



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 14th September, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Jean Paul Floru (Chairman)
Heather Acton
Louise Hyams

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 via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. 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 Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. NANERJ, 60 EDGWARE ROAD, W2

(Pages 1 - 18)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bryanston and Dorset Square Ward / Edgware Road Cumulative Impact Area	Nanerj, 60 Edgware Road, W2	Variation of a Premises Licence	17/06307/LIPV

2. 1 ST JAMES'S MARKET, SW1

(Pages 19 - 44)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward / West End Cumulative Impact Area	1 St James's Market, SW1	New Premises Licence	17/06464/LIPN

**Charlie Parker
Chief Executive
8 September 2017**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	14 September 2017
Licensing Ref No:	17/06307/LIPV - Premises Licence Variation
Title of Report:	TXE LIMITED T/a NANERJ 60 Edgware Road London W2 2EH
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	8 June 2017		
Applicant:	TXE Limited		
Premises:	NANERJ		
Premises address:	60 Edgware Road London W2 2EH	Ward:	Bryanston and Dorset
		Cumulative Impact Area:	Edgware
Premises description:	The premises is currently operating as a restaurant and takeaway.		
Variation description:	The variation application is to change the layout of the restaurant. Addition of Recorded Music.		
Premises licence history:	The premises has been licensed since December 2005.		
Applicant submissions:	None.		
Plans	The plans are available upon request to the Licensing authority and will be made available at the Licensing Sub-Committee.		

1-B Current and proposed licensable activities, areas and hours					
Regulated Entertainment					
Performance of Recorded Music					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday			11:00	23:30	No Change.
Tuesday			11:00	23:30	
Wednesday			11:00	23:30	
Thursday			11:00	23:30	
Friday			11:00	23:30	
Saturday			11:00	00:00	
Sunday			11:00	23:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	00:00	No Change.		No Change.
Tuesday	23:00	00:00			
Wednesday	23:00	00:00			
Thursday	23:00	00:00			
Friday	23:00	00:00			
Saturday	23:00	00:00			
Sunday	23:00	23:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	See conditions at Appendix 3			No Change.	

Sale by Retail of Alcohol					
On or off sales		Current :			Proposed:
		On Sales			On Sales
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	11:00	00:00	No Change.		No Change.
Tuesday	11:00	00:00			
Wednesday	11:00	00:00			
Thursday	11:00	00:00			
Friday	11:00	00:00			
Saturday	11:00	00:00			
Sunday	12:00	23:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	See conditions at Appendix 3			No Change.	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	11:00	00:00	No Change.		No Change.
Tuesday	11:00	00:00			
Wednesday	11:00	00:00			
Thursday	11:00	00:00			
Friday	11:00	00:00			
Saturday	11:00	00:00			
Sunday	11:00	00:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	See conditions at Appendix 3			No Change.	

1-C Layout alteration
The premises have undergone a full refurbishment of the ground floor.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence	To be added
Custom will not be sought by means of solicitation in the vicinity of the premises.	To be added
All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition	To be added
Prominent, legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave premises.	To be added

Deliveries of goods will be carried out at such a manner as to prevent nuisance and disturbance to nearby residents.	To be added	
The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.	To be added	
Adult entertainment:	Current position:	Proposed position:
	Not applicable	Not applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	11 th August 2017
<p>I refer to the variation of the Premises Licence application for the above premises which is located in the Edgware Road Cumulative Impact Area.</p> <p>The applicant has submitted new Ground Floor plans, ref.: project no RK003, drawing 1 Rev A dated 1.05.07.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. Change layout in accordance with the submitted plans 2. Provision of Recorded Music 'indoors' Sunday to Friday 11:00 to 23:30 hours and Saturday 11:00 to 00:00 hours <p>I wish to make the following representations based on the submitted plans and operating schedule:</p> <ol style="list-style-type: none"> 1. The changes in layout may adversely impact on Public Safety and may lead to an increase in Public Nuisance in the Cumulative Impact Area 2. The provision of Recorded music and for the hours requested may lead to an increase in Public Nuisance in the Cumulative Impact Area <p>The applicant has offered some undertakings in the operating schedule some of which will need to be converted into enforceable conditions.</p> <p>Also it is unclear if the proposed changes have already been completed. Environmental Health will need to inspect the premises for Public Safety and assess if there have been any changes to sanitary accommodation and kitchen facilities which might lead to an increase in Public Nuisance.</p>	

2-B Other Persons	
Received:	11 th August 2017
<p>I would request that the application does not extend to the pavement area in front of the restaurant. We already suffer from drunken noise late at night from the nearby Salt Bar. I would also request that the pavement area in front is not used as a shisha smoking area. This results in an objectionable smell in the area, is not healthy and is the prime attraction for the numerous beggars who have invaded the area in recent years including those who use small children to beg on their behalf.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy FFP1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	8 th June 2017
5	Representation – Environmental Health	11 th August 2017
6	Representation - Resident	11 th August 2017

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/09821/LIPN	Application for a new Premises Licence	13/12/2005	Granted by Licensing Sub-Committee
06/05402/LIPDPS	Application to vary the Designated Premises Supervisor	30/06/2006	Granted under Delegated Authority
07/02635/LIPDPS	Application to vary the Designated Premises Supervisor	14/03/2007	Granted under Delegated Authority
07/02636/LIPT	Application to Transfer the Premises Licence	17/03/2007	Granted under Delegated Authority
07/08921/LIPV	Application to vary the Premises Licence : Increase the terminal hour for late night refreshment only to 5a.m. seven days a week.	15/11/2007	Refused by Licensing Sub-Committee
11/12290/LIPT	Application to Transfer the Premises Licence	20/01/2012	Granted under Delegated Authority
13/00856/LIPV	Application to vary the Premises Licence : The premises is a Restaurant with a Shisha Service (outside only). We would like to extend our opening hours	04/04/2013	Refused by Licensing Sub-Committee

	from 09.00 until 02.00 along with late night refreshment until 02.00am to help our income.		
17/03407/LIPDPS	Application to vary the Designated Premises Supervisor	04/04/2017	Application withdrawn
17/03510/LIDPSR	DPS request to be removed.	04/04/2017	Granted under Delegated Authority
17/04466/LIPT	Application to Transfer the Premises Licence	22/05/2017	Granted under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. No children shall be allowed on the premises unless accompanied by an adult.
10. Alcohol shall be supplied for consumption on the premises only.
11. All patrons shall be requested to leave in an orderly and quiet fashion and requested to respect other people within the area.

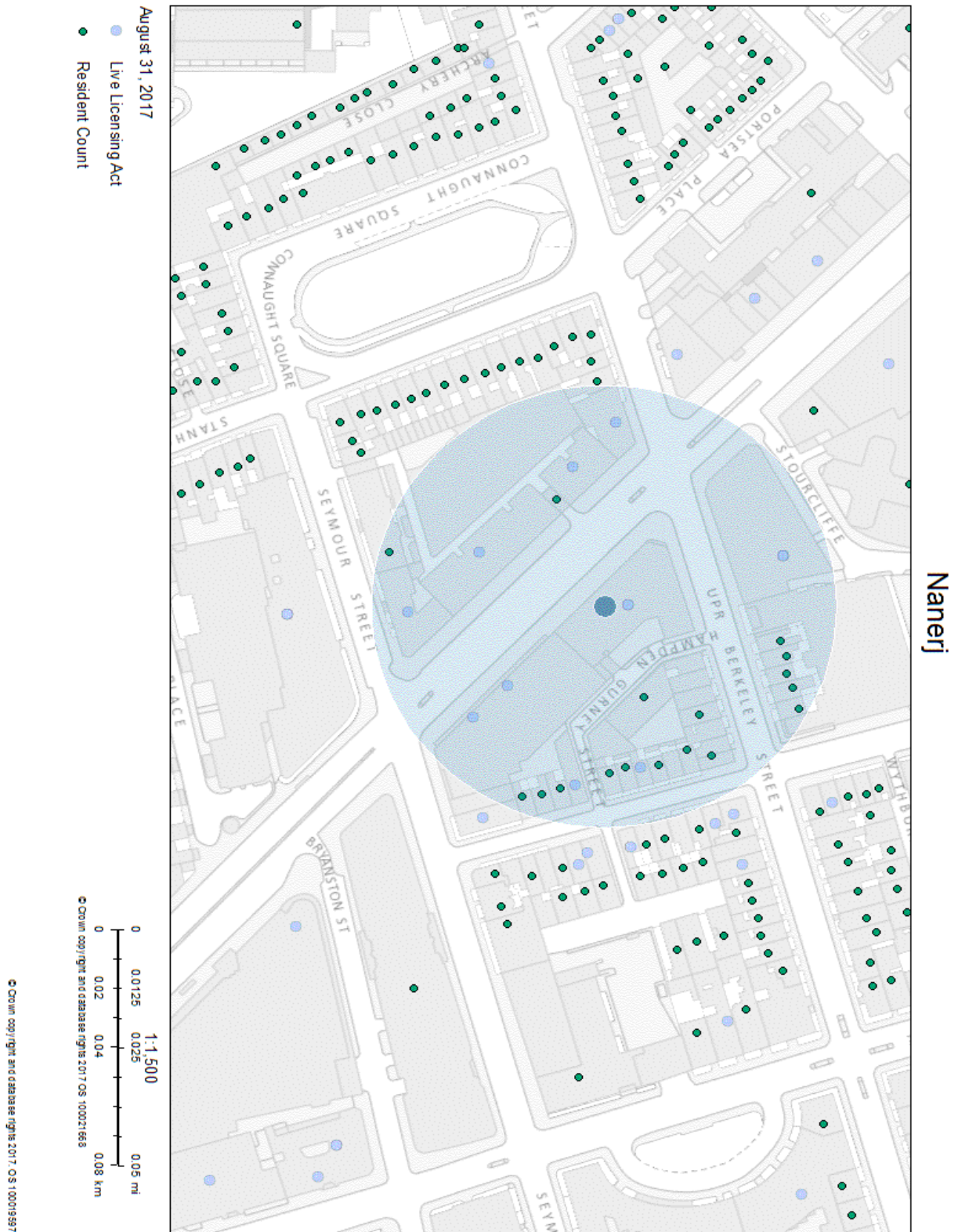
Annex 3 – Conditions attached after a hearing by the licensing authority

12. The supply of alcohol in the restaurant/bar area shall only be to persons taking table meals there for consumption by such persons as ancillary to their meal.
13. Suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises.
14. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. The premises will maintain a comprehensive CCTV system that covers all entry and exit points, enabling frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).
16. The premises are allowed non-standard timings to residents and their bona fide guest for sale by retail of alcohol on Monday to Saturday from 10:00 to 00:00.

Additional conditions proposed by the applicant in the operating schedule

17. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence
18. Custom will not be sought by means of solicitation in the vicinity of the premises.
19. All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition
20. Prominent, legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave premises.
21. Deliveries of goods will be carried out at such a manner as to prevent nuisance and disturbance to nearby residents.
22. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.

Residential Map and List of Premises in the Vicinity



Resident Count : 264

Premises within 75 metres of: Nanerj, 60 Edgware Road, W2 2EH

p / n	Name of Premises	Premises Address	Licensed Hours
72865	Sidi Maarouf	56 Edgware Road London W2 2EH	Sunday 12:00 to 00:30
73119	Sitt A Sham Restaurant	60 Edgware Road London W2 2EH	Monday to Sunday 11:00 to 00:00
38342	Snowflake, Unit 1, Marble Arch House	44 Edgware Road London W2 2EH	Friday to Saturday 08:00 to 02:00
5033	Maroush Restaurant	Basement 21 Edgware Road London W2 2JE	Monday to Saturday 09:00 to 02:30
72747	Ranoush Juice	43 Edgware Road London W2 2JE	Monday to Sunday 08:00 to 03:00
34285	Vinoteca	15 Seymour Place London W1H 5BE	Monday to Sunday 08:00 to 23:00
38341	As Nature Intended	36 Edgware Road London W2 2EH	Saturday 09:00 to 20:00
58021	Green Valley	36 - 37 Upper Berkeley Street London W1H 5QF	Monday to Sunday 08:00 to 00:00
58054	Biagi's	39 Upper Berkeley Street London W1H 5QE	Sunday 12:00 to 00:00
73184	Maroush Express	68 Edgware Road London W2 2EG	Monday to Saturday 10:00 to 01:00
38116	Donostia	9 Seymour Place London W1H 5BA	Monday to Friday 11:30 to 23:00
28737	Maroush Gardens	Basement And Ground Floor 1 Connaught Street London W2 2AF	Monday to Saturday 10:00 to 00:30
40575	Salt Dining Room	13 Edgware Road London W2 2JE	Monday to Saturday 10:00 to 01:30

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Item No:	
Date:	14 th September 2017
Licensing Ref No:	17/06464/LIPN - New Premises Licence
Title of Report:	1 St James's Market London SW1Y 4AH
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 June 2017		
Applicant:	The Crown Estate		
Premises:	1 St James's Market London SW1Y 4AH		
Premises address:	1 St James's Market London SW1Y 4AH	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	According to the application the proposed licensed area is to be located on the 7th floor of the premises to cover office catering, staff canteen and corporate hospitality facilities.		
Premises licence history:	The premises does not benefit from a premises licence, therefore does not have a current premises history.		
Applicant submissions:	The general public do not have access to the premises and there will be no external advertising of licensed facilities. Off-sales are restricted to other areas within the building.		
Plans:	Copies of the premises plans are available on request and for display at the hearing.		

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
NOTE:				The general public do not have access to the premises and there will be no external advertising of licensed facilities. Off-sales are restricted to other areas within the building.			

2. Representations

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

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

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

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

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

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

3. Policy & Guidance

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

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

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

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

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

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

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

Applicant Supporting Documents

Thomas & Thomas
Partners LLP

Application for Premises Licence

1 St James's Market, London SW1Y 4AH

APPLICATION SUMMARY**Proposed Hours**

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

Proposed Conditions

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

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Thomas & Thomas

Partners LLP

Your ref: 17/06464/LIPN
Our ref: JS/VAC.3.8

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FAO Ms Yolanda Wade
Public Protection and Licensing
Westminster City Council
Portland House
22nd Floor
Bressenden Place
SW1E 5RS

By email: licensing@westminster.gov.uk

06 September 2017

Dear Sirs

**Application for a Premise Licence - Ref: 17/06464/LIPN
The Crown Estate, 1 St James's Market**

We would be grateful for the Licensing Sub-Committee's consideration of this letter and enclosures ahead of the hearing scheduled 14 September 2017.

The applicant hopes that the contents of this letter will help address comments made by the Licensing Sub-Committee during the previous hearing on 17 August 2017.

Events

A representative sample of occasional events held at the premises will include:

Regent Street and St James's Christmas Lights switch on

- Live video feed of the Christmas lights switch on displayed on the 7th floor of the premises.
- Drinks and canapé reception before, during and after the Christmas light switch on.
- Maximum capacity of approximately 150 at any one time.
- Attendees would include Westminster Councillors, representatives of the Crown Estate and high level local stakeholders.
- Finish time around 9.00 - 10.00 pm.

Crown Estate Summer Reception

- Summer drinks and canapé reception for high level local stakeholders, representatives from local commercial tenants and retailers, managing agents and representatives from Transport for London.
- Maximum capacity of approximately 150 at any one time.
- Finish time around 9.00 - 10.00 pm.

Crown Estate Chairman's Autumn Annual Reception

- Chairman announcement of the Crown Estate's annual results.
- Maximum capacity of approximately 150 at any one time.
- Drinks and canapé served from early evening until around 8.00-9.00 pm.

The applicant does not anticipate hosting a significant number of events per year. All events will be hosted on a similar basis to those outlined above.

In addition to the occasional events, the premises licence application seeks authorisation for the applicant's in-house caterer, Vacherin, to provide occasional alcohol under their catering contract. For example, this may include champagne supplied in a board room to celebrate a deal during the daytime.

For the avoidance of any doubt, the events would at all times comply with the proposed licence conditions. Under no circumstances would the premises be hired out to external promoters with DJ's and loud music late at night.

Hours

The premises licence application proposes a terminal hour of 11.00 pm for the sale of alcohol Monday to Saturday, 10.30 pm on Sundays. It is anticipated the vast majority of events will finish well before this terminal hour (as above). In order to maintain some flexibility, the application is maintained until 11.00 pm, which is well within the City Council's core hours in any event.

Capacity

The 7th floor has been risk assessed with a safe capacity of 201 persons during functions or events. The applicant proposes a licence capacity consistent with the risk assessment. In all likelihood many events will have a lower number of persons attending. Flexibility is required up to 201 in case of a highly attended event.

Arrival and Dispersal

Arrival and departure will be via the ground floor reception area. At all times this area is supervised by reception staff and on-site security.

Guests will be required to check in, whether they are attending a daytime meeting or evening function. A guest list will be upheld at all times for events. There is no possibility of a member of the public entering the premises without a prior invitation. During busier events, additional staff employed by the Crown Estate, Vacherin and event management companies will be stationed in the ground floor reception area to help manage arrival and dispersal.

It is not anticipated 200 persons will all seek to leave at 11.00 pm. Dispersal from the applicant's previous events at other premises has been very gradual. The type of persons attending these events (including Westminster Councillors!) are not typically associated with noisy or anti-social behaviour. In the very unlikely event a large group seeks to leave at the same time, reception staff will be on hand to remind guests to leave quietly and assist in their dispersal. Guests will be directed towards the numerous local transport links where required.

From the ground floor reception guests will disperse into the new public realm area created by the applicant as part of the development in partnership with the City Council. There are no local residents living in the immediate vicinity. The development is made up of commercial uses, including numerous restaurants at ground floor level. A number of those restaurants were recently granted 1.00 am licences by the City Council.

In light of all the above, there is no realistic possibility of guests leaving occasional events held at the premises causing a public nuisance or contributing to crime and disorder in the area.

Smoking

Smoking is not permitted anywhere in the building, including the terraces. Smokers will be directed to smoke in the new public realm area immediately outside the premises. This area is monitored by staff in the ground floor reception area and estate management staff employed by BNP Paribas. In addition, cleaners are employed to keep this area clean and tidy at all times.

Conditions

A comprehensive schedule of conditions to control the specific use was proposed with the application. Additional conditions have now been agreed with the environmental health consultation team.

These conditions are broadly consistent with the operating schedules of similar licences previously granted by the City Council, including:

- Hearst Magazine – 33 Broadwick Street, W1F 0DQ
- Daniel J Endelman – 1st Floor, 5 Powic Place, SW1P 1WG
- Bayne & Company – 1 – 7 Floors, 40 Strand, WC2N 5HZ
- HSBC – 78 St James's Street, SW1A 1JB
- Kleinwort Benson – 14 St George Street, W1S 1FE
- CB Richard Ellis – 8 Henrietta Place, W1G 0NB
- Canteen Foreign and Commonwealth Office – King Charles Street, SW1A 2FA
- JP Morgan Chase – 1 Knightsbridge, SW1X 7LX
- BAE Systems – 6 Carlton Gardens, SW1Y 5AA

We understand all of the above premises licences authorise similar licensable activities to those proposed under the current application. This includes the supply of alcohol by an in house caterer to the occupier of a corporate office with no general access to members of the public.

So far as we are aware, there are absolutely no complaints or issues arising from the licensable activities provided under the above premises licences. We hope this provides the committee with some assurance that the Crown Estate's proposals will similarly present no concerns under the licensing objectives.

Licensing Policy

The premises is located in the West End Cumulative Impact Area. However, the premises cannot be categorised as a pub, bar, fast-food premises or premises offering facilities for music and dancing. In addition, the proposed hours are well within the Core Hours.

As a result, there is no automatic policy presumption to refuse the application. For the reasons set out above and all the associated controls, safeguards and credentials of the Crown Estate, there is no realistic prospect of any addition to the cumulative impact in the cumulative impact area.

Finally, we enclose photographs of the premises, which we hope assists the committee in their consideration.

Yours faithfully

Jack Spiegler

Thomas & Thomas Partners LLP

tel: 020 7042 0413

email: jspiegler@tandtp.com

Encl.

A NEW BUILDING FOR MODERN ST JAMES'S

Nº1 St James's Market is part of a new and exciting scheme from The Crown Estate and Oxford Properties, designed by internationally acclaimed Make Architects and centred around a new public square.

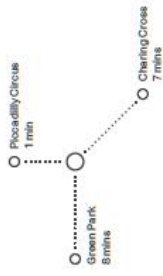
The building provides high class office accommodation with beautiful architectural detail. The quality of the design reflects prestigious St James's and its excellent reputation for business.



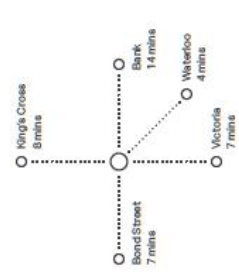
THE CENTRE OF THE WEST END

Defined by its four corners – St James's Palace, The Ritz, Piccadilly Circus and Trafalgar Square – St James's is a central and iconic part of London. Suitably, the area is served by excellent transport infrastructure whether travelling from within central London or further afield.

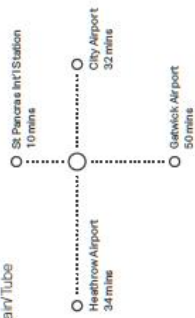
Walking



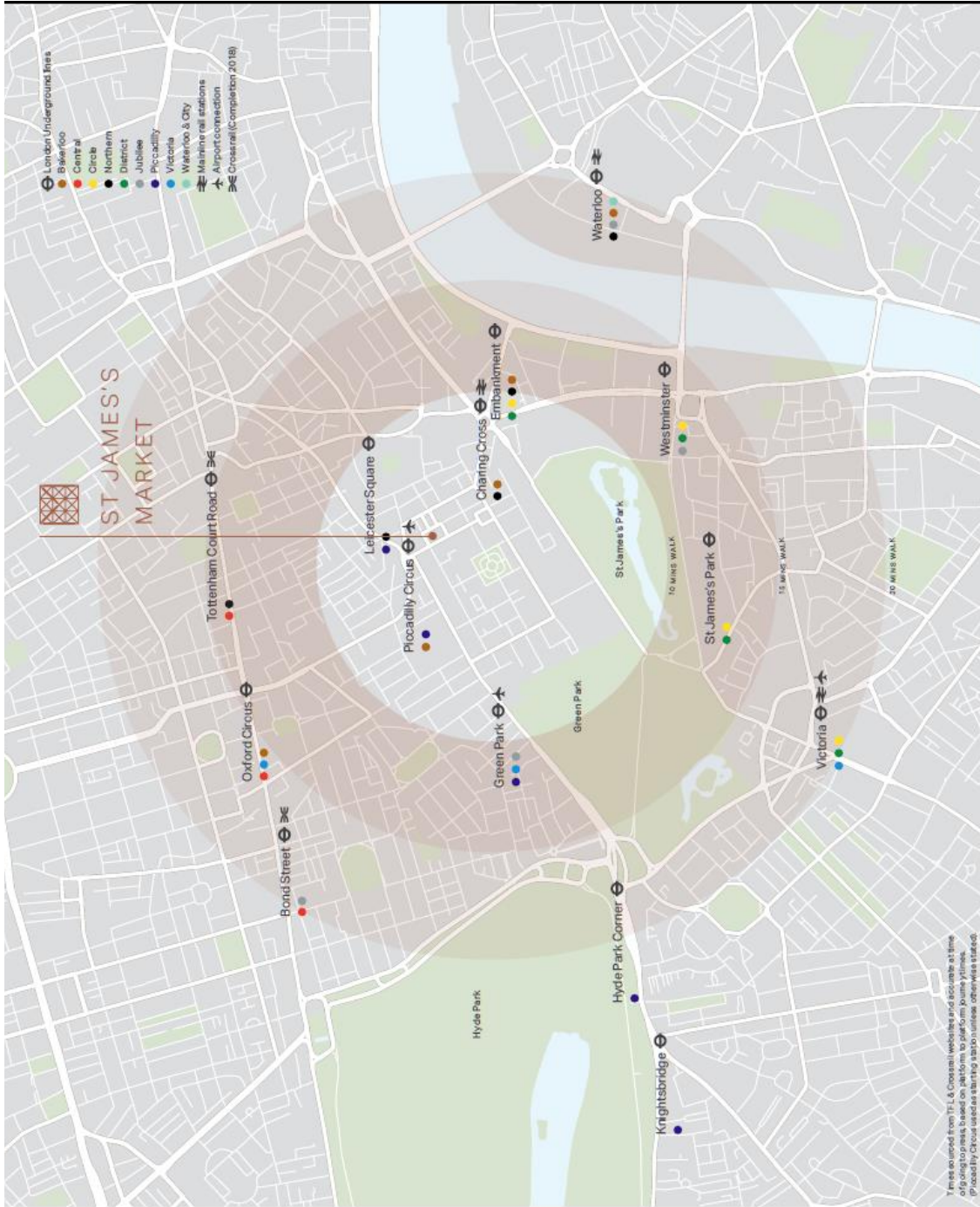
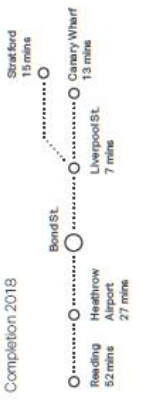
By Tube



International by Train/Tube



Crossrail Completion 2018



Times derived from TfL & Crossrail websites and accurate at time of going to press based on platform to platform journey times. (Piccadilly Circus to Piccadilly Station via Piccadilly Line)

A LONDON DESTINATION

ST JAMES'S MARKET IS AN EXCLUSIVE
NEW DESTINATION FOR THE WEST END –
NOT ONLY AS A NEW BUSINESS ADDRESS
AND ATTRACTIVE SQUARE, BUT WITH A
COLLECTION OF INDIVIDUAL RESTAURANTS
AND AN EXCITING ART PAVILION WITH
A YEAR-ROUND CALENDAR OF EVENTS.



DISTINCTIVE ENTRANCE

An eight-storey glass fin, with an encapsulated woven copper mesh, marks the entrance from the square. The distinctive use of Portland stone on the facade, from smooth to highly textured finishes, is also best appreciated from the entrance to N°1 St James's Market.



STRIKING RECEPTION

The base of the fin flows into the building enclosing the ceiling of the double-height reception at N°1 St James's Market. The voluminous space is complemented by soft pale limestone, bespoke inbuilt lighting and high quality furnishings.

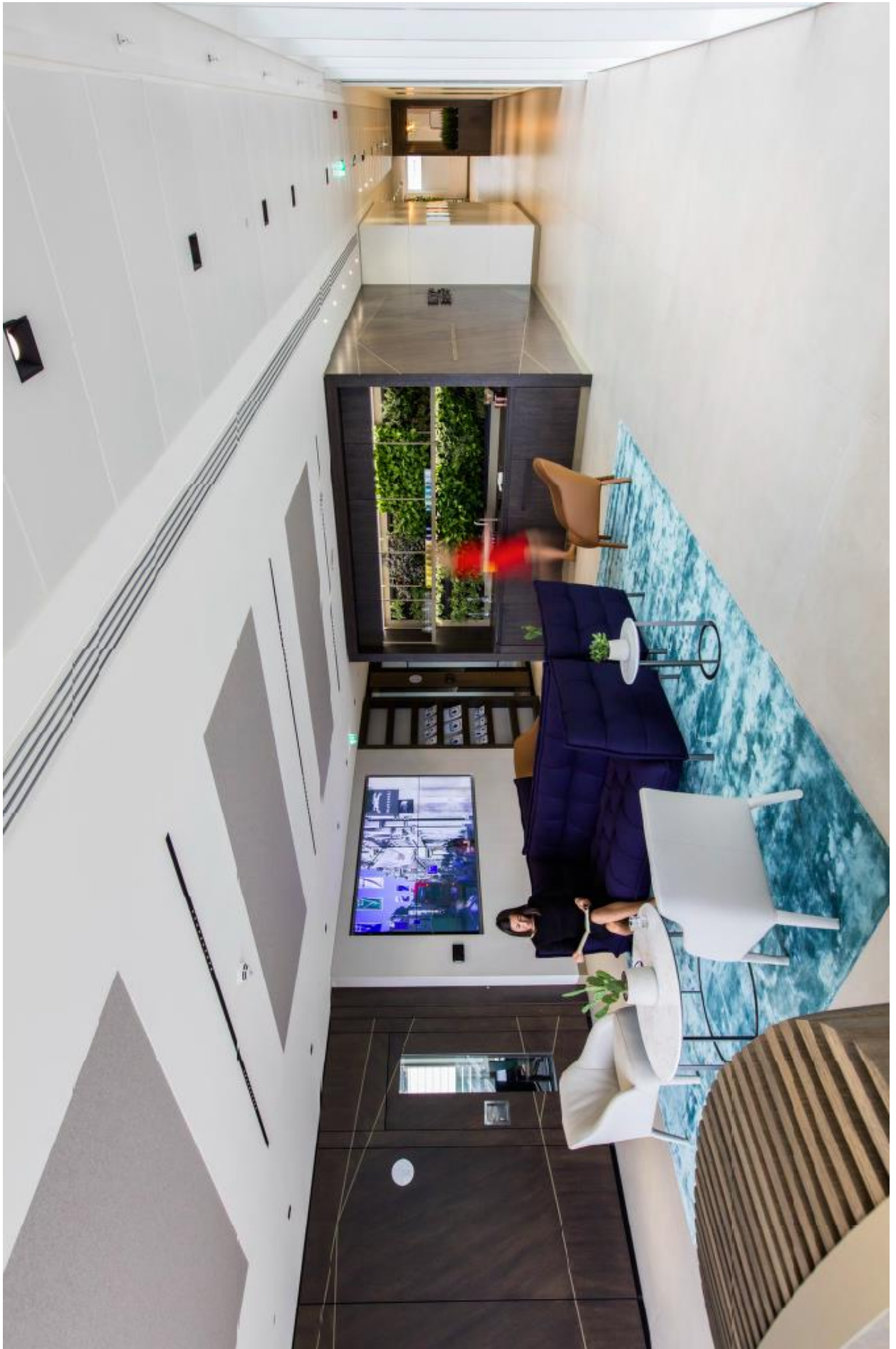




LONDON VIEWS

The terraces at N°1 St James's Market offer beautiful views over central London, here looking southwest towards St James's Park and Westminster beyond.





Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

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

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

20. There shall be no fixed bar area at any time at the premises
21. The external doors to the 7th Floor terraces shall be kept closed after 21:00 hours except for the immediate access and egress of persons
22. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
23. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
26. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

1 St James's Market



August 4, 2017

1:2,000
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0 0.0275 0.055 0.11 Km
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