- 2.1 On 21 May 2015 the first trial report (Report 1) for a new premises licence was published. The format of this report had a title page which was shortened and a detailed summary of the application was added. All of the representations were added within the body of the report rather than as appendices and the background documents were listed but not included within the report bundle. All of the background documents and photographs were available at the hearing if required. A copy of Report 1 is attached as Appendix A1
- 2.2 Following the hearing feedback was provided by the Sub-Committee. The Sub-Committee (Cllrs Caplan, Evans and Talukder) confirmed that the reduced amount of appendices was welcome and were happy that the photographs were available at the hearing rather than in the report. However, it was felt that if the premises had previously been licensed (this one had not), then a comparison table would be beneficial.
- 2.3 The second trial format was an application for variation of a premises licence listed for hearing on 28 May 2015 (Report 2). In this report format the detailed summary on the first page was not included as it was felt that as reports are published at least a week in advance, the summary would not necessarily be completely up to date or reflect any last minute changes. Report 2 included the representations within the body of the report and the reduced appendices similar to Report 1, but went in to much more detail when referencing policy and

guidance. Therefore it was suggested that it would be more beneficial for the Senior Licensing Officer to provide this information when introducing the report. A copy of report 2 is attached as Appendix A2

- 2.4 Report 2 was well received by the Sub-Committee and the specific reference to the guidance and policy was felt to be useful. The Sub-Committee (Cllrs Harvey, Freeman and McAllister) also confirmed that the reduced amount of appendices was an improvement. It was also mentioned that members of the Sub-Committee find a comparison table between the current licensable activities and hours and what is being requested as part of the variation useful.
- 2.5 The third trial report format related to the variation of a premises licence (Report 3) which was listed for hearing on 04 June 2015. This report format was similar to Reports 1 and 2 in that the representations were included within the body of the report and the background documents were included in the report bundle. However, the information provided in the report was only the basic information contained within the application and there was very little reference to the council's policy or Home Office guidance. A copy report 3 is attached as Appendix A3
- 2.6 The feedback from members of the Sub-Committee (Cllrs Caplan, Acton and Begum) on this report format was not as positive as Reports 1 and 2. Members liked the smaller amount of appendices, but felt that they needed the background documents when they retired to make a decision.
- 2.7 The fourth trial report format was an application for a new premises licence and was listed for hearing on 11 June 2015 (Report 4). This report was similar to reports 1, 2 and 3 as the representations were contained within the body of the report and there were minimal appendices. However, the report was set out in a tabled style which was completely different to the other three trial reports. There was a table for each separate piece of information including the hours and activities and the representations. A copy report 4 is attached as Appendix A4.
- 2.8 The feedback for this report was very positive as the members of the Sub-Committee (Cllrs Aiken, Acton and Toki) felt it captured the information well.

3. Proposals

- 3.1 That the Committee consider the trial report formats attached to this report, and feedback; and provide officers at the hearing with views on what the final version of the report format should take. Officers will produce a final report format, taking into account the views of the Committee which will be provided to the Chair of the Licensing Committee for final approval.

4. Legal Implications

- 4.1 The final report format that will take into account the views of the Committee will be considered by the Council's legal services to ensure that it will meet the statutory requirements of the 2003 Act and also ensure that it contains the necessary information required for potential appeals.

5. Staffing Implications

- 5.1 The proposal to develop the final report format for 2003 Act applications will have no effect on staffing levels.

6. Appendices

- 6.1 Appendix A1 – Report 1
Appendix A2 – Report 2
Appendix A3 – Report 3
Appendix A4 – Report 4

If you have any queries about this report or wish to inspect one of the background papers please contact Miss Claire Hayes on 020 7641 7816, email chayes@westminster.gov.uk

Background Papers

- Report to Full Licensing Committee on 11 March 2015



City of Westminster

Licensing Sub-Committee Report

Hearing Date: **Thursday 21st May 2015**

Application Type: **New Premises Licence Application**

Legislation: **Licensing Act 2003**

Premises Name: **Toast**

Premises Address: **11 South Molton Street, London, W1K 5QL**

Council Reference: **15/00989/LIPN**

Ward: **West End**

Stress Area: **No**

Report Author: **Yolanda Wade, Senior Licensing Officer**

Summary of application

The application is for a new premises licence for a café / restaurant outside the Council's defined stress areas. The proposed start times for the sale of alcohol Monday to Friday are outside the Council's core hours.

There are seven representations to this application which have been made by the Metropolitan Police Service, Environmental Health Service, four local residents and one resident association.

The applicant has agreed conditions with the Police but the Police are maintaining their representation as the requested hours are outside of core hours.

The Environmental Health Service has provided conditions relating to this application which as yet have not been agreed by the applicant. The Environmental Health Service will be maintaining their representation to this application.

As the application has received adverse representations that have not been withdrawn or agreement reached that a hearing is unnecessary this application must be considered by the Licensing Sub-Committee. The Licensing Sub-Committee decision will be whether to grant the application as proposed, grant the application with amendments and/or additional conditions or refuse the application.

1. Premises & Area Information

- 1.1 Toast Cafe is a café / restaurant that provide hot meals, speciality burgers, salads, pastas, snacks, soft drinks including tea and coffee. The premises have a Tables and Chairs Licence for 8 tables and 22 chairs for Monday to Sunday from 08:00 to 19:00.
- 1.2 The premises are situated in a pedestrianised street in a high end commercial area. There are 7 licensed premises within a 75 metres radius of the premises.
- 1.3 The proposed licensed area is on the ground floor with work stations and storage on the lower ground and basement floors.
- 1.4 The application was originally listed for a hearing on 23rd April 2015 but was adjourned until the 21st May at the applicant's request.

2. Application Details

- 2.1 Application was submitted on 10th February 2015 by Meat Club Ltd, 11 South Molton Street, London W1K 5QL. The applicant, as part of the application has completed the operating schedule which sets out how they will operate their premises if the licence were to be granted. A copy of the applicants operating schedule is attached to this report as Appendix A
- 2.2 The application was submitted along with the proposed plans for the premises. A copy of these plans are attached to this report at Appendix B
- 2.3 These premises have not been previously licensed under the Licensing Act 2003.

2.4

Proposed Activities	Proposed Hours
Sale by Retail of Alcohol - for consumption On and Off the premises	Monday to Saturday 09:00 to 23:00 Sunday 12:00 to 22:30*
Opening Hours	Monday to Saturday 08:00 to 23:30 Sunday 08:00 to 23:30

** The applicants have amended their original licensable hours for Sunday from 09:00 to 23:00 the hours listed above after discussions with the Police.*

- 2.5 The proposed Designated Premises Supervisor for these premises is Ms Luiza Egorova who holds a personal licence with Westminster City Council.
- 2.6 The applicant has stated that the provision of adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children is not applicable.

3. Representations

3.1 Representations have been received from the Environmental Health Service, the Metropolitan Police, one Resident Association and four local residents. The representations are set out below:

3.2 **Stephen Smith - Environmental Health Officer, Environmental Health Consultation Team**

Received: 27th February 2015

OBJECTION

I refer to the application for a New Premises Licence.

The applicant has submitted a Floor plan for the premises dated December 2014 This representation is based on the plan and operating schedule submitted.

The applicant is seeking the following hours which are beyond core hours within the licensing policy:

1. *To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Sunday between 09.00 and 23.00 hours.*

I wish to make the following representation on the grounds of protecting public safety and preventing public nuisance:

- i. *The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety in the area.*
- ii. *The premises have only a single WC for patrons with no intervening ventilated space to the food area,*
- iii. *The level of WC provision is suitable for up to a maximum of 15 persons including staff under the sanitary provisions of BS6465: 2006. There are no separate staff toilets.*

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.

3.3 On the 5th May 2015 the Environmental Health Service submitted further submissions relating to their representation and after considering the proposed conditions from the Police. The submissions from David Nevitt, Environmental Health Officer states:

EH maintain a Representation in respect of this application because there are still matters of concern and there are outstanding Reps from local residents.

I understand that the applicant has agreed to amend the hours sought to be within the 'Core Hours' as defined by the City Council's Licensing Policy for both 'On' and 'Off' sales of alcohol.

I also understand that the applicant has agreed a number of Conditions with the Police. I am of the opinion that the list of Conditions contains some inconsistencies which need to be clarified, especially in relation to 'Off' Sales – a Condition has been agreed that allows supply of alcohol to persons seated outside the premises by way of an 'Off' sale, but another Condition restricts 'Off' sales to persons purchasing a take-away meal. I think that this can be clarified by discussions with the applicant.

My main concern is that the premises appears to only have 1 WC – this is for both Staff and Customers. The original EH Rep dated 27th February 2015 referred to this and states that the result is that capacity should be limited to 15 persons. I therefore propose the following:

The maximum number of persons accommodated to consume food and/or drink at the premises shall not exceed 15 persons (excluding staff).

I also propose a 'Works' Condition if it is envisaged that adaptation or alteration works are to be undertaken:

The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

And a 'No Nuisance' Condition:

No noise or vibration shall emanate from the premises which gives rise to a nuisance.

3.4 The conditions proposed by the Environmental Health Service have been attached as conditions 23 – 25 in Appendix B.

3.5 **PC Jim Sollars - Westminster Police Licensing Unit, Metropolitan Police Service**
Received: 10th March 2015.
OBJECTION

With reference to the above application, I make a representation against the application as the operating schedule does not sufficiently address the crime prevention objective.

We discussed conditions which could be attached to your licence and a change to the hours, which will allow Police to withdraw the representation.

I am including the conditions for your consideration.

3.6 The Applicant has agreed the conditions proposed by the Police which are set out as conditions 9 to 22 of Appendix B. The Police are maintaining the representation as the proposed hours are outside the Councils core hours.

3.7 Further representations received by local residents and Resident Association representations are set out below:

3.7.1 Mr Ron Whelan - 29a Brook Street, London, W1K 4HE
Received: 23 Feb 2015
OBJECTION

10:57 AM on 23 Feb 2015 The Mayfair Residents Group wishes to object to this license application. There are already six licensed establishments (three of whom are late licensed), with a seventh opening very soon, within about three hundred yards of Toast.

Local residents, having suffered acute problems with anti-social behaviour from the patrons of some of these establishments, feel that the granting of yet another license will be excessive.

It will also be in conflict with the Council's professed objective of establishing a harmonious environment in Mayfair for its desired expansion of the residential population.

3.7.2 Mr Derek Stratton - 19 Moore Flats, Gilbert Street, London
Received: 9 Mar 2015
OBJECTION

As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end the society wish to object to the proposed new premises licence of the above.

The Society firmly believes that to grant this licence for the late night terminal hour the applicant has applied for will lead to additional anti-social behaviour and noise pollution. It will absolutely have a negative impact on the residents living in this street. As the LSC will be well aware, South Molton Street is predominantly a retail street which closes down completely after 8pm. I am informed that there are approximately 60 residential flats in the street and all will be negatively affected if this proposed new licence is granted.

Any addition of further late night venues will only exacerbate an already intolerable situation. Crime and disorder along with a severe public nuisance will surely ensue.

The Residents Society of Mayfair & St. James's therefore wishes to register a very strong objection for and on behalf of the residents on that basis.

Please confirm in your usual manner that you have received our objection in good time and it will be lodged for the LSC for consideration.

3.7.3 Mr Michal Cohen-Sagi - Director At , 58 South Molton Street, Well
Being Business Centre
Received: 9 Mar 2015
OBJECTION

Toast is a café whose services have served well for us at 58, for both our employees as well as our clients. The way it stands now, it is a very quiet and contained atmosphere and there are no challenges on our end with regards to noise or disruptions. However, we are a therapy centre and we are normally open up until 10 pm.

The challenge we face is that many of the therapies that are practiced within the centre (such as psychotherapy, hypnotherapy and craniosacral therapy) need a quiet surrounding, which is currently not a problem, as the street is normally very quiet during the day, and after 7 pm. If a new licence was granted, this would result in a noisier street, meaning these therapies would not be able to take place, and therefore, we would lose clients.

Another concern is for the safety of our employees who lock up the building when we close late at night. They normally leave the building on their own, and I am worried about the kinds of people a licenced business would bring to the street and how this would affect the security of my staff as well as our clients.

3.7.4 Ms Judy Kuttner - Flat 3, 29A Brook Street, London
Received: 10 Mar 2015
OBJECTION

Toast has served the street as a local cafe for a number of years. The cafe is frequented by many of the people who work in the street as well as by passers-by. Toast serves people at tables both inside and outside the premises and also provides a take-away service. The tables currently have an 8am - 8pm license, although the cafe normally closes around 6pm.

South Molton Street has nearly 60 shops, at least as many offices and 30 flats. It is a pedestrian precinct which is primarily a shopping street that closes down by 8pm with rare exception. It is not heavily travelled during the evening and the noise level drops. There are currently no premises licences serving alcohol on South Molton Street. This application would allow a new licence in the middle of a narrow, high-sided street with a significant number of residents.

I believe that there are concerns in allowing this cafe to have a license to serve alcohol and to be open until a later hour in terms of public nuisance including noise, litter, loitering and potentially smell, especially because of its outdoor and takeaway services. In addition to outdoor tables, the cafe has a front which opens fully in warmer weather when residents need to open their own windows.

This cafe has served a useful purpose for many years, but basically we do not need another late evening watering hole in this small area, particularly where one does not exist at present.

3.7.5 Ms Vivienne Loesch - 19 Balderton Flats, W1K 6TD,
Received: 10 Mar 2015 by Neighbour

OBJECTION

I object to the above licence application being granted on the grounds that it will be detrimental to residential amenity.

1. *Local residents already suffer considerably from noise nuisance caused by customers of licensed premises that open late in this street; this situation should not be made even worse. This premises is not a club, but if it is open during the evenings it will inevitably attract people who have already been drinking and are likely to be noisy. It anyway only takes a couple of glasses of wine for people to start raising their voices, with complete disregard for nearby residents.*
2. *Residents throughout the area - including families with children who need to sleep during the evening as well as after 11pm - are, variously, kept awake, woken up, or prevented from relaxing or doing homework, by evening and late night deliveries and waste/recycling collections and the horrendous noise of bottles cascading into bins or being put out on pavements. This noise affects people living in the side streets throughout the area. The proposed conditions should limit waste and recycling collections, deliveries, and movement of any waste and recycling items outside the premises to between 8am and 8pm.*
3. *I see that no designated waste storage area is marked on the plans attached to the license application, so question whether the premises has a space suitable for storing waste overnight and until the waste and recycling collections take place.*

This locality is over-saturated with premises whose customers and servicing activities cause evening and late night noise; this application should therefore not be granted.

Please list my objections to the Licensing Committee members.

4. Policy & Guidance

- 4.1 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 RNT1 applies: Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm

4.2 The Licensing Authority must have regard to the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 which was agreed in March 2015.

5. Appendices

- 5.1 Appendix A – Applicants operating schedule
 Appendix B – Premises Plans
 Appendix C – Proposed Conditions
 Appendix D – Residential Map and list of premises in the vicinity

If you have any queries about this report or wish to inspect one of the background documents please contact:

Yolanda Wade, Senior Licensing Officer
Telephone: 020 7641 1872
Email: ywade@westminster.gov.uk

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

The background documents will be available at the hearing if there are any questions or need to refer to them. The premises plans, photos and location plans will be available to all parties at the hearing via the monitors within the Committee Room.

Item Number	Description of document	Date
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	10 th February 2015
5	Email Representation from Jonathan Davies (NHS Central London)	13 th February 2015
6	Email from Agent Mr Manuel Rocha confirming no Late Night Refreshment	13 th February 2015
7	Representation from Mr Ron Whelan	23 rd February 2015
8	Environmental Health Service Representation	27 th February 2015
9	Correspondence received from Applicant RE: Amendment to Sunday Opening openings	2 nd March 2015
10	Representation from Judy Kuttner	9 th March 2015

11	Representation from Police	10 th March 2015
12	Representation from Mr Derek Stratton	10 th March 2015
13	Representation from Mr Michael Chen-Sagi	10 th March 2015
14	Representation from Vivienne Loesch	10 th March 2015
15	Email from Agent Mr Rocha Re: Agreement to Police Proposed Conditions	11 th March 2015
16	Email to Applicant's Agent Re: New LSC date	9 th April 2015
17	Email to Interest Parties Re: New LSC date	9 th April 2015
18	Applicant's Acceptance of LSC date	10 th April 2015
19	EH proposed Conditions to Applicant	5 th May 2015
20	Photos of premises	



City of Westminster

Licensing Sub-Committee Report

Hearing Date: **Thursday 28th May 2015**

Application Type: **Variation of a Premises Licence**

Legislation: **Licensing Act 2003**

Premises Name: **34**

Premises Address: **34 Grosvenor Square, London, W1K 2HD**

Council Reference: **15/01958/LIPV**

Ward: **West End**

Stress Area: **No**

Report Author: **Steve Rowe, Senior Licensing Officer**

1. Premises & Area Information

- 1.1 34 is a meat game and seafood restaurant that holds a Premises Licence for the basement, ground and first floor of the premises under the Licensing Act 2003.
- 1.2 The premises are situated in Grosvenor Square opposite the American Embassy. The area is a mix of commercial and residential properties with Grosvenor Square Gardens in its centre. There are 2 licensed premises within a 75 metres radius of the premises.

2. Variation Details

- 2.1 The variation application was received on 16th March 2015 by the applicant Caprice Holdings Limited and seeks to:
 - To extend the terminal hour for the performance of live music sale of alcohol provision of late night refreshment opening hours as detailed below; and
 - To remove, replace and add conditions in Annex 3 of the premises licence, as detailed in the Operating Schedule.

2.2	Licensable activities permitted under the existing Premises Licence 13/07057/LIPVM	Variation to Licensable Activities
	Performance of Live Music: Sunday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 00:00 New Year's Eve: 10:00 to 00:00	Performance of Live Music: Monday to Thursday: 10:00 to 00:00 Sunday: 10:00 to 23:00 Sundays before bank holiday: 10:00 to 00:00 Friday to Saturday: 10:00 to 00:00 New Year's Eve: 10:00 to 00:00
	Late Night Refreshment: Sunday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:30 New Year's Eve: 23:00 to 05:00	Late Night Refreshment: Monday to Thursday: 23:00 to 00:30 Sunday: 23:00 to 23:30 Sundays before bank holiday: 23:00 to 00:30 Friday to Saturday: 23:00 to 00:30 New Year's Eve: 23:00 to 05:00
	Sale by Retail of Alcohol - for consumption On and Off the premises Sunday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 00:00 New Year's Eve: 10:00 to 05:00	Sale by Retail of Alcohol - for consumption On and Off the premises Monday to Saturday: 10:00 to 00:30 Sunday: 10:00 to 23:00 Sundays before bank holiday: 10:00 to 00:30 New Year's Eve: 23:00 to 05:00

Opening Hours Sunday to Thursday: 08:00 to 23:30 Friday to Saturday: 08:00 to 00:30	Opening Hours Monday to Saturday: 08:00 to 01:00 Sunday: 08:00 to 23:30 Sundays before bank holiday: 08:00 to 01:00
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- 2.5 The applicant has applied to **remove conditions 9, 14, 17, 19, 20 and 27** in their entirety.
- 2.6 The applicant has applied to **remove conditions 10, 15, 16, 18 and 21** and **replace with the conditions consistent with the operating schedule in Appendix A.**

3. Representations

- 3.1 Representations have been received from the Environmental Health Service, a local Resident Association and a local resident. The representations are set out below:
- 3.2 **Ian Watson – Senior Practitioner Environmental Health, Environmental Health Consultation Team**
Received: 13th April 2015
OBJECTION

I refer to the application for variation of the Premises Licence.

This representation is based on the operating schedule submitted.

The applicant is seeking the following

1. *To extend the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday to 00.30 hours and Sunday before a Bank Holiday to 00.30 hours.*
2. *To extend the provision of Late Night Refreshment 'Indoors' Monday to Thursday to 00.30 hours and Sunday before a Bank Holiday to 00.30 hours.*
3. *To extend regulated entertainment 'indoors' of live music Monday to Thursday to 00.00 hours and Sunday before a Bank Holiday to 00.00 hours.*
4. *Remove conditions 9, 14, 17, 19, 20 and 27.*
5. *Remove and replace conditions 1, 15, 16, 18, and 21.*

I wish to make the following representation

1. *The additional hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.*
2. *The additional hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.*
3. *The additional hours requested to permit the provision of live music will have the likely effect of causing an increase in Public Nuisance within the area.*
4. *No objection.*

5. *No objection.*

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance in the area.

3.3 The representations received by the local resident and the Resident Association are set out below:

3.3.1 **Mr Ron Whelan - 29a Brook Street, London, W1K 4HE**

Received: 8 April 2015

OBJECTION

9:58 AM on 08 Apr 2015 The Mayfair Residents Group wishes to object to this application. Whilst we accept that Caprice Holdings is a very professional operator of its licensed premises and that the "34" seems to have caused few problems for local residents, this creep in late hours which is being applied for does worry us. It is a matter of record that late hours for any licensed establishment is likely to produce excessive noise and anti-social behaviour in the local streets. Mayfair is suffering from a blight of such noise and late night behaviour and we would ask Westminster Council to restrict any further expansion of late licensing hours without very tight controls.

3.3.2 **Mr Stelio Stefanou - 48 Upper Grosvenor Street, W1K 2NR**

Received: 2 April 2015

OBJECTION

4:55 PM on 02 Apr 2015 I wish to object to this application to vary the existing premises licence by, among other things, extending the terminal hour of the live music, the sale of alcohol and the opening hours etc on the basis that this is likely cause a public nuisance. This objection is therefore made to Prevent a Public Nuisance from occurring.

4. Policy & Guidance

4.1 When determining applications members should consider whether the applicant has provided sufficient information in their application to promote the Licensing Objectives:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm

4.2 Whilst none of the representations received to this application relate to crime, public safety or the protection from children from harm they do focus on the potential problems of public nuisance specifically noise related issues that may be caused due to an increase in hours.

4.3 The Council's policies surrounding the Licensing Objective the Prevention of Public Nuisance (PN1) provide applicants with considerations that should be taken into account relating to noise, eating drinking and smoking outside the premises and other environmental impacts when submitting applications. With regard to limiting noise and vibration the policy states that 'Applicants will be expected to have included measures in the Operating Schedules that make adequate provision to:

- (a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity...'
- (b) limit the escape of noise from the premises...'
- (c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping'
- (d) minimise and control noise from customers arriving at the premises...outside it and departing from it'

4.4 Although the applicants have not specifically addressed the prevention of a potential noise nuisance in their operating schedule as part of this application, conditions 22, 24, 25 and 28 of the current premises licence deal with noise control from the premises and patrons leaving the premises.

4.5 The variation application increases the terminal hour beyond that of the Councils core hours and therefore Policy HRS1 applies to this application.

4.6 Part (ii) of HRS1 states that applications for hours outside the core hours will be considered on their merits, subject to other relevant policies. In this case Members should have particular regard to the following consideration under policy HRS1:

(a) The demonstration of compliance with relevant criteria in policies CD1, PS1, PN1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety and public nuisance.

(b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.

(c) The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.

(d) The proposed hours when any music, including incidental music, will be played.

(g) Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

(i) The type of use: recognising that premises that sell alcohol, play music for dancing, provide fast food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs.

(m) Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

- 4.7 As the premises operate as a restaurant Policy RNT1 applies to this application. The Policy states 'Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1'.
- 4.8 2.5.3 of the Councils Policy defines what premises are considered to be a restaurant under the policy. It goes further to state that '...Where an application is to be considered under the policies which apply to restaurants, following relevant representations, conditions restricting the premises in accordance with this definition may be attached. These might include: requiring alcohol to be served only by waiter/ waitress service, customers to be only served while seated, and the sale of alcohol only to persons taking a substantial table meal for consumption ancillary to that meal'.
- 4.9 Members will note from the conditions proposed by the applicant in their operating schedule (see Appendix B) that they have gone some way to addressing this policy by restricting the supply of alcohol to waiter/waitress service and after 6pm alcohol shall only sold to persons seated ancillary to food.
- 4.10 Members should also take into account Paragraph 8.58 of the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 which relates to what type of applications are considered full variations.
- 4.11 Taking into account the representations received, the Westminster's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 the Licensing Sub-committee may refuse, grant in full or grant in part this proposal.

5. Appendices

- 5.1 Appendix A – Proposed Conditions
Appendix B – Residential Map and list of premises in the vicinity

If you have any queries about this report or wish to inspect one of the background documents please contact:

Steve Rowe, Senior Licensing Officer
Telephone: 020 7641 7825
Email: srowe@westminster.gov.uk



City of Westminster

Licensing Sub-Committee Report

Hearing Date: **Thursday 4 June 2015**

Application Type: **Variation of a Premises Licence**

Legislation: **Licensing Act 2003**

Premises Name: **Travellers Tavern**

Premises Address: **4 Elizabeth Street, London, SW1W 9RB**

Council Reference: **15/02977/LIPV**

Ward: **Warwick**

Stress Area: **No**

Report Author: **Nick Nelson, Senior Licensing Officer**

1. Premises & Area Information

- 1.1 Travellers Tavern is a Public House which holds a Premises Licence for the ground and first floors of the premises under the Licensing Act 2003.
- 1.2 The premises are situated on Elizabeth Street opposite Victoria Coach Station. The premises sits on a corner of an alleyway leading to an entrance to Victoria Coach Station. As such, it has tables and chairs along both sides of the exterior of the premises. There are 24 residential units and 4 other licensed premises within a 75 metre radius of the premises.

2. Variation Details

2.1 The variation application was received on 21 April 2015 by the applicant Spirit Pub Company (Services) Limited. The application seeks the following:

- To extend the permission for the sale of alcohol as follows:
 - Ground Floor:
 - Monday to Saturday: 09:00 – 00:00
 - Sunday: 09:00 – 22:30
 - Sundays before Bank Holidays: 09:00 – 00:00
 - First Floor:
 - Monday to Thursday: 09:00 – 23:30
 - Friday to Saturday: 09:00 – 00:00
 - Sunday: 09:00 – 22:30
 - Sundays before Bank Holidays: 09:00 – 00:00
- To amend conditions 13(a), 13(b), 13(c), 14(a), 14(d) and 15 to reflect the revised hours for the sale of alcohol requested above (see **Appendix B**).

2.2

Licensable activities permitted under the existing Premises Licence 14/09551/LIPVM	Variation to Licensable Activities
Performance of Live Music: Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00	Performance of Live Music: No change
Playing of Recorded Music: Unrestricted	Playing of Recorded Music: No change
Anything of a similar description to Live Music or Recorded Music: Monday to Thursday: 10:00 – 23:30	Anything of a similar description to Live Music or Recorded Music: No change

<p>Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00</p>	
<p>Late Night Refreshment:</p> <p><u>Ground Floor:</u> Monday to Saturday: 23:00 – 00:30 Sundays before Bank Holiday: 23:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 23:00 – 23:30 Friday to Saturday: 23:00 – 00:00 Sundays before Bank Holiday: 23:00 – 00:00</p>	<p>Late Night Refreshment:</p> <p>No change</p>
<p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</p> <p>Unrestricted</p>	<p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</p> <p>No change</p>
<p>Sale by Retail of Alcohol - for consumption On and Off the premises</p> <p><u>Ground Floor:</u> Monday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00</p>	<p>Sale by Retail of Alcohol - for consumption On and Off the premises</p> <p><u>Ground Floor:</u> Monday to Saturday: 09:00 – 00:00 Sunday: 09:00 – 22:30 Sundays before Bank Holidays: 09:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 09:00 – 23:30 Friday to Saturday: 09:00 – 00:00 Sunday: 09:00 – 22:30 Sundays before Bank Holidays: 09:00 – 00:00</p>
<p>Opening Hours</p> <p><u>Ground Floor:</u> Monday to Saturday: 07:00 – 00:30 Sunday: 07:00 – 22:50 Sundays before Bank Holidays: 07:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 07:00 – 23:30 Friday to Saturday: 07:00 – 00:00 Sunday: 07:00 – 22:50 Sundays before Bank Holidays: 07:00 – 00:00</p>	<p>Opening Hours</p> <p>No change</p>

3. Representations

3.1 A representation has been received from the Environmental Health Service, as detailed below:

3.2 **David Nevitt – Environmental Health Officer, Environmental Health Consultation Team**
Received: 27 April 2015

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

4. Policy & Guidance

4.1 When determining applications, members should consider whether the applicant has provided sufficient information in their application to promote the Licensing Objectives:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm

4.2 The representation from Environmental Health focuses on the potential problems of public nuisance and public safety.

4.3 As the application is requesting the extension of hours in the morning from 9am, policy HRS1 applies. Policy HRS1 states that applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4.4 AS the premises operates as a Public House, Policy PB1 applies. Policy PB1 states that applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4.5 Taking into account the representation received, the Westminster's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 the Licensing Sub-committee may refuse, grant in full or grant in part this proposal.

5. Appendices

- 5.1 A – Premises Licence History
B – Conditions
C – Residential Map and list of premises in the vicinity

If you have any queries about this report or wish to inspect one of the background documents please contact:

Nick Nelson, Senior Licensing Officer
Telephone: 020 7641 3431
Email: nnelson@westminster.gov.uk

APPENDIX A4



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	11 th June 2015
Licensing Ref No:	15/02349/LIPN
Title of Report:	Application for a New Premises Licence under the Licensing Act 2003 for Duke of Argyll Public House 37 Brewer Street London W1F 0RY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kerry Simpkin Licensing Team Leader
Contact details	Tel: 020 7641 1840 E-mail: ksimpkin@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	26 th March 2015		
Applicant:	Mr Thomas Paget		
Premises:	Duke of Argyll Public House		
Premises address:	37 Brewer Street London W1F 0RY	Ward:	West End
		Stress Area:	West End
Premises description:	Public House		
Premises licence history:	The premises already have the benefit of a premises licence (10/00308/LIPT) which is issued to Mr Thomas Paget, the applicant. A full licence history is attached at Appendix 3		
Applicant submissions:	See Appendix 2		

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	23:30	23:30	23:30	
Seasonal variations:	No variance from proposed hours						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. (Due to the licensable hours specified within the Act for late night refreshment (23:00 to 05:00) this will effectively be from 23:00 on New Year's Eve to 05:00 on New Years day)						

Sale by retail of alcohol				On or off sales or both:			Both
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:	No variance from proposed hours						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. (Effectively from 23:00 on New Year's Eve to 10:00 on New Year's Day).						

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	12:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations:	No variance from proposed hours						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. (Effectively from 23:00 on New Year's Eve to 10:00 on New Year's Day).						
Adult Entertainment:	None (Proposed Applicant Condition 14)						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Westminster Police Licensing Team - Metropolitan Police
Representative:	Jim Sollars, Police Constable
Received:	11:48, 14 th April 2015
<p>...with reference to the above application Police make a representation against the above application.</p> <p>The application is for a bar in the West End Stress Area and therefore against policy.</p>	
Responsible Authority:	Environmental Health Consultation Team, Public Protection and Licensing

Representative:	David Nevitt, Environmental Health Officer
Received:	21 st April 2015
<p>I refer to the above application which seeks a Premises Licence to include the following Licensable activities:</p> <p>Late Night Refreshment 'Indoors' until 2330hrs Monday to Saturday;</p> <p>The Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday, 1000hrs-2300hrs, and 1200hrs-2230hrs on Sunday;</p> <p>The applicant seeks the following Non-Standard Timings:</p> <p><i>'From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day'.</i></p> <p>The applicant has proposed conditions which are under consideration.</p> <p>I wish to make Representations on the following grounds:</p> <p style="padding-left: 40px;">Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>The premises are located in the West End Stress Area as defined by the City Council's Licensing Policy.</p>	

2-B Other Persons			
Name:		Kenneth White	
Address and/or Residents Association:		Chairman of St. James's Residences Resident's Association	
Status:	Local resident	In support or opposed:	Support with caveat
Received:	11:03, 7 th April 2015		
<p>I will support this application as the pub is generally well run. However, the new licence should stipulate that any deliveries and bottle collections should be outside the hours that we sleep, 12 midnight to 7am. Also, there should be a requirement that the staff sweep up outside the pub after the customers have gone home - cigarette ends.</p> <p>(Proposed condition 16, Appendix 4)</p>			
Name:		Mr Abraham Jordan	
Address and/or Residents Association:		Flat 2, 25 Great Windmill Street London	

Status:	Local resident	In support or opposed:	Opposed
Received:	22:11, 15 th April 2015		

I have reviewed the documents provided for the above license application and I have some issues with the proposed changes to the Duke of Argyll.

First of all, and from what i understand, the applicant is planning on opening the current staff entrance for customer use, if that is the case, I would like to strongly object to that, due to its proximity to our building's main entrance, the pub's customers already consume their alcoholic beverages outside our homes, opening a second customer door would mean more crowding and noise.

I also disagree on music being played loudly at the first floor; again this is due to the noise that will echo on to our flats. I think it is only fair that the premises should stick to its core hours only.

As a next door neighbour, I believe that my concerns should strongly be taken into consideration, as this will be affecting our homes and families.

Name:	Ms Marie Payne
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Address and/or Residents Association	Flat 3, 25 Great Windmill Street London and Chairman 25 Great Windmill Street Residents Association
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Status:	Local resident and Chairman of Residents Association	In support of opposed:	Opposed
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Received:	09:20, 20 th April 2015
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I write to make a representation in respect of the above application for a new premises licence. I am concerned that the application, if granted, would harm the licensing objective of prevention of public nuisance.

I live at Flat 3, 25 Great Windmill Street, London,W1D 7LH

The application seems to be for the same hours as currently permitted, but includes the first floor within the licensable area. This will presumably mean that the capacity will increase. I have two concerns:

1. That licensable activity on the first floor will cause noise seepage into the adjoining flats, which are in our block. I appreciate that live and recorded music is deregulated between the hours of 8am and 11pm in certain circumstances, although the licence holder does not seem to permit music anyway. It would be helpful if the Applicant could confirm whether they intend to have any music. In any event, we would suggest a condition that: 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.'

2. The entrance to our block is adjacent to a door marked on the application plans as 'entrance' (on Great Windmill Street). This entrance has been used by staff in the past, not customers, and so has not caused an issue. However, we are worried that the applicant will allow customers to use this entrance. As customers drink outside the pub in the evenings outside the main entrance, this would also happen outside the Great Windmill Street entrance. We would therefore ask that this entrance remains for use by staff only and that a suitable condition is added in this regard.

I have been in to the pub to inquire about the application and the barman was very helpful. The people who run it are very nice and it has been unproblematic in the past. We just want to ensure that it remains that way.

We look forward to being kept informed of any developments and would welcome clarification from the Applicant as to the points raised in this letter.

Name:		Mr Alf Taboda	
Address and/or Residents Association		Flat 40, St James's Residence Brewer Street London	
Status:	Local Resident	In support or opposed:	Opposed
Received:	09:34, 22 nd April 2015		

My family occupies the adjacent property along Brewer Street, two floors up, and we suffer noise pollution through the constant noise emanating from air conditioning units owned by the Duke of Argyle pub.

We have identified them as belonging to the Duke of Argyle, and the problem is particularly acute in the summer months, where we find it impossible to sleep with our windows open due to the noise. The units continually operate through the small hours of the night, breaking off only occasionally.

We had complained directly to the landlords before but our messages were not answered. We feel the current proprietors do not take our concerns seriously, and do not consider the basic needs of residents sleeping to the rear of the property who wish to have a good night's sleep without the low-level yet constant noise of air con units droning on; for this reason we object to the pubs license application.

3. Policy & Guidance

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

Policy HRS1	<ul style="list-style-type: none"> 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
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	this policy will be considered on their merits, subject to other relevant policies.
Policy STR1	<ul style="list-style-type: none"> i. It is the Licensing Authority's policy to refuse applications in the Stress 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. ii. Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.
Policy PB2	It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents (Statement of Case, Restoration Proposal and Food Menu)
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Kerry Simpkin, Licensing Team Leader
Contact:	Telephone: 020 7641 1840 Email: ksimpkin@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 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	26 th March 2015
5	Public Notice	26 th March 2015

6	Premises in the vicinity list – Residents	31 st March 2015
7	Residents letters	31 st March 2015
8	Service of online application email	31 st March 2015
9	Designated Premises Supervisor consent	26 th March 2015
10	Mr Kenneth White Public Access submission	7 th April 2015
11	Police Representation Email from PC Sollars	14 th April 2015
12	Mr Abraham Jordan Public Access submission	15 th April 2015
13	Ms Marie Payne Representation email	20 th April 2015
14	Environmental Health Representation – Mr Nevitt	21 st April 2015
15	London Fire Brigade No Representation email	21 st April 2015
16	Mr Alf Taboda Public Access submission	22 nd April 2015
17	Applicants supporting documents email	11 th May 2015
18	Applicant Notice of Hearing letter	26 th May 2015
19	Environmental Health Notice of Hearing Letter	26 th May 2015
20	Police Notice of Hearing Letter	26 th May 2015
21	Resident Representation Notice of Hearings Letters	26 th May 2015
22	Email to Mr Nevitt attaching Notice of Hearing	26 th May 2015
23	Email to PC Sollars attaching Notice of Hearing	26 th May 2015
24	Email of Attendees on behalf of the applicant	1 st June 2015