



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 29th October, 2020**, This will be a virtual hearing.

Members Present: Councillors Murad Gassanly (Chairman), Susie Burbridge and Aziz Toki

1 MEMBERSHIP

THERE WERE NO MEMBERSHIP CHANGES.

2 DECLARATIONS OF INTEREST

THERE WAS NO DECLARATIONS OF INTEREST.

1 CIVIL SERVICE CLUB, 13-15 GREAT SCOTLAND YARD, LONDON, SW1A 2HJ

WCC LICENSING SUB-COMMITTEE NO. 5 ("The Committee")

Thursday 29 October 2020

Membership: Murad Gassanly (Chairman) Councillor Susie Burbridge and Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Artemis Kassi
Presenting Officer: Kevin Jackaman

**Application for a New Premises Licence in respect of Civil Service Club
13-15 Great Scotland Yard London SW1A 2HJ 20/07906/LIPN**

Full Decision

Premises

Civil Service Club
13-15 Great Scotland Yard
London
SW1A 2HJ

Applicant

Civil Service Club

Cumulative Impact Area?

Not applicable.

Ward

St James's

Summary of Application

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises operates as a Members Club with hotel, bar and restaurant facilities. The Applicant seeks licensable activities (Indoors) in respect of Film, Performance of Dance, Anything of a Similar Description, Recorded Music, Late Night Refreshment, the Sale of Alcohol On and Off as specified below. The Premises currently have the benefit of a Club Premises Certificate Licence (12/07777/LICV). The Applicant has agreed to surrender this Certificate should the licence be granted. The Premises are not located within any area of Cumulative Impact.

There is a resident count of 172.

Activities and Hours applied for

Films: (Indoors) Live Music (Indoors) Recorded Music (Indoors) Performance of Dance (Indoors) Anything of a Similar Description: (Indoors)

Monday-Sunday 07:00 – 01:00 hours

Seasonal variations/ Nonstandard

timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Late Night Refreshment (Indoors) Exempt for Residents and their bona fide Guests (Indoors)

Monday-Sunday 23:00 – 01:00 hours

Seasonal variations/ Nonstandard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol (On and Off Sales)

Monday-Sunday 07:00 – 01:00 hours

Seasonal variations/ Nonstandard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol for residents and their bona fide guests (On and Off Sales)

Monday - Sunday 00:00 – 00:00 hours

Seasonal variations/ Nonstandard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Hours Premises are Open to the Public

Monday -Sunday 0:00 00:00 hours

Seasonal variations/Nonstandard timings N/A

Representations Received

- Metropolitan Police (PC Bryan Lewis)
- Environmental Health (Dave Nevitt)
- Cole Jarman on behalf of Apt 9, 10 Whitehall Place
- Lewis Silkin Solicitors on behalf of Apt 9, 10 Whitehall Place
- Mode Transport on behalf of Apt 9, 10 Whitehall Place
- Gabre Family Corinthia Residence 10 Whitehall Place London SW1A 2BH

Brief summary of issues raised by objectors

- There are insufficient steps offered to promote the licensing objectives, namely the prevention of crime and disorder contained within the 2003 Licensing Act. However, conditions have now been agreed with the applicant.
- Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety”.
- In the current Covid conditions I have not visited the flat or the club and clearly the club will not currently be operating “normally” and so any ambient noise readings would in any case be of limited value. Therefore my comments are made on the basis of reviewing the licence application, the existing licence for the club, the planning consent in relation to the development of the Corinthia Hotel (which adjoins the flats at 10 Whitehall Place) and the 2020 licence for the Hotel
- The Civil Service Club (“the Club”) has been operating for a considerable amount of time. It is located opposite to 10 Whitehall Place (“10 WP”) which operated as ministerial headquarters for over a century. However, in 2011, 10 WP was converted into 12 residential flats and gradually occupied thereafter. In 2012, the Club was granted a club licence that allowed opening hours Monday to Sunday of 12am – 12am and allowing music and other

entertainment until 1am. The Licence Application seeks to renew these hours but our client, and other residents, have been experiencing problems with late night noise disturbance. We do not know if the impact of the late-night operating hours was taken into account in 2012 since 10 WP was a new conversion at that time. However, that impact needs to be taken into account this time round, particularly bearing in mind the cumulative impact in relation to noise and traffic that will arise from the current hotel conversion of the Old War Office in Whitehall and its similar proximity.

- Our building is adjacent to The Civil Service Club and we are directly affected by noise and traffic arising from the Club.
- We would like to take the opportunity that has arisen with this renewal application to ask for some additional conditions to be imposed in recognition of our concerns and to protect our amenity. Our neighbour, as represented by Lewis Silkin LLP, has already submitted detailed comments on the above and has put forward a number of proposed conditions to protect residential amenity as supported by letters from Mode Transport (traffic experts) and Cole Jarman (noise experts).

Policy Position

Policies HRS1 RNT1 HOT1 and PB1 apply under the City Councils Statement of Licensing Policy (“SLP”). There is no policy presumption to refuse the application and there are no Cumulative Impact consideration to consider. The application will be determined on merit having regard to the promotion of the licensing objectives.

DECISION AND REASONS

Kevin Jackaman presenting officer summarised the application to the Sub-Committee. He confirmed that this was an application for a new premises licence in respect of the Civil Service Club 13-15 Great Scotland Yard London SW1A 2HJ. The Premises operates as a Members Club with hotel, bar and restaurant facilities. The Applicant seeks licensable activities (Indoors) in respect of Film, Performance of Dance, Anything of a Similar Description, Recorded Music, Late Night Refreshment, the Sale of Alcohol On and Off for the hours as specified below. The Premises have the benefit of a Club Premises Certificate Licence . The Applicant has agreed to surrender this Certificate should the licence be granted. The Premises are not located within any area of Cumulative Impact.

Mr O’Maoileoin Solicitor appearing on behalf of the applicant addressed the Sub-Committee. He advised this was a new application for a premises licence. The Premises has the benefit of a Club Certificate Premises which will be surrendered if the application is granted. Conditions were included in the operating schedule which duplicate the conditions already on the club premises certificate. Mr O’Maoileoin said that the rationale for applying for a new licence was so that alcohol could be served to non-members attending pre-booked events. The Premises would first and foremost remain as a Members Club and operate as such. The rationale for the

application was so that non-members of the club could purchase alcohol at events whereas the Club Premises Certificate strictly prohibited this.

Mr O'Maoileoin said that this would allow the Premises to make extra revenue, to enable more bookings (catering up to 40-50 guests) by promoting a nice environment with function dining until 01:00 hours.

Mr O'Maoileoin stated that a meeting was arranged on site with Environmental Health and as a result conditions had been agreed. The MPS had withdrawn their objection because conditions had also been agreed. EH had maintained their representation merely to assist the Sub-Committee.

Mr O'Maoileoin said that the hotel rooms are properly sound insulated therefore no disturbance from the civil service club nor the hotel. The Traffic Report that has been provided as part of the evidence is not a licensing matter but a planning issue. The Acoustic report deals with historical planning matters.

Mr O'Maoileoin said that there has been no history of complaints regarding the club either from the Hotel or private resident flats. Smoking and a Dispersal Policy are all key issues that have been considered by the applicant and are reflected in the proposed conditions.

Mr O'Maoileoin said that he did not think SIA /Patrols around Whitehall would be necessary and proportionate as the evidence before the Sub-Committee did not support this view when considering crime and disorder. The outside area would be properly managed when it came to smokers so as not to cause a nuisance to residents.

Mr O'Maoileoin advised that the Premises does not have the manpower for 3 functions taking place at the same time. The condition for 5 Bonafide guests is reasonable. The Premises is not a Proprietary Club. Revenue is raised by other means and vetted by the Committee. The Premises will operate largely as it is with the odd function. There are 3 rooms on the ground floor housing the main area bar/dining facility. Table meals are in the reception. There is a downstairs Bar that accommodates 100 people. In so far as Member/Residents are concerned there are 25 bedrooms in the Hotel which range from one-night stays to longer. The Premises offers a champagne breakfast.

Mr O'Maoileoin said that the Licence will be stricter which will in turn benefit the Responsible Authorities in terms of the robust conditions and enforcement. The Club Premises Certificate will be surrendered, and a condition has been agreed in this respect.

Dave Nevitt appearing on behalf of EH addressed the Sub-Committee. Mr Nevitt said that the Premises has been operating under a Club Premises Certificate without complaint and is not a cause for concern. Mr Nevitt advised that the Club Premises Certificate allowed for licensable activities for the bar/use of the function rooms and that the proposed conditions are all agreed.

Marcus Lavell Counsel appearing on behalf of the residents addressed the Sub-Committee. He referred to the club area marked in green on the Premises Plan. Mr Lavell contended that if the application was granted it would effectively be a 24-hour licence. Mr Lavell said that in his opinion the Premises were morphing into a Proprietary Club with pre-booked events. There would be vertical drinking with 280 people until 01:00 hours with regulated entertainment. Mr Lavell said that noise issues and dispersal were of paramount importance and that patrols were appropriate. There needs to be proper control over the courtyard with no use after 23:00 hours. Mr Lavell stated that consideration needs to be given to what impact the grant of the licence would have on the street and surrounding roads. Mr Lavell said that in relation to the private pre-booked events these should be limited to 50 and subject to a minimum of 48-Hours' notice.

The Sub-Committee realises that it has a duty to consider each application on its individual merits. There is no policy presumption to refuse the application that is not within the Cumulative Impact Area provided the licensing objectives are not undermined.

The Sub-Committee noted that the applicant was an experienced operator and had been in operation at the Premises for a considerable period as Members Club and would therefore remain. There have been no significant issues that had come to the attention of the Sub-Committee that would give cause for concern in relation to the management of the Premises on a day to day basis.

The Sub-Committee welcomed the fact that the applicant had been proactive in working with the Responsible Authorities which lead to the withdraw of those objections and whereby agreement had been reached on many of the contentious issues, including proposed conditions.

The Sub-Committee was persuaded by the applicant that he was to be a responsible operator by having the necessary measures and safeguards in place that would help mitigate the concerns of those objecting and promote the licensing objectives.

The Sub-Committee considered it appropriate to impose a condition on the licence that would restrict private pre-booked events taking place in the courtyard. Similarly, conditions were also imposed whereby 48 hours-notice is required for pre-booked events which shall be limited to 60 persons as well as the outside terrace area is to be limited to 20 people at any one time and close at 01:00 hours.

The Sub-Committee was pleased that the current Club Premises Certificate would be surrendered and that no licensable activities would take place until this had happened. The Sub-Committee did consider the two reports but concluded that the traffic management evidence related more to planning/traffic management issues as oppose to the promotion of the licensing.

The Sub-Committee noted that the applicant had used the TENs regime until the terminal hour of 01:00 hours without any issues and this gave reassurance to the Sub-Committee when considering the later terminal hour and how the Premises is to be managed on a day to day basis.

The Sub-Committee, in its determination of the matter, concluded that the hours it imposed on the licence were appropriate and proportionate. Conditions 11-15 as specified below would deal with potential noise breakout from the Premises ensuring that the public nuisance licensing objective is promoted and that residents are not adversely affected. The Sub-Committee did not consider it appropriate to condition the provision for recorded music as this would only duplicate the conditions already imposed and the undertakings given by the Applicant.

The Sub-Committee arrived at this decision based upon the merits of the application and the various safeguards and measures the applicant is to implement in the running of the Premises that will uphold the promotion of the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. **To grant permission for Films: (Indoors) Live Music (Indoors) Recorded Music (Indoors) Performance of Dance (Indoors) Anything of a Similar Description: (Indoors) Monday-Sunday 07:00 – 01:00 hours**
Seasonal variations/ Nonstandard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
2. **To grant permission for Late Night Refreshment (Indoors) Exempt for Residents and their bona fide Guests Mon-Sun 23:00 – 01:00 hours**
Seasonal variations/ Nonstandard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
3. **To grant permission for the Sale of Alcohol On and Off Mon-Sun 07:00 – 01:00 hours**
Seasonal variations/ Nonstandard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
4. **To grant permission for the Sale by Retail of Alcohol for residents and their bona fide guests On and Off Mon- Sun 00:00 – 00:00 hours**
Seasonal variations/ Nonstandard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
5. **To grant permission for the Hours the Premises are Open to the Public Mon-Sun 00:00 00:00 hours**
Seasonal variations/ Non-standard timings
N/A
6. That the Licence is subject to any relevant mandatory conditions.
7. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

8. The Supply of Alcohol for consumption on the premises:
 - a) Shall be restricted to club members and their bona fide guests only;
 - b) Shall only be to persons seated taking a table meal and by waiter/waitress service between 07:00 hours to 10:00 hours Monday to Saturday and 07:00 to 12:00 hours Sunday;
 - c) Residents and their bona fide guests may purchase alcohol 24 hours a day;
 - d) There shall be no self-service to alcoholic drinks;
 - e) Persons attending pre-booked private functions.

9. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. The provision of regulated entertainment or performance of live music, performance of dance, shall only be permitted on the first floor within the restaurant area.
11. All windows and external doors shall be kept closed after 23:00 hours when regulated entertainment or performance of live music, performance of dance is provided, except for the immediate access and egress of persons.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. 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.
18. 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.
19. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
20. Doors at such exits will be regularly checked to ensure that they function satisfactorily, and a record of the check kept.
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
22. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

23. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs, fire extinguishers or other fire-fighting equipment.
24. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
25. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system
26. Any special effects or mechanical installations shall be arranged and stored so as to any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
27. 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.
28. 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.
29. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. No rubbish including bottles will be moved, removed or placed in outside areas between 19.00 hours and 07.00 hours.

31. No deliveries shall be made to the premises between 19.00 hours and 07.00 hours.
32. Any guest attempting to purchase alcohol who appears under the age of 18 will be requested to supply age-defining identification. Passports, driving licences, Proof of age standards scheme and other similar age-defining identification are accepted.
33. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke shall not be permitted to take drinks or glass containers with them.
34. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (5) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
35. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - i. all crimes reported to the venue
 - ii. all ejections of patrons
 - iii. any complaints received concerning crime and disorder
 - iv. any incidents of disorder
 - v. any faults in the CCTV system
 - vi. any refusal of the sale of alcohol
 - vii. any visit by a relevant authority or emergency service.
36. Other than for members, residents and their bona fide guests, alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
37. The maximum number of persons permitted on the premises (excluding staff) shall not exceed:
 - Ground Floor Bar - 100 persons
 - Ground Floor External Area - 20 persons
 - First Floor Restaurant - 80 persons
 - Second Floor Function Room 1 – 40 persons
 - Second Floor Function Room 2 – 40 persons
38. Licensable activities in the Ground Floor External area shall cease at 2300hrs.
39. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

40. No licensable activities shall take place at the premises until Club Premises Certificate 12/07777/LICV (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
41. There shall be no private pre-booked functions whatsoever in the courtyard area of the Premises.
42. Where pre-booked events are to take place for licensable activities this shall be subject to a minimum of 48 hours-notice being given to the licence premises holder for the booking of such an event and be limited to 60 persons at any one time.
43. The outside terrace area shall be limited to no more than 20 people at any one time and close at 01:00 hours.

If problems are experienced, then an application for a review of the Premises licence can be made.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**Licensing Sub-Committee
29 October 2020**

CHAIRMAN: _____

DATE _____