



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 8th September, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Maggie Carman (Chair), Md Shamsed Chowdhury and Louise Hyams

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. 1 WARWICK, REGENCY HOUSE, 1-4 WARWICK STREET, LONDON, W1B 5LT

WCC LICENSING SUB-COMMITTEE NO. 2 ("The Committee")

Thursday 8th September 2022 – Item 1

Membership: Maggie Carman (Chairman) Councillor Md Shamsed Chowdhury and Councillor Louise Hyams.

Officer Support Legal Adviser: Steve Burnett
 Policy Officer: Daisy Gadd
 Committee Officer: Sarah Craddock
 Presenting Officer: Jessica Donovan

Other parties: Philip Kolvin QC, Luke Elford (John Gaunt & Partners), Guy Ivesha (CEO and founder of Maslow's- Applicant's parent company), Daniel Thompson (Operations Director), Ian Watson (Environmental Health Service), Kevin Jackaman (Licensing Authority), PC Reaz Guerra (Metropolitan Police) and Richard Brown (Soho Society and local resident).

Application for a New Premises Licence in respect of 1 Warwick Regency House 1-4 Warwick Street London W1B 5LT 22/05504/LIPN

Full Decision

Premises

1 Warwick Regency House
1-4 Warwick Street
London
W1B 5LT

Applicant

Mg Warwick Street Opco Ltd

Cumulative Impact Area

West End

Ward

West End

Special Consideration Zone

None

Activities and Hours

First Floor Members' Lounge and first floor Event Floor and Sixth Floor members' restaurant and members' bar

a) Provision of Films (Indoors)

Sun – Wed 11.00 to 00.00
Thurs – Sat 11.00 to 01.00

b) Provision of Live and recorded music and Late-night refreshment (Indoors)

Sun – Wed 23.00 to 00.00
Thurs – Sat 23.00 to 01.00

c) Provision of anything of a similar description to that falling within (e), (f) or (g) (Indoors)

Sun – Wed 11.00 to 00.00
Thurs – Sat 11.00 to 01.00

d) Sale of Alcohol On and Off Premises

Sun – Wed 11.00 to 00.00
Thurs – Sat 11.00 to 01.00

First Floor Members' Lounge and first floor Event Floor

a) Provision of Films (Indoors)

Sun – Wed 11.00 to 00.00
Thurs – Sat 11.00 to 01.00

First Floor Event Floor

a) Performance of Dance (Indoors)

Sun – Wed 23.00 to 00.00
Thurs – Sat 23.00 to 01.00

Ground floor restaurant

a) Provision of Live and recorded music and Late-night refreshment (Indoors)

Mon – Thurs 23.00 to 23.30
Fri to Sat 23.00 – 00.00

b) Provision anything of a similar description to that falling within (e), (f) or (g) (Indoors)

Mon – Thurs 09.00 to 23.30
Fri to Sat 09.00 – 00.00
Sun 09.00 to 22.30

c) Sale of Alcohol On and Off Premises

Mon – Thurs 07.00 to 23.30
Fri to Sat 07.00 – 00.00
Sun 07.00 to 22.30

Ground Floor Bar

a) Provision of Live and Recorded music and Late-night refreshment (Indoors)

Mon – Wed 23.00 to 01.00
Thurs – Sat 23.00 to 02.00
Sun 23.00 to 00.00

b) Provision anything of a similar description to that falling within (e), (f) or (g) (Indoors)

Mon – Wed 11.00 to 01.00
Thurs – Sat 11.00 to 02.00
Sun 11.00 to 00.00

c) **Sale of Alcohol On and Off Premises**

Mon – Wed 11.00 to 01.00
Thurs – Sat 11.00 to 02.00
Sun 11.00 to 00.00

Sixth Floor external terrace

a) **Sale of Alcohol On and Off Premises**

Mon – Sun 11.00 to 23.00

To grant permission for **the premises to open to the Public Mondays to Sundays 00.00 to 00:00 hours.**

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 (“The Act”). According to the application form the Premises will trade as a private members’ club comprising of an office space, a restaurant and bar and a public restaurant and bar area. The Premises comprises of the following areas:

- Basement - Gym / Toilets / Back of House
- Ground - Members' Entrance / public Restaurant and Bar
- First - Members' Lounge / Event Space
- Second - Co-working Space
- Third - Co-working and Office Space
- Fourth - Co-working and Office Space
- Fifth - Co-working and Office Space
- Sixth - Members' Lounge and Roof Terrace.

Licence History:

The premises has had the benefit of two Premises Licences since 2005:

1. The Warwick, 1-2 Warwick Street (22/04148/LIPT).
2. 3-4 Warwick Street (20/05824/LIPT)

The applicant is proposing to surrender the above licences subject to the grant of this application.

A copy of the Premises Licences can be found at Appendix 4. **Page 184 to 212.** The applicant submissions and mediation letter are at **Appendix 2 of the agenda report 255 and 256.**

There is a resident court of 15.

Representations received

The Metropolitan Police Service (PC Reaz Guerra)
Environmental Health Service (Ian Watson)
The Licensing Authority (Kevin Jackaman)
One Resident (objecting against the application) (Richard Brown)
The Soho Society (Richard Brown)
One Resident - Withdrawn

Summary of issues raised by objectors

The Metropolitan Police Service states that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is their belief that if granted the application would undermine the Licensing Objectives.

The premises are situated within the West End Cumulative Impact Area. There is insufficient detail contained within the operating schedule to promote the licensing objectives.

The EHO states:

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CIZ.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIZ.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIZ

The Licensing Authority states:

- that the premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1, COMB1, PB1 and RNT1. Due to the description of the premises in the applicants operating schedule this application generally falls under COMB1 (b, c, d and e) policy.
- It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone.

The Resident states concerns about noise issues, dispersal, staff smoking and causing a disturbance.

The Soho Society states:

We object to the proposed bar use, all other uses beyond core hours, and to the use of the terrace until 23:00 on the grounds of the prevention of crime and disorder,

prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Zone.

The Applicant has proposed the conditions listed on **pages 216 -220** in the report in order to mitigate the concerns raised.

Policy Position

This application is contrary to the following policies; Core Hours Policy HRS1, Restaurant Policy RTS1, Pubs and Bars Policy PB1 and the Cumulative Impact Policy CIP1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan outlined the application to the Committee. She advised that representations had been received from the Environmental Health Service, the Metropolitan Police, the Licencing Authority, the Soho Society and one local resident. She further advised that the Premises was located within the West End Ward and in the West End Cumulative Impact Zone. She confirmed that additional submissions from both parties had been circulated to the Committee.

Mr Philip Kolvin, QC on behalf of the Applicant, outlined the application before the Committee. He advised that the prototype for Regency House was Mortimer House which the Applicant has operated for the past five years without any complaint or impact on the licensing objectives. Mr Kolvin referred the Committee to Mr Bamber's statement contained in the Agenda Pack which contained a neutral evaluation of the Mortimer House operation.

Mr Kolvin advised that Regency House would offer a high standard of facility with total investment exceeding £50m. He referred the Committee to the Applicant's brochure which outlined the quality and style of the proposed development. He highlighted that the Applicant had also outlined in the brochure the style of operation and had included operational, noise management and detailed dispersal plans with their application.

Mr Kolvin advised that the Regency House would consist of eight floors with a capacity of 420 with limits per floor, and that tapering of the capacity as the evening progresses would ensure a gradual dispersal of people from the Premises.

Mr Kolvin advised the Committee regarding each floor as follows:

- Basement gymnasium and activity studio (unlicensed)
- Ground floor members' reception, restaurant (capacity 70 persons with the latest terminal hour being midnight) and bar (capacity 80 persons with the latest terminal hour 2am)
- First floor: members lounge (capacity 60 persons with the latest terminal hour of 1am) and events space (capacity 90 persons with latest terminal hour 1am for private functions). Mr Kolvin added that the events space would be used for talks, charity functions and dinners. It would not be used for DJ led promoted events.
- Levels 2-5 office workspaces (unlicensed)

- Level 6 members roof tops(Capacity 80 with a terminal hour of 11pm), restaurant and bar (capacity of 40 with the latest terminal hour 1am)

Mr Kolvin explained that the Applicant had discussed the application in detail with the Responsible Authorities and the Interested Parties and changes such as the reduction in the capacity of the Premises, the reduction in hours for late night refreshment and the playing of films, the number of smokers allowed outside on the pavement and delivery times had been made to promote the licensing objectives. He confirmed that the Applicant had agreed that all the proposed conditions in the report be attached to the Premises Licence.

Mr Kolvin advised the Committee that the Applicant was demonstrating exceptional circumstances by surrendering the two existing Premises Licences for the whole premises and licenses which permit higher capacities. The new Premises Licence, therefore, would represent an improvement in terms of a reduction in the cumulative impact over the existing licences because the terminal hours and the capacity devoted to bar use had been significantly reduced. Mr Kolvin added that the style of the Premises, principally containing comfortable, lounge-style facilities aimed at a professional clientele and represented a far lower risk to the licensing objectives than the existing licence for a late hour, 340 capacity pub/club.

Mr Kolvin referred to the terrace bar on level 6 of the Premises and confirmed that the Applicant wished to keep the terminal hour at 11pm as it was a members' only bar, there would be no live entertainment, the capacity was for 80 persons only and that allowing smoking on the roof bar would reduce smokers on the pavement. Mr Kolvin emphasised that the Applicant had produced expert evidence that the roof terrace would not cause noise nuisance because of its location and design and further emphasised that the operation of the terrace area was governed by the extensive conditions that would be attached to the Premises Licence.

In response to questions from the Committee, Mr Kolvin advised that all customers would be greeted and seated on entering the ground floor lounge bar. He confirmed that the bar would look like a very comfortable lounge from the outside of the Premises and referred the Committee to the photographs in the agenda **pages 42 - 61**. He advised that there would be two SIAs on duty at night as outlined in the agreed conditions. He confirmed that the whole building would have adequate security as the building would be open 24 hours a day to enable members to work in the modern 24/7 world. He explained that all the different spaces were designed to raise revenue and cater for a wide range of people and groups. He confirmed that the roof terrace would contain screening aids and plants to prevent noise nuisance.

The Committee noted that the Applicant wished to be a good neighbour and would continue to regularly liaise with the Soho Society and residents. Mr Kolvin advised that the Applicant was happy to have model condition 24 attached to the Premises Licence stating that 'A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity'.

PC Reaz Guerra on behalf of the Metropolitan Police Service stated that the Police had maintained their representation as the Premises was in the West End Cumulative Impact Area and to assist the Committee if they had any questions regarding the conditions that had been agreed between the Police and the Applicant.

Mr Kevin Jackaman representing the Licensing Authority advised the Committee that the Licensing Authority had maintained their representation as they were concerned as to how the Premises would promote the four licensing objectives.

Mr Jackaman advised that this application was contrary to the following policies: Core Hours Policy HRS1, Restaurant Policy RTS1, Pubs and Bars Policy PB1 and the Cumulative Impact Policy CIP1. He outlined that all hours on all floors were outside the Council's Core Hours Policy. It was, therefore, for members of the Committee to determine whether the applicant's intention to surrender the two existing licences would be adequate to depart from policy and represent an improvement in terms of cumulative impact in the area. Mr Jackaman then asked for clarification regarding how many guests a member would be allowed to bring into the Premises, what specific events would be held in the events space on the 1st Floor and how many events would be held annually.

In response to questions from Mr Jackaman, Mr Kolvin advised that the events space would be used to hold dinners, book launches, talks, cocktail parties and charitable events. He emphasised that the events would be very low-key events and the Applicant would prefer not to have a restriction on how many events could be held annually as it was a key revenue area of the business. He further added that members should not be restricted on how many guests they could bring onto the Premises as they may wish to hold work meetings or social events in the building, and it could be argued that each attendee was a guest.

Mr Ian Watson, representing the Environmental Health Service (EH), advised that EH had given pre-application advice to the Applicant and changes had been made to the application which would promote the licensing objectives. He confirmed that EH did not have any objection to the roof terrace being opened until 23:00 hours as the noise survey that had been carried out in 2019 had concluded that the terrace being open to 23:00 hours would not create a noise nuisance.

Mr Watson advised that EH did have concerns regarding the opening hour of the roof terrace at 07:00 hours as the surrounding area was much quieter at 07:00 hours than at 23:00 hours. He explained that he was also concerned about waste and bottle collections and the number of smokers on the pavements. He advised that he preferred that an overall capacity be set for the building instead of a capacity for each floor.

In response to questions from Mr Watson, Mr Kolvin confirmed that there would be glass screens located on the roof terrace along with plants and shrubs. He advised that he was happy for a works' conditions to be attached to the Premises Licence so that EH could inspect the roof terrace before it was open. He advised that the Applicant wished for people to be allowed to use the roof terrace to have their breakfast outside on a nice sunny day however he was happy to change the opening time to 08:00 hours, however no licensable activities were taking place until 11.00 am.

Mr Kolvin confirmed that people were be able to smoke on the terrace areas on each floor so they would not be cluttering up the pavement. Mr Kolvin referred to the proposed agreed conditions regarding deliveries and waste collection and confirmed that the Applicant would be using the Council's waste collection service and that there would be a glass crusher on site.

Mr Richard Brown, solicitor from the Citizens Advice Bureau and representing the Soho Society and the local resident, set out his submission to the Committee. He advised that Ms Ashford was unable to attend the hearing due to personal circumstances however she had sent a brief statement of what she would have said if she had been able to attend the hearing. Mr Kolvin agreed that the statement could be read out to the Committee.

Mr Brown explained that the Interested Parties were not advising the Committee to refuse the application but to allow the Premises to operate within the Council's Core Hours Policy and not any later: and especially not until 2am at the weekend. He outlined that this was because the Premises would be offering vertical drinking and a range of regulated entertainment which presented a higher risk type of Premises Licence than a new restaurant Premises Licence. He outlined that Mr Kolvin was correct that the Interested Parties could not produce evidence that the Premises would cause a nuisance however Mr Kolvin could not produce evidence that the Premises would not cause a nuisance as the Premises was currently being refurbished. It was a judgement for the Committee to determine based on the likely impact and promotion of the licensing objectives.

Mr Brown advised that the Interested Parties wanted the roof terrace to close at 10pm. He further advised that Ms Ashford was the landlord of the pub next door to these Premises where she also lived with her two children. He explained that she had an agreement with the landlord of the pub opposite that they would stop people drinking outside at 10pm which significantly reduced the noise in the street. Therefore, the roof terrace at this new Premises should also close at 10pm to ensure consistency on that street.

Mr Brown added that it should also close at 10pm because the capacity was 80 persons which was still quite a lot of people, planning permission had suggested a 10pm finish and pre-application advice from the Environmental Health Service had been for a 9pm finish. He stated that he found it difficult to understand how the dispersal policy would mitigate noise nuisance with a 2am closing time. Mr Brown also suggested that the delivery and collection times should start from 08:00 hours and not 07:00 hours.

Mr Brown then read out Ms Ashford's statement to the Committee which outlined the issues that she had suffered when the Premises was a pub with a 3am Premises Licence. Ms Ashford stated that her main concerns were the late-night opening hours until 2am and the opening of the roof terrace until 11pm. She confirmed that when the tables and chairs were taken in off the pavement the street became much quieter. She considered that when people left the Premises late night at night, they would continue to hang around outside causing noise nuisance that would wake up the residents. She requested that the delivery and collection times start from 08:00 hours instead of 07:00 hours to give her family a little more respite from the noise of

the West End. She advised that she looked forward to having a positive working relationship with her new neighbours.

Mr Brown concluded by emphasising that the Committee carefully consider the hours of the ground floor bar and the roof terrace. He respectfully asked that the ground floor bar be granted in line with the Council's Core Hours Policy and that the roof terrace be closed by 10pm.

In response to questions from Mr Steve Burnett, Legal Advisor, to the Committee, Mr Elford, solicitor for the Applicant and the Applicant both confirmed that the Applicant did have the authority to surrender the two existing Premises Licences.

Mr Kolvin explained that members had access to the building and its facilities 24/7 and therefore requested that restrictions/closing times in relation to each individual area in the building were not placed on the Premises Licence.

Mr Burnett then discussed the numerous conditions with Mr Kolvin, the Responsible Authorities and Mr Brown and between them agreed amendments, deletions and additions to the conditions that would be attached to the Premises Licence if the Committee were minded to grant the application. Discussions included the operation plan, timings of the waste collection and deliveries to the Premises, hours for the sale of retail of alcohol on the ground floor bar including drinking up time, the closing times of the bar and roof terrace and the confirmation that the Premises Licence Holder take responsibility for all entertainment in the events space. Mr Kolvin suggested that the Committee could add a consumption condition to the Premises Licence to stop members consuming their own alcohol in the licensed areas of the building after the licensable hours had ceased. Mr Kolvin confirmed that the Applicant wished to be granted the hours as outlined in the application with 30 minutes drinking up time.

In summing up, Mr Brown advised that pragmatically the Interested Parties accepted that the Committee were likely to grant the application, however, he requested that they only do so in line with the Council's Core Hours Policy as it was not reasonable for residents to be woken up at 2am by noisy people leaving a licenced Premises.

In summing up, Mr Jackaman confirmed that the Licensing Authority considered that this application came under the Council's Combined Use Policy.

In summing up, Mr Kolvin emphasised that this Premises would be nothing like the Warwick pub and that the Applicant had carefully considered the concept of tapering customers numbers dispersing at the end of the evening to prevent noise nuisance in the area.

He added that over 50 conditions would be attached to the Premises Licence which would promote the licensing objectives. He concluded that this Premises was going to represent a material improvement to Westminster.

DECISION

The Committee has determined an application for a grant of a new Premises Licence under the Licensing Act 2003. The Committee is aware that it has a duty to

consider each application on its own individual merits and did so when determining this application.

In reaching their decision, the Committee took into account all the committee papers, supplementary submissions made by the parties, and the oral evidence given by all parties during the hearing in its determination of the matter.

The Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance, Westminster's Licensing Policy and on the evidence before it, that it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.

In reaching its decision, the Committee had regard, but not exclusively to the fact that conditions had been agreed with the Responsible Authorities and that the Metropolitan Police Force was content with the application.

The Committee was persuaded by the arguments advanced by the Applicant that exceptional circumstances had been proven having regard to the premises and in particular the ground floor bar and restaurant being located within the West End Cumulative Impact Zone. The Committee notes and was persuaded by the argument that a late-night, large capacity bar Premises Licence and a restaurant licence were being surrendered and that dispersal from the premise will now be gradual.

The Committee noted that the Applicant had provided valid reasons as to why the granting of the application would not undermine the licensing objectives. It was noted that the previous unpleasant experiences identified by the residents were as a result of the Warwick when it traded as a late-night, high energy, public house with a large capacity. This application reduces the terminal times for the sale of alcohol, the capacity of the ground floor bar and restaurant is reduced, and the proposed mixed-use style of operation is far removed from the previous operation.

The public (non-members) use of the bar and restaurant areas on the ground floor, nevertheless, caused most concern. In particular the opening time being sought for being 24 hours and the availability of alcohol (off sales) elsewhere in the premises. The hours for these areas are outside Westminster's Core Hour Policy, and the Committee notes that the premises is located in the CIZ, and that dispersal could still cause a nuisance in the area.

The Committee also noted that the Applicant liaised with residents on a regular basis and the compelling argument from the acoustic expert that the terrace area was located above the nearest residential window and therefore, with additional acoustic work, the risk of noise nuisance would be minimal.

In reaching its decision, the Committee concluded that the conditions attached to the licence would alleviate the parties' concerns and would address the concerns raised in respect of, in particular the ground floor bar and restaurant. The Committee also determined that the conditions were proportionate and appropriate and would promote the licencing objective.

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: -

First Floor Members' Lounge and first floor Event Space

- a) To grant permission for the **provision of Films (Indoors)**

Sun – Wed 11.00 to 00.00

Thurs – Sat 11.00 to 01.00

First Floor Members' Lounge, first floor Event Space and Sixth Floor members' restaurant and members' bar

- a) To grant permission for the **provision of Live and recorded music and Late-night refreshment (Indoors)**

Sun – Wed 23.00 to 00.00

Thurs – Sat 23.00 to 01.00

- b) To grant permission for the **provision anything of a similar description to that falling within live and recorded music, and performance of dance (Indoors)**

Sun – Wed 11.00 to 00.00

Thurs – Sat 11.00 to 01.00

- c) To grant permission for the **Sale of Alcohol On and Off Premises**

Sun – Wed 11.00 to 00.00

Thurs – Sat 11.00 to 01.00

First Floor Event Space

- b) To grant permission for the **performance of Dance (Indoors)**

Sun – Wed 23.00 to 00.00

Thurs – Sat 23.00 to 01.00

Ground floor restaurant

- a) To grant permission for the **provision of Live and recorded music and Late-night refreshment (Indoors)**

Mon – Thurs 23.00 to 23.30

Fri and Sat 23.00 to 00.00

- b) To grant permission for the **provision anything of a similar description to that falling within live and recorded music, and performance of dance (Indoors)**

Mon – Thurs 09.00 to 23.30
Fri and Sat 09.00 to 00.00
Sun - 09.00 to 22.30

- c) To grant permission for the **Sale of Alcohol On and Off Premises**

Mon – Thurs 07.00 to 23.30
Fri to Sat - 07.00 to 00.00
Sun - 07.00 to 22.30

Ground Floor Bar

- d) To grant permission for the **provision of Live and Recorded music and Late-night refreshment (Indoors)**

Mon – Wed 23.00 to 01.00
Thurs – Sat 23.00 to 02.00
Sun - 23.00 to 00.00

- e) To grant permission for the **provision anything of a similar description to that falling within live and recorded music, and performance of dance (Indoors)**

Mon – Wed 11.00 to 01.00
Thurs – Sat 11.00 to 02.00
Sun - 11.00 to 00.00

- f) To grant permission for the **Sale of Alcohol On and Off Premises**

Mon – Wed 11.00 to 01.00
Thurs – Sat 11.00 to 02.00
Sun - 11.00 to 00.00

Sixth Floor external terrace

- b) To grant permission for the **Sale of Alcohol On and Off Premises**

Mon – Sun 11.00 to 23.00

To grant permission for **the premises to open to the public Mondays to Sundays 00.00 to 00:00 hours save for the ground floor restaurant and ground floor bar areas as detailed in condition 57.**

To grant permission for **seasonal variation for all licensable activities, save for:**

- a) Films
- b) Performance of dance in the first-floor event space
- c) Anything of a similar description to that falling within live and recorded music, and performance of dance in the ground floor bar, ground floor restaurant, first

- floor Members' Lounge, first floor Event Space and Sixth Floor members' restaurant and members' bar.
- d) Late night Refreshment in the ground floor bar, ground floor restaurant, first floor Members' Lounge, first floor Event Space and Sixth Floor members' restaurant and members' bar.

Seasonal Variation shall be:

- i. From the end of permitted hours on new year's eve to the start of permitted hours on new year's day.
- ii. On any Sunday immediately preceding a bank holiday – until 02:00.
- iii. An additional hour on the day on which the clocks go forward.

The new premises licence shall be subject to any relevant mandatory conditions.

The new premises licence is subject to the following agreed conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions consistent with the operating schedule

11. Save for the ground floor restaurant and ground floor bar and their external areas (as shown shaded pink/orange and green/blue respectively on the plans supporting the application heard on the 8th September 2022), licensable activities may only be provided to:

- a. Members of a private club and their bona fide guests;
- b. Bona fide guests of management; and
- c. Persons attending a private, pre-booked event.

12. 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 24 hours between their nomination or application and their admission to the private club.

13. A legible list of the names and addresses of members of the private club (which may be electronic) shall be kept at the premises at all times together with a record (which may be electronic) legibly recording the names and dates of attendance of any guests introduced by members which shall be retained for a period of 31 days. Both the list and the record shall be produced on demand for inspection by Responsible Authority officers.

14. The restaurant area of the ground floor (shown shaded pink on the plans supporting the application heard on the 8th September 2022) shall only operate as a restaurant:

- a. in which customers are shown to their table or the customer shall select a table themselves
- b. where the supply of alcohol is by waiter or waitress service only

- c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table
- d. which do not provide any takeaway service of food or drink for immediate consumption off the premises
- e. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial tables meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'substantial table meal' means a meal such as might be expected to be served as either breakfast, lunch, or dinner, or as a main course at any such meal and that is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

15. The use of the second to fifth floors shall only be by:

- a. office tenants i.e., those persons or companies with a minimum one-month contract to occupy office space at the premises
- b. co-working members
- c. office members
- d. virtual office or digital members
- e. persons attending a private pre-booked event or function, a list of functions and persons attending to be kept at reception for inspection by Responsible Authority officers
- f. Directors and employees of the licence holder and its affiliated companies
- g. Day-pass visitors
- h. Any guests of the above, a list of whom shall be kept at the premises at all times together with a record (which may be electronic) showing the names and dates of attendance of any guests introduced by members. All records shall be produced on demand for inspection by Responsible Authority officers.

16. The sale of supply of alcohol for consumption off the premises shall either be:

- a. for consumption in office and co-working spaces between 11:00 and 20:00 daily.
- b. in sealed containers and shall not be consumed in or immediately outside the premises until 23:00 daily; or
- c. for consumption by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway in the external area (shown shaded orange and blue respectively on the plans supporting the application heard on the 8th September 2022) in accordance with the terms of that permission.

17. No Regulated Entertainment shall be provided on the roof terrace.

18. Loudspeakers shall not be located in the entrance lobbies.

19. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:

- (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
- (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
- (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
- (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
- (e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

20. The roof terrace shall not be used (save in emergencies and by members of staff) between 23:00 and 07:00 daily.

21. 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 shall 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 and shall include the external area immediately outside the premises entrance. 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.

23. 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.

24. Subject to a permitted wind-down 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.

25. A Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.

26. 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, which shall record the following:

- a. all crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received regarding crime disorder
- d. any incidents of disorder
- e. any faults in the CCTV system

- f. any refusal of the sale of alcohol
- g. any visit by a relevant authority or emergency service.

27. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment

28. From 9pm on a Thursday, Friday, and Saturday evening, the Premises Licence Holder shall engage a minimum of 2 SIA licensed door supervisor(s) who shall be on duty at the premises. The SIA licensed door supervisor(s) must correctly display their SIA licence(s) when on duty so as to be visible. At all other times, the requirement for SIA licensed door supervisors shall be a written risk-assessment. Such risk assessments shall be produced to the Police or Licensing Authority immediately upon request.

29. 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.

30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

31. There shall be no sales of alcohol for consumption 'Off' the premises after 23:00 hours each day.

32. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours each day.

33. All windows and external doors shall be kept closed after 23:00 hours each day, except for the immediate access and egress of persons.

34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.

35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.

36. 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.

37. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00 hours on the following day.

38. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
39. With the exception of customers seating themselves at external tables 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.
40. The premises licence holder shall ensure that any patrons smoking, eating, or drinking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
41. 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.
42. 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.
43. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
44. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
45. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
46. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
47. The premises shall implement a comprehensive dispersal policy and all customer facing staff shall be trained 6monthly in its implementation. The Policy shall be reviewed annually and whenever the Licensee becomes aware of issues associated with dispersal. The Policy shall be produced to the Police or the Licensing Authority immediately upon request.
48. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
49. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
50. Before the premises open to the public, the plans as deposited shall be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.

51. Before the premises open to the public and subject to the grant of an acceptable premises licence the premises licence holder shall surrender and render incapable of resurrection the following premises licence(s):

- a. 20/05824/LIPT (original licence number: 05/09529/LIPN), namely, the Premises Licence for 3-4 Warwick Street, London W1B 5LS; and
- b. 19/04464/LIPDPS (original licence number: 05/01986/LIPCV), namely the Premises Licence for 1-2 Warwick Street, London W1B 5LR

52. The name and address of any person hosting a private, pre-booked event shall be kept at the premises at all times together with a record (which may be electronic) legibly recording the names of any guests attending that event which shall be retained for a period of 31 days. Both the name and address of the person hosting the event and the list of guests attending shall be produced on demand for inspection by Responsible Authority officers.

53. From 22:00 daily customers smoking outside the ground floor restaurant and bar shall be restricted to no more than 12 persons at any one time and shall be located within a designated smoking area located on Warwick Street. The said area shall be agreed with the Licensing Authority.

54. The number of persons accommodated at any one time in the licensed part of the premises shall not exceed 420 persons (excluding staff), subject to any lower level as fixed by the Environmental Health Officer as in condition 50, with the following local restrictions for each floor:

- a. Ground floor restaurant and bar – 150
- b. First floor - 150
- c. Sixth floor – 120

55. There shall be no externally promoted DJ-led events at the premises at any time.

56. With the exception of non-intrusive deliveries (e.g. post, milk, pastries, newspapers etc.) there shall be no deliveries to the premises between the hours of 23:00 and 08:00 the following morning.

57. The ground floor restaurant and in the ground floor bar areas, shall close to members of the public at the end of the terminal times for the sale of alcohol in those areas.

58. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

59. All events at the premises shall be risk assessed and the risk assessment shall be checked, and the event authorised by the general manager or in their absence, a nominated deputy. The written risk assessment shall be specific to the event and made available to the police and licensing authority upon their request.

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

**The Licensing Sub-Committee
8 September 2022**

- 2. ALOO TAMA NEPALESE RESTAURANT, 18 GREENCOAT ROW,
LONDON, SW1P 1PG**

WCC LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 8th September 2022

Membership: Maggie Carman (Chairman) Councillor Md Shamsed Chowdhury
and Councillor Louise Hyams

Officer Support: Legal Advisor: Steve Burnett
Policy Officer: Daisy Gadd
Committee Officer: Sarah Craddock
Presenting Officer: Jessica Donovan

Present: Mr Sammohan Chhetri representing the Applicant
Mr Swarnim Gurung (The Applicant)
Mr AJ Denehan (Residential Objector)
Mr A Sinclair (Residential Objector)

**Application for a New Premises Licence in respect of Aloo Tama Nepalese
Restaurant 18 Greencoat Row London SW1P 1PG 22/05081/LIPN**

FULL DECISION

Premises

Aloo Tama Nepalese Restaurant
18 Greencoat Row
London SW1P 1PG

Applicant

Mr Swarnim Gurung

Ward

Vincent Square

CIZ or SCZ

N/A

Activities and hours applied for

Sale of Alcohol (On)
Mondays to Sun 12:00 to 23:00

Opening Hours
Mondays to Sun 12:00 to 23:00

Summary of Application

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). According to the application form the premises intends to trade as a restaurant.

Representations Received

PC Dave Morgan - Metropolitan Police (Withdrawn on the 27th July 2022 after agreeing conditions.

Andrea Cindel – Residential Objection

Mr Alan Sinclair – Residential Objection

AJ Denehan – Residential Objection

Summary of Representations.

The residents asserted that:

- 1) The premises is located in the wrong area, namely a residential area.
- 2) The premises lacks any noise insulation and customer noise inside and outside causes a noise nuisance.
- 3) There is a risk of rowdy behaviour if alcohol is sold.
- 4) There will be odours emanating from the premises causes a nuisance.
- 5) There is a lack of adequate toilet facilities for customers.
- 6) There is a risk to residents from customers using the communal toilets.
- 7) There is inadequate refuse storage and collection.
- 8) The Applicant has shown a disregard towards the complaints made by his neighbours.
- 9) The capacity of the premises does not allow for the numbers seen on the premises.

Policy Position

HRS1

- Under Policy HRS1, applications within the core hours set out in the policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy and applications for hours outside the core hours set out in the policy will be considered on their merits, subject to other relevant policies, and with particular regard to the matters identified in Policy HRS1.

RNT1

- Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

The application meeting the requirements of policies CD1, PS1, PN1 and CH1.

The hours for licensable activities being within the council's Core Hours Policy HRS1.

The application and operation of the venue meeting the definition of a restaurant as per Clause C of Westminster's policy.

SUBMISSIONS AND REASONS

The Presenting Officer, Jessica Donovan introduced the application to the Committee.

The Applicants representative, Mr Chhetri, advised the Committee that the operation is a family business which has operated for over 1 year and the application for the sale of alcohol will be secondary to the sale of food. The kitchen currently closes at 21.30 and the public area caters for about 22 customers.

The Committee was informed that trade is usually by bookings and that busy periods fall between 19.30 and 21.00. The Applicant operate a bring your own alcohol, but the Applicant would like to sell his own.

The Applicant stated to the Committee that there are no issues with nuisance and that they discussions with residents with an aim to resolve any issues.

The Applicant addressed the complaints about toilets and informed the Members that the toilet is a single person use facility which are cleaned regularly.

In response to questions from the Committee, the Applicant stated that they did not have an efficient extraction system, but they have now had specialist reports and will be seeking approval for a more efficient system to prevent food odour.

The Committee was also informed that the operation relies on waste collection from Westminster Council.

Mr Denehan confirmed that he is a resident living behind the premises and prior to opening, he spoke to the operator about the potential for cooking smells to create a nuisance. Nothing was done about this, and he has to close his own windows to his accommodation at 16.00 to prevent cooking smells from affecting him and his visitors.

Mr Denehan is of the opinion that the only ventilation at the premises is 2 small windows which remain open along with the entrance doors. He questions why the operator did not install ventilation and extraction units before opening.

The Committee was further informed by Mr Denehan that the proposed restaurant toilet is a back yard, brick building which is in an "appalling" state. He stated that the toilets were not safe and unhygienic.

Mr Denehan informed the Committee that the operator is charming but he never does anything about the problems their operation causes.

In response to questions from the Committee, Mr Denehan stated that the premises previously traded as a snack bar and that he has never complained to the council about the issues he faced. He also accepted that if the application was granted,

there are certain conditions which could be added, to manage the operation of the premises and that any breach of those conditions could result in the licence being reviewed.

The second residential objector, Mr Sinclair, stated that he lives above the restaurant and that he objects to the grant of the premises licence.

Mr Sinclair explained to the Committee that the building and area is not suitable for a restaurant. He described that there was no sound proofing in the building and customer noise can be heard through the floorboards of his studio flat and customer noise outside the premises causes a nuisance.

Mr Sinclair requested permission to provide new evidence of recent video footage. However, the Applicant did not consent and therefore permission was not granted under the provisions of para 18 of the Licensing Act 2003 (Hearings) Regs 2005.

Mr Sinclair alleges that the Applicant uses residents' bins for commercial waste and that the Applicant is selling alcohol at the premises.

Both residents continued to inform the Committee that they had spoken to the Applicant and informed him that drinking, and smoking are not permitted in the communal area. They have also seen that on occasions staff have not been monitoring the public area of the premises.

The Committee was advised that the toilet being used is in a communal area and therefore causes a risk of crime against residents in the immediate vicinity although there was no evidence of this having taken place during the operation of this premises.

The Applicant summarised by stating that he had agreed to numerous conditions at pages 244 and 255 of the agenda papers, which will address the residents' fears and that an extraction system is being installed once they have the relevant permissions.

In response to questions from Mr Burnett, the Applicant confirmed that if the application was granted, they were aware that they would have to comply with all the conditions before they would be able to sell alcohol. They also agreed with Mr Burnett that as the kitchen closes at 21.30, the Committee may be rightly minded to restrict the closing time of the premises to 22.00 and the terminal time for the sale of alcohol to 21.30. The Applicant stated that these restrictions were acceptable, if the Premises Licence was granted.

Decision

The Committee is aware that it has a duty to consider each application on its individual merits and did so when determining this application.

The Committee decided that the Applicant had provided valid reasons as to why the granting of the New Premises Licence would promote the licensing objectives.

The Committee had regard to, but not exclusively to the fact that the premises is not located in a CIZ or SCZ, that the Applicant would be subject to controls under the

agreed conditions on the premises licence and that the Applicant has agreed to reduce his trading hours to below core hours.

There would be limited controls on the operation without a Premises Licence and the premises could continue to trade as a restaurant up to 23.00 and customers BYO alcohol without a premises licence.

The Committee was also mindful that the complaints made by the residents in writing and at the hearing could be addressed by suitable, appropriate agreed conditions to prevent nuisance and crime and disorder. The Members also noted that there were no representations from the Environmental Health Service, the Metropolitan Police or the Licensing Authority.

Having therefore carefully considered the committee papers, Licensing act 2003, Westminster's Statement of Licensing Policy, the Revised Guidance issued under sec 182 of the Licensing Act 2003 and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

- a) To grant permission for the **Sale of Alcohol for consumption on the Premises:**

Monday to Sunday 12.00 to 21.30

- b) To grant permission for **the premises to open to the public:**

Mondays to Sundays 12.00 to 22.00

- c) The New Premises Licence shall be subject to the relevant Mandatory Conditions and to the following conditions agreed at the hearing:

Agreed Conditions consistent with the operating schedule:

Conditions agreed and imposed at the hearing

9. 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 shall 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 and shall include the external area immediately outside the premises entrance. 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.

10. 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.

11. 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.
12. 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.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
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. 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 shall record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
16. The premises shall only operate as a restaurant,
- (i) in which customers are shown to their table or the customer shall select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for

the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents in the vicinity.

18. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

19. All windows and external doors shall be kept closed after (20:00) hours, except for the immediate access and egress of persons.

20. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

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

**The Licensing Sub-Committee
8 September 2022**

Informative:

Residents are reminded that they are at liberty to report any noise or odour nuisance emanating from a premises to Westminster Council at:
<https://www.westminster.gov.uk/report-it>

3. ST CHRISTOPHER'S WINE SHOP & TASTING ROOM, 18 -19 ST CHRISTOPHER'S PLACE, LONDON, W1U 1NN

WCC LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 8th September 2022

Membership: Maggie Carman (Chairman) Councillor Md Shamsed Chowdhury
and Councillor Louise Hyams

Officer Support: Legal Advisor: Steve Burnett
Policy Officer: Daisy Gadd
Committee Officer: Sarah Craddock
Presenting Officer: Jessica Donovan

Present: Jack Spiegler – Thomas and Thomas representing, The
Applicant
Nathan Lowry of the Applicant company.

**Application for a New Premises Licence in respect of St Christopher's Wine
Shop & Tasting Room 18 - 19 St Christopher's Place London W1U 1NN
22/06226/LIPN**

FULL DECISION

Premises

St Christopher's Wine Shop & Tasting Room
18 - 19 St Christopher's Place
London W1U 1NN

Applicant

1819 ScpLtd

Ward

West End

CIZ or SCZ

N/A

Activities and hours applied for

Sale of Alcohol (On and off)

Mon to Sat 11:00 to 22:30

Sun 11:00 to 22:00

Opening Hours

Mondays to Sat 11:00 to 23:00

Sun 11:00 to 22:30

Summary of Application

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 (“The Act”). According to the application form the premises intends to trade as a Wine shop with on and off sales over ground and basement floors with an external area.

Representations Received

Nikki Pybus (Property Director) has made a representation stating that the proposal is incompatible with the area and that the operation will cause noise nuisance inside and outside the premises. The management of smokers, deliveries and refuse collection has not been addressed.

Policy Position

HRS1

- Under Policy HRS1, applications within the core hours set out in the policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy and applications for hours outside the core hours set out in the policy will be considered on their merits, subject to other relevant policies, and with particular regard to the matters identified in Policy HRS1.

SHP1(A)

- Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:
 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 2. The hours for licensable activities are within the council’s Core Hours Policy HRS1.
 3. The operation of any delivery services for alcohol meeting the council’s Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.
 4. The application and operation of the venue meeting the definition of a shop in Clause C.
- C. For the purposes of this policy:
 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.
 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late-night refreshment must be ancillary to the primary use of the premises as a shop.
 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

SUBMISSIONS AND REASONS

The Presenting Officer, Jessica Donovan introduced the application to the Committee.

The Committee was informed by Mr Spiegler that the Applicant is an experienced wine merchant and has three other venues in Westminster. He would like to provide a try before you buy wine tasting experience. He submitted that the hours requested were not late and in fact, earlier than Westminster's core hours.

The Committee was reminded by Mr Spiegler that the premises is located outside the CIZ and SCZ and subject to Westminster's own policy SHP1(A), this type of application is usually granted.

The Committee is aware that there are no objections from the relevant authorities. The only objection was on behalf of a business.

In response to the Committee's questions, the Applicant confirmed that he sells approximately 120 bins of wine weekly. He intends to have tasting tables with a sommelier present to advise on a core range of wines. Everyone will be seated and there will be an option of a charcuterie platter for vegetarians and non-vegetarians.

The Applicant is providing approximately 8 tables with 4 chairs indoors, and 4 customers outside the premises.

The Committee was further advised that there would be a retail side of the wine business selling associated items.

Mr Lowry stated that his business model has the full support of his Landlord. Mr Spiegler on the behalf of the Applicant confirmed to Mr Burnett, the Committee's legal adviser, that they would be happy to accept model conditions 86 on the basis of the premises being a wine merchant, and 24 in addition to the conditions agreed on page 261 and 261 of the agenda papers.

DECISION

The Committee is aware that it has a duty to consider each application on its individual merits and did so when determining this application.

The Committee decided that the Applicant had provided valid reasons as to why the granting of the New Premises Licence would promote the licensing objectives.

In particular but not exclusively, the Committee noted that there was one commercial objection and no objections from residents. The Applicant also had a proven track record in Westminster and the application is for an operation outside the CIZ and SCZ, with modest hours. The Committee also noted that there were no representations from the relevant authorities.

Having carefully considered the committee papers, additional evidence, Licensing Act 2003, Westminster's Statement of Licensing Policy, the Revised Guidance issued under sec 182 of the Licensing Act 2003 and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into

account all the individual circumstances of this case and the promotion of the four licensing objectives:

- a) To grant permission for the **Sale of Alcohol for consumption on and off the Premises:**

Monday to Saturday 11:00 to 22:30
Sundays 11.00 to 22.00

- b) To grant permission for **the premises to open to the Public:**

Monday to Saturday 11:00 to 23.00
Sundays 11.00 to 22.30

The New Premises Licence shall be subject to the relevant Mandatory Conditions 1- 8 and to the following conditions agreed at the hearing:

Agreed Conditions consistent with the operating schedule:

9. 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.

10. The supply of alcohol for consumption on the Premises shall be by waiter or waitress service only.

11. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

12. Except for alcohol consumed in designated external seating areas, the supply of alcohol for consumption off the premises shall be in sealed containers only and not consumed on the premises.

13. a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.

b. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition.

c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external area immediately outside the premises entrance.

d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

14. 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.

15. 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 shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system,
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

16. 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 unless seated in an authorised external area.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. 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.

19. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

20. 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.

21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

22. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.

23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

24. A 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 or passport. Signage of the proof of age scheme shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and upon entering the premises.

25. Signage of the proof of age scheme shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and upon entering the premises.

26. Staff training shall be given to ensure that in the case of any doubt whether a purchaser is over the age of 18 to refuse the sale unless valid ID is produced.

27. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

28. Before the premises open to the public, the plans as deposited shall be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.

29. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Conditions agreed at the Hearing:

30. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents in the vicinity.

31. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a wine merchant.

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

**The Licensing Sub-Committee
8th September 2022**

The Meeting ended at 3.00 pm