



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 4th August, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Maggie Carman (Chair), Md Shamsed Chowdhury and Caroline Sargent

#### 1. MEMBERSHIP

1.1 THERE WERE NO CHANGES TO THE MEMBERSHIP.

#### 2. DECLARATIONS OF INTEREST

2.1 THERE WERE NO DECLARATIONS OF INTEREST.

#### 1. JAVA WHISKERS, 105 GREAT PORTLAND STREET, W1W 6QF

#### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2 ("The Committee")

#### Thursday 4 August 2022 – Item 1

Membership: Councillor Carman (Chair), Councillor Chowdhury and Councillor Sargent

Officer Support    Legal Adviser:            Vivienne Walker  
                                 Policy Officer:            Kerry Simpkin  
                                 Committee Officer:        Jack Robinson-Young  
                                 Presenting Officer:        Kevin Jackaman

Present:                Natalia Santis (Java Whiskers UK Limited), Richard Brown (Westminster Citizens Advice).

**Application for a Variation of Premises Licence in respect of Java Whiskers  
105 Great Portland Street London W1W 6QF 22/04134/LIPV**

**Full Decision**

**Premises**

105 Great Portland Street

**Applicant**

Java Whiskers UK Limited

**Cumulative Impact Area**

None

**Ward**

West End

**Special Consideration Zone**

None

**Summary of Application**

The Sub-Committee has determined an application for a Variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises operate as a cat café offering a menu of hot and cold drinks, sandwiches and baked goods alongside resident cats for customers to spend time with and possibly adopt. Customers are required to book in advance to reserve their slot.

The Premises have had the benefit of a Licence since May 2021. The Premises Licence Holder seeks to add the sale of alcohol in the basement area in addition to the ground floor area as shown on the Premises Plan.

There is a resident count of 114.

**Representations received**

- 2 Local residents

**Summary of issues raised by objectors**

**The Residents stated:**

- We are concerned about any change in business practices which may disturb our residents and many neighbours as we have enjoyed living in this very quiet corner of Fitzrovia outside the traditional rush hours for decades.

- We are unable to understand the need for anyone needing a drink from 9 am to 10 pm seven days per week to stroke a cat or decide to rescue/give a cat a home.
- The hours proposed are well outside what is “normal” for the area.
- There is huge potential to be a public nuisance and the proposed changes would disturb any residents locally.

## **Policy Position**

### **HRS1**

Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to the matters set out in Policy HRS1.

### **RNT1**

Applications 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 being within the Council’s Core Hours Policy HRS1.

## **SUBMISSIONS AND REASONS**

Mr. Kevin Jackaman, Senior Licensing Officer, outlined the application before the Sub-Committee.

Ms Natalia Santis, for the Applicant, addressed the Sub-Committee and stated that she was aware that the resident’s representative at the Sub-Committee, Mr Richard Brown, was worried about the amount of people within the premises. She explained that there is a limited number of seats with a limited number of alcoholic drinks to be served. Previously the Premises were only using the ground floor with 14 people and have now requested to have 16 people in this area as well as opening up the basement area. The Premises are vacated by 22:00 hours with no loud music playing due to the cats within the café. There are no windows opened and therefore no noise would escape to disturb residents. Ms Santis stated that people tend to stay within the premises for only 2 hours, reducing the ability for people to drink excessively. The Premises have had hen parties and large groups without complaints by residents. The front area of the café does not serve alcohol, this area is for hot and soft drinks only as it is a waiting area, then customers go through to the lounges where alcohol is served. Cat adoption is not necessary as some people visit just to be with them, but the adoption of cats is the main aim of the business.

In response to questions from the Sub-Committee:

- (a) Ms Santis explained that the appointments were pre-booked and are available to customers for an hour.
- (b) There is a limit of 6 people per table to help manage the numbers.
- (c) The basement area is where they have their kittens, and they are seeking for 10 people to be allowed in this area given the size and the fact they are dealing with kittens rather than fully grown cats.

- (d) Due to COVID they could have only 14 people in accordance with the social distancing guidelines, now after COVID they can have 16 people.
- (e) Reference was made to the plans included with the submission. Ms Santis stated that the area designated as the “lounge” would be the only area where people would be seated. This area was already used but was not licensed to serve alcohol.
- (f) The ground floor and basement are staggered by 15-minute intervals to avoid large groups arriving at the same time and for customers to leave the premises.
- (g) Customers smoke outside the premises but in her experience, she had only seen 2 people at the café go outside to smoke.

Mr Richard Brown, Licensing Solicitor from Westminster Citizens Advice addressed the Sub-Committee on behalf of Mr Frank Thaxton and Mrs Sharon Palazzo and spoke to how the café had been open for three years but the alcohol licence was only granted around a year ago and in quick succession to that, there was an application to extend the terminal hour. He stated that the residents were concerned about this being the third application in a short time frame and wanted to ensure they were fully informed of what Java Whiskers was wanting to achieve with this application now and if Conditions would need to be imposed. Mr Brown proposed 3 Conditions for the Licence on capacity of being 14 on the ground floor and 10 in the basement, terminal hours of 20:00 Sunday to Wednesday and 21:00 Thursday to Saturday as well as restrictions on the sale of alcoholic drinks to bottled beers and wines/ prosecco. The Applicant was agreeable to these conditions.

## Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, supplementary submissions made by the Applicant and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee noted that there were no representations received from the Responsible Authorities.

The Sub-Committee noted that the application was within the core hours and in accordance with the Statement of Licensing Policy.

The Sub-Committee noted that the Applicant had engaged with the residents and agreed to a number of conditions which will promote the licensing objectives.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had 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 the sale of alcohol in the basement area as shown on the Premises Licence Plan.
2. To grant permission to amend condition 28 of the current Premises Licence in the terms specified below.
3. To grant permission to add conditions in the terms specified below.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the Licence shall apply in all respects except in so far as they are varied by this Decision.
6. That the varied Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

### **Conditions on the Current Licence**

9. Licensable activities shall be ancillary to the premises being used as a cafe.
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 alcohol.
12. 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.
13. 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.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
18. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.

19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.
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. 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, passport or proof of age card with the PASS Hologram.
22. 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 are 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.
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 are 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. 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:
  - (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.
25. 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.

26. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
27. Alcohol shall only be sold for consumption by persons attending a booked appointment at the venue.
28. The supply of alcohol shall only be served to persons with a prebooked appointment seated in the lounge areas as shown on the Premises Licence Plan. The number of persons allowed to consume alcohol in the basement area at any one time shall be limited to 10 persons.

**Conditions imposed by the Committee after a hearing**

29. The permitted hours for the sale of alcohol in the basement area shall be Sunday to Wednesday 09:00 to 20:00 hours Thursday to Saturday 09:00 to 21:00 hours.
30. The sale of alcohol at the premises shall be limited to bottled beers and wines/ prosecco.

**Note:**

The Applicant was advised by the Committee that the above permissions were subject to a revised Premises Plan being submitted to the Licensing Authority as discussed at the Committee hearing.

**This is the Full Decision reached by the Licensing Sub-Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
4 August 2022**

**2. KFC, BASEMENT AND GROUND FLOOR, 54 QUEENSWAY, W2 3RY**

The application was withdrawn by the Applicant.

The Meeting ended at 10.45 am