



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 17th September, 2020**, This will be a virtual meeting.

Members Present: Councillors Tim Mitchell (Chairman), Margot Bright and Maggie Carman

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 BAKER AND SPICE 54-56 ELIZABETH STREET, LONDON SW1W 9PB

WCC LICENSING SUB-COMMITTEE NO. 2

Thursday 17th September 2020

Membership: Councillor Tim Mitchell (Chair), Councillor Margot Bright and Councillor Maggie Carman

Officer Support:	Legal Advisor:	Horatio Chance
	Policy Officer:	Aaron Hardy
	Committee Officer:	Tristan Fieldsend
	Presenting Officer:	Jessica Donovan

Application for a New Premises Licence 20/06415/LIPN
Full Decision

Premises

Baker and Spice
54-56 Elizabeth Street
London
SW1W 9PB

Applicant

Baker and Spice (London) Limited
Represented by Mide Ann Harkin (Arms Management Company)

Cumulative Impact Area?

Not in a Cumulative Impact Area

Ward

Knightsbridge and Belgravia

Summary of Application

The Premises intended to operate as a local café/deli serving coffee all day, homemade cakes and a full range of deli items with a dine in menu offering brunch and light mains. The only licensable activity sought was for the Sale by Retail of Alcohol On and Off the Premises within core hours.

Proposed Activities and Hours

[Retail Sale of Alcohol \[On and Off Sales\]](#)

Monday to Sunday 10.00 to 21.00

[Hours premises are open to the public](#)

Monday to Sunday 07.30 to 21.00

Representations Received

- Metropolitan Police (PC Dave Morgan) – Now withdrawn
- Environmental Health (“EH”) (Maxwell Koduah)
- Licensing Authority (Angela Seaward)
- Eight local residents objecting to the application

Summary of issues raised by objectors

- The application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
- The surrounding area already experienced noise and disruption from the many licensed premises in the vicinity and the granting of this application would only exacerbate the current issues arising.

Policy Position

Under policy HRS1 applications for hours within the Council’s core hours policy would generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

DECISION

Having considered all the submissions made by all parties, the Licensing Sub-Committee decided to grant the application subject to additional conditions and an amendment to the hours requested.

The Sub-Committee heard a description of the proposal from Ms Harkin. The Sub-Committee was advised that the Premises would be an independent coffee shop that was seeking to become an integral part of the local community. However, due to the Covid-19 pandemic the business was facing significant financial challenges due to reduced footfall and a reduced capacity to ensure social distancing guidelines were adhered to. Permitting the sale by retail of alcohol would provide the Premises with an alternative revenue stream during these challenging times which was the rationale for submitting the application. It was stated that the operator was very experienced in running cafes located in residential areas and had done this without any issues arising. It was acknowledged that one of the key themes to the objections received was the terminal hour of 21:00 hours for the sale of alcohol. Ms Harkin explained this hour was being applied for to afford the operator some degree of flexibility, but due to the current circumstances with Covid-19 the Premises would more than likely close by approximately 18:00 Sunday to Friday and 19:00 hours on Saturdays. It was confirmed that the Premises would not become a destination bar and only a very limited range of alcohol would be available to customers taking a table meal only. There were other licensed premises in the area, however they operated very differently to the application.

In response to questions from the Sub-Committee Ms Harkin confirmed that the start time for the sale by retail of alcohol could be amended on a Sunday to 12 noon to bring this in line with core hours. Ms Harkin also clarified that any off sales would be for home consumption by the customer. It was recognised that concerns had been raised over waste and as such the applicant had agreed EH's proposed conditions.

Mr Koduah, representing Environmental Health, explained that since the application had been submitted several amendments had been made to it which addressed some of his key concerns. Conditions had been agreed with the applicant regarding waste and deliveries, alcohol would be ancillary to customers taking a table meal and the limited range of alcohol provided would be restricted. These conditions would ensure the Premises did not become a drinks-led operation and as such EH's concerns had been sufficiently mitigated.

Mr Brown of the Citizens Advice Bureau, representing six local residents, highlighted the reasons they were objecting to the sale of alcohol at the Premises. The objectors would not wish an additional premises licence to be granted on this street as the local area already had a number of licensed premises which cumulatively caused a noise nuisance to residents. Whilst the objectors acknowledged that 'the Premises was not to blame for this, they felt it would add to the problem, particularly if the sale of alcohol for consumption on the Premises was permitted. They were of the opinion that this would lead to a change in the nature of the Premises which would not be in keeping with the family-friendly nature of the operation at present.

Mr Bartlett, a local resident who was also representing several other local residents, expressed concern over the application and how it intended to sell alcohol in a family orientated area. Concerns over the disposal of waste were also highlighted and how this had the potential to create noise and disturbance to residents. If the Sub-Committee was minded to grant the application it was suggested that the terminal hour for the Premises be restricted to 19:00 hours.

Ms Hart, a local resident, advised the Sub-Committee that the character of the local area had recently changed due to the increase in licensed premises in the area. This had resulted in lots of outside drinking creating noise which disturbed residents and this application was only likely to exacerbate this issue.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area and therefore it had to be considered on its merits. The conditions agreed with the Responsible Authorities were considered appropriate and this included restricting the supply of alcohol to those customers taking a table meal only and served by waiter/waitress service. Further agreed conditions limiting the range of alcohol available and clarifying how any waste disposal would operate also provided reassurance to the Sub-Committee that any impact on local residents would be minimised. A further condition would be added to the licence requiring any licensable activities to be ancillary to the main function of the Premises as a café/delicatessen and this was considered appropriate to ensure it could not become a drink-led destination bar. With the amendment to the start time for the Sale by retail of Alcohol on Sundays to 12 noon the application was also within the Council's core hours policy. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable

for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate, with the conditions proposed restrictive enough to ensure that it promoted the licensing objectives and would allay the fears of local residents. The Sub-Committee therefore granted the application accordingly.

The application is granted as follows:

Retail Sale of Alcohol (On and Off Sales:

Monday to Saturday: 10:00 to 21:00 hours
Sunday: 12:00 to 21:00 hours

Opening Hours:

Monday to Sunday: 07:30 to 21:00 hours

The application is granted subject to the following conditions in addition to the Mandatory conditions applicable to this type of application:

Conditions consistent with the operating schedule

9. The supply of alcohol at the premises shall only be to persons seated at tables.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises, except for alcohol provided to patrons seated at tables within the authorised external seating area.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

13. A Challenge 21 or Challenge 25 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.
14. 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.
15. 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.
16. 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. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business. Conditions proposed by the Environmental Health and agreed with the applicant so as to form part of the operating schedule.
18. The supply of alcohol at the premises, including any area appropriately authorised for the use of tables and chairs, shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
19. The supply of alcohol at the premises, including any area appropriately authorised for the use of tables and chairs, shall be by waiter or waitress service only.
20. The consumption of alcohol in any area appropriately authorised for the use of tables and chairs shall cease at 21:00 hours.
21. All tables and chairs shall be removed from the outside area by 22:00 hours each day.
22. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
23. There shall be no draught beer and spirits.

24. Save for alcohol consumed at any area appropriately authorised for the use of tables and chairs, the sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
25. Save for bottled red, white or rose wine from the retail range, the sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
26. A direct telephone number for the manager at the premises shall always be publicly available when the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 08.00 hours on the following day.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 hours on the following day.
30. With the exception of milk, bread and fresh produce, no deliveries to the premises shall take place between 21.00 and 08.00 hours on the following day.
31. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed 32 persons.
32. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café/delicatessen.

The Meeting ended at 11.13 am

CHAIRMAN: _____

DATE _____