



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Friday 24th February, 2023**, Rooms 18.06, 18.07 and 18.08 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Aziz Toki (Chair), Maggie Carman and Jim Glen

#### 1. MEMBERSHIP

1.1 THERE WERE NO CHANGES TO THE MEMBERSHIP.

#### 2. DECLARATIONS OF INTEREST

2.1 THERE WERE NO DECLARATIONS OF INTEREST.

#### 1. RAFFLES HOTEL, OLD WAR OFFICE, WHITEHALL, LONDON

### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1 ("The Committee")

Thursday 24<sup>th</sup> February 2023

Membership: Councillor Aziz Toki (Chair),  
Councillor Maggie Carman and Councillor Jim Glen

Officer Support:	Legal Adviser:	Steve Burnett
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Sarah Craddock
	Presenting Officer:	Kevin Jackaman

Other Parties: Mr Alun Thomas (Thomas and Thomas) on **behalf** of 57  
Whitehall Sarl (the Applicant)

From the Applicant:

- Mark Hastings – Director F&B
- Nick Glenister – Finance director

- Nicholas Du Toit – Accor Executive director

From WDS – Applicant’s representative:

- Madani Sow – CEO
- David Hernandez – Project director
- Geoff Hull – architect

Environmental Health (EHO) – Sally Fabbricatore  
Mr Macus Lavell (RSL Law) - **on behalf** of Mr Gabr (resident)

**Application for New Premises Licences – RAFFLES HOTEL, Old War Office  
Whitehall London SW1A 2BX - 22/10484/LIPN**

**Full Decision**

**Premises:**

**RAFFLES HOTEL**

Old War Office (OWO)  
Whitehall  
London  
SW1A 2BX

**Applicant**

57 Whitehall Sarl

**Ward**

St James’s

**Cumulative Impact Zone**

None

**Special Consideration Zone**

None

**Summary of Application**

-  
This is a hearing of an Agenda Item 1 which was adjourned on the 2<sup>nd</sup> February 2023, as it was in the public interest for the Committee to request the Applicant to provide further and better particulars, so that a fully informed Decision could be made.

This is an application for a new premises licence under the Licensing Act 2003 (“The Act”). The Premises is to operate as a Hotel with ancillary facilities.

There is a resident count of 112.

The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

### **Proposed Licensable Activities and Hours**

- **Plays, Films, Live Music, Recorded Music, Performance of Dance, anything of similar description (Indoors)**

- For Public Areas, Ballroom (Basement 2), Spa (Basement 4 and Basement 1), Secondary Floor and Speciality Suites

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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 (Both)**

Public Areas, Ballroom (Basement 2), Spa (Basement 4 and Basement 1), Secondary Floor and Speciality Suites

- Monday to Sunday: 23:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- **Retail Sale of Alcohol (On and Off Sales)**

Public Areas, Ballroom (Basement 2), Spa (Basement 4 and Basement 1), Secondary Floor and Speciality Suites only.

- Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00 only

**Retail Sale of Alcohol (On and Off Sales)**

Ground floor Quadrangle (Terrace) only

- Monday to Sunday: 09:00 to 23:00 hours

Non-Standard times: 09:00 to 23:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00 only

**Hours Premises are open to the Public**

Monday to Sunday: 00:00 to 00:00 hours

**Representations Received**

- Metropolitan Police Service (PC Tom Stewart) - **Withdrawn**
- Environmental Health Service (Ian Watson)
- Marcus Lavell – RLS Law on behalf of Mr Shafik Gabr (Residents.)

**Issues raised by Objectors**

- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
- 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 area.
- 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 area.
- Venue will attract customers due to it late hours for licensable activities.
- OWO has significant capacity.
- Late sales of alcohol will attract crime and disorder.
- Noise breakout and dispersal will lead to disturbance of residents.
- Departing customers will be at risk of injury by traffic.
- Impact on child living in the area will be substantial if the application is granted.
- Conditions fail to adequately address the Licensing Objectives.

**Policy Considerations**

**CD1, PS1, PN1, CH1, RNT1, HOT1, MD1, HRS1 and PB1**

**SUBMISSIONS AND REASONS**

1. Mr Jackaman summarised the application and informed the Committee that the Applicant had agreed the EHO proposed conditions and amended the timings for street facing operations and internal and external terraces. The proposed licence plans and licensable activities for various areas of the Hotel had also been amended.
2. Mr Thomas on behalf of the Applicant provided an overview of the development of the new Raffles Hotel.
3. The Committee was informed that The Old War Office (OWO) is a historical building to be transformed into a Raffles Hotel.
4. All 3<sup>rd</sup> party operators will be subject of the same management controls as the hotel. Raffles will manage security, deliveries etc. 3<sup>rd</sup> parties will operate the Gurkha, Rooftop Restaurant and Bar, Pavilion and Whitehall as high-end restaurants and the Cambridge will be a bar operation. Mr Thomas identified the location of individual areas at the hotel including the apartments, ballroom, pool, staff access and egress, main entrance and licensed areas.
5. The hotel has the benefit of an internal car/taxi entrance with a roundabout and a carpark.
6. Mr Thomas then directed the Committee to the summary of the amendments to the original application at page 32 of the agenda papers and details of the dispersal policy at page 44 onwards.
7. The capacities of the main licensed areas are approximately a maximum of:
  - a. The ballroom, 820
  - b. Gurkha 75, internal terrace 30 and external terrace 20.
  - c. Pavilion 160 internally, 40 internal terrace.
  - d. Cambridge 50 internal and 20 external terrace
  - e. Whitehall 120 internal, 30 in the external terrace
  - f. Rooftop 120 internally and 90 in the external terrace.
8. Mr Thomas informed the Committee that the issue in relation to this application is the use of the licensed area by non-residents after 23.00 and use should be restricted to Westminster's Core Hours. He referred the Committee to their Statement of Licensing Policy, (SoLP) Policy HOT1, F70 and F71. The operation of the premises will be low impact, more protection and the impact of the licensed areas will be restricted to prevent a nuisance to local residents and the hotel's own residents.
9. In response to the Members questions, Mr Thomas explained Raffles will manage the whole building and 3<sup>rd</sup> Party operations will be oversee by Raffles. They have requested all licensable activities for the hotel facilities.
10. The Committee was informed that the dispersal scheme has been approved by planning, and all licensed areas have secondary glazing.

11. Raffles confirmed they are reluctant to have Model Condition MC66 as this is not required under Westminster's Hotel Policy, subject to the restaurants being ancillary to the use of the hotel. Mr Thomas asserted that the committee should consider whether proposed conditions are appropriate and proportionate, taking into account the nature of the operation.
12. The Committee sought more information about large events at the premises. Safter some discussion, the Applicant agreed to exits from such events in the ballroom shall be onto Whitehall through the main entrance. They also confirmed that smokers will be directed to Whitehall.
13. Sally Fabbriatore, EHO, stated to the Committee that this is a large-scale application beyond Core Hours. However, all conditions proposed have been agreed. She confirmed that there have been no complaints about the trade of other hotels in the immediate vicinity. Use of the areas at the hotel will rarely be to the maximum capacity and dispersal is likely to be gradual onto Whitehall.
14. Mr Lavell on behalf of the resident, stated that his clients are concerned about the significant number of customers in a previously quiet residential area. This is the primary application under Policy HOT1. It can be used for large events and receptions. Hours should therefore be restricted for public use. The Committee was informed that the nearest tube station was Embankment and the Applicant's dispersal policy does not take into account that the most direct route from the hotel would be through a residential area.
15. The Committee were also advised that another concern was smokers at the Premises. If smokers congregated at nearby residential premises, this would cause a noise nuisance where it didn't exist previously. The residents would rather smoking took place inside the Courtyard at the Premises.
16. Mr Lavell then requested the Committee heard from residents who had not made representations to this application. Mr Thomas objected to this.
17. The Committee Determined that they will only hear from Parties who had made representations.
18. In summary the EHO confirmed that in her view the Applicant were good operators.
19. Mr Thomas summarised to the Committee that this is to be a five-star hotel, therefore there is no need to make the use of SIA registered door staff or restrictions to smokers subject of conditions. The premises will not trade as a nightclub and the operation will not impose on the nearest residents which in fact are hotel residents. The hotel will bring a benefit to the area and from the evidence heard, it is unlikely that the licensing objectives will be undermined by the Applicant.
20. The Applicant agreed to conditions directing customers and smokers to the main exit on Whitehall, away from residential premises.

21. Mr Thomas also requested that the restrictions his proposed conditions relating to the provision of off sales after 23.00 and off sales in sealed containers to exclude residents of the Raffles Apartments and their bona fide guests. He also requested that hotel bedrooms should be excluded from the requirement to close windows and doors after 21.00.

22. Mr Thomas agreed to add additional conditions preventing staff smoking in Whitehall Place, patrons smoking to be directed to Whitehall and an amendment to the condition ensuring the final layout of the Premises accords with the plans.

### **DECISION**

#### **Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application**

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

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

#### **1. To grant permission for:**

#### **Plays, Films, Live Music, Recorded Music Performance of Dance, anything of similar description (Indoors)**

Public Areas, Ballroom (Basement 2), Spa (Basement 4 and Basement 1),  
Secondary Floor and Speciality Suites only.

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

Public Areas, Ballroom (Basement 2), Spa (Basement 4 and Basement 1),  
Secondary Floor and Speciality Suites only.

Monday to Sunday: 23:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

#### **Retail Sale of Alcohol (On and Off Sales)**

Public Areas, Ballroom (Basement 2), Spa (Basement 4 and Basement 1),  
Secondary Floor and Speciality Suites only.

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00 only

### **Retail Sale of Alcohol (On and Off Sales)**

Ground floor Quadrangle (Terrace) only

Monday to Sunday: 09:00 to 23:00 hours

Non-Standard times: 09:00 to 23:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00 only

### **Hours Premises are open to the Public**

Monday to Sunday: 00:00 to 00:00 hours

2. **Relevant Mandatory Conditions 1-9 to apply**
3. **Conditions deemed appropriate and proportionate, imposed by the Committee after a hearing:**

10. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

11. Between 02:00 and 09:00 the provision of licensable activities shall only be to residents and their guests.

12. Between the hours of 09.00 to 10.00 Monday to Saturday and 09.00 to midday Sunday the sale of alcohol shall be ancillary to the provision of food, with the exception of residents and their guests.

13. Save for alcohol provided to residents of the Raffles Apartments and their bona fide guests, all sales of alcohol for consumption 'Off' the premises shall be in sealed containers.

14. A waiter or waitress service shall be provided.

15. 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.



16. Save for alcohol provided to residents of the Raffles Apartments and their bona fide guests, there shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
17. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
18. After 21.00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
19. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premise, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
20. A Challenge 21 or 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, military ID card, passport or proof of age card with the PASS Hologram.
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 preceding 31 day period.
22. 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.
23. 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) any complaints received concerning crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
24. After 00.00 hours each day pedestrian access and egress to the premises shall only be via the main hotel entrance on Whitehall, except in the case of emergencies.

25. All public entrances shall be supervised by a responsible member of staff at all times when that part of the premises is open to the public.
26. 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.
27. 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.
28. Save for in hotel bedrooms, all windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
29. 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.
30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
32. 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.
33. No external deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
34. 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.
35. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be directed to Whitehall or to an external smoking area inside the Hotel.
36. 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.
37. 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.

38. 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.
39. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
40. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
41. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
42. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.
43. The hours for licensable activities and the opening times may be extended on New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.
44. 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.
45. 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.
46. 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.
47. The Premises shall have policy on protecting children from child sexual exploitation. The policy shall include training for all front of house staff on the signs and indications of child sexual exploitation as well as the reporting of suspicious activity to the appropriate authorities.
48. 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 front of house staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they

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

### **Informative**

The Licensing Sub-Committee heard extensive evidence from the Applicant about the use and training of security personnel at the Premises. It is therefore expected that the Applicants best endeavours shall be used through their staff and security to prevent nuisance from being caused by users of the hotel and the facilities.

**The Licensing Sub-Committee  
24 February 2023**

**2. THE GURKHA AT RAFFLES HOTEL, OLD WAR OFFICE, WHITEHALL,  
SW1A 2BX**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1  
("The Committee")**

**Thursday 24<sup>th</sup> February 2023**

Membership: Councillor Aziz Toki (Chair),  
Councillor Maggie Carman and Councillor Jim Glen

Officer Support: Legal Adviser: Steve Burnett  
Policy Officer: Kerry Simpkin  
Committee Officer: Sarah Craddock  
Presenting Officer: Kevin Jackaman

Other Parties: Mr Alun Thomas (Thomas and Thomas) on **behalf** of 57  
Whitehall Sarl (the Applicant)

From the Applicant:

- Mark Hastings – Director F&B
- Nick Glenister – Finance director
- Nicholas Du Toit – Accor Executive director

From WDS – Applicant's representative:

- Madani Sow – CEO
- David Hernandez – Project director
- Geoff Hull – architect

Environmental Health (EHO) – Sally Fabbriatore  
Mr Macus Lavell (RSL Law) - **on behalf** of Mr Gabr (resident)  
Martin White – Resident and on behalf of Whitehall Court  
Management Committee  
Charles Sauld on behalf of Martin White

**Application for New Premises Licences – Gurkha at RAFFLES HOTEL, Old War Office Whitehall London SW1A 2BX - 22/10460/LIPN**

**Full Decision**

**Premises:**

-  
**Gurkha**  
Old War Office (OWO)  
Whitehall  
London  
SW1A 2BX

**Applicant**

57 Whitehall Sarl

**Ward**

-  
St James's

**Cumulative Impact Zone**

None

-  
**Special Consideration Zone**

None

-  
**Summary of Application**

-  
This is a hearing of an Agenda Item 2 which was adjourned on the 2<sup>nd</sup> February 2023, as it was in the public interest for the Committee to request the Applicant to provide further and better particulars, so that a fully informed Decision could be made.

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The Premises is to operate as a restaurant.

There is a resident count of 112.

The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

**Proposed Licensable Activities and Hours**

-  
**Films, Live Music, Recorded Music (Indoors)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales other than to the Terrace from 09.00 to 23.00

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

## **Representations Received**

- Metropolitan Police Service (PC Tom Stewart) - **Withdrawn**
- Environmental Health Service (Ian Watson)
- Marcus Lavell – RLS Law on behalf of Mr Shafik Gabr (Residents )
- Suneil Setya (Resident)
- Sandrine Harris(Resident)
- Keith Gubbin (Resident)
- Bruce Walker (Resident)
- Andrei Spence (Resident)
- Chris Jones (Resident)
- Martin White (Resident)
- Louise Hobbs (Resident)
- Amanda Leness (Resident)
- Casper Hobbs (Resident)
- Chow Chua (Resident)
- Major Mani Rai MBE – support (Resident)

### **Issues raised by Objectors**

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- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
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- 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 area.
- 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 area.
- Venue will attract customers due to it late hours for licensable activities.
- OWO has significant capacity.
- Late sales of alcohol will attract crime and disorder.
- Noise breakout and dispersal will lead to disturbance of residents.
- Departing customers will be at risk of injury by traffic.
- Impact on child living in the area will be substantial if the application is granted.
- Conditions fail to adequately address the Licensing Objectives.

Serious concerns from the residents mainly about use of the outside area, late hours (02.00) of serving food and alcohol,

### **Policy Considerations**

**CD1, PS1, PN1, CH1, RNT1, HOT1, MD1, HRS1 and PB1**

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### **SUBMISSIONS AND REASONS**

-

1. Mr Jackaman summarised the application and informed the Committee that the Applicant had agreed the EHO proposed conditions and amended the timings for street facing operations and internal and external terraces. The proposed licence plans and licensable activities for various areas of the Hotel had also been amended.
2. Mr Thomas on behalf of the Applicant provided an overview of the development of the new Raffles Hotel.
3. The Committee was informed that The Old War Office (OWO) is a historical building to be transformed into a Raffles Hotel.

4. All 3<sup>rd</sup> party operators will be subject of the same management controls as the hotel. Raffles will manage security, deliveries etc. 3<sup>rd</sup> parties will operate the Gurkha, Rooftop Restaurant and Bar, Pavilion and Whitehall as high-end restaurants and the Cambridge will be a bar operation. Mr Thomas identified the location of individual areas at the hotel including the apartments, ballroom, pool, staff access and egress, main entrance and licensed areas.
5. The hotel has the benefit of an internal car/taxi entrance with a roundabout and a carpark.
6. Mr Thomas then directed the Committee to the summary of the amendments to the original application at page 32 of the agenda papers and details of the dispersal policy at page 44 onwards.
7. The capacities of the main licensed areas are approximately a maximum of:
  - a. The ballroom, 820
  - b. Gurkha 75, internal terrace 30 and external terrace 20.
  - c. Pavilion 160 internally, 40 internal terrace.
  - d. Cambridge 50 internal and 20 external terrace
  - e. Whitehall 120 internal, 30 in the external terrace
  - f. Rooftop 120 internally and 90 in the external terrace
8. In relation to this application for the Gurkha restaurant, Mr Thomas advised the Committee that the outside area, which is the most contentious part of the application, would not be used for live or recorded music and the premises windows will be closed.
9. Mr Thomas stated that there is no direct access to the outside area, patrons must go through the restaurant and be directed to their seats.
10. The Committee were informed that the nearest residential accommodate is one of the Hotels' Apartments and although the branding of the premises will be different to the hotel, all management functions will be controlled by the Raffles.
11. Mr Thomas asserted that the level of restrictions required by the objectors is not necessary and a 'light touch' should be applied. He asserted this is a fine dining restaurant and some events may take place therefore, this does not require a condition to limit the operation.
12. Mr Thomas further stated that the distance of the terrace to the external flats is about 60 mts and there will be no recorded music in the outside terrace. They have now also limited the trading of the area to 21.00.
13. In response to questions from the Committee, the Applicant confirmed delivery and waste collect would be from an internal yard and there is a lift which leads to a storage area. Mr Thomas stated that access and egress through the hotel to the main entrance on Whitehall would be impractical.



14. The Committee were advised that although there is an application for live music, they are happy to withdraw that part of the application.
15. Sally Fabbricatore informed the Committee that the EHO welcome the reduction in hours and that the premises remains ancillary to the use of the hotel. She further stated that other restaurants attached to hotels in the immediate vicinity were not subject of the MC66 restaurant conditions.
16. Mr Lavell informed the Committee that this application should not fall under HOT1 as it is a separate application for a restaurant and not part of the Hotel application. Furthermore, the restaurant has its own access and egress. The restaurant will employ its own DPS and is operated by a third party. Mr Lavell still requires and feels that it is appropriate that MC66 condition and core hours is attached to this Premises Licence.
17. Mr White stated to the Committee that there are no other hotels in the area with a terraced area. The terrace area causes residents' concern. The area consists of young families, aged occupants and it is believed the external terrace should not be permitted in a historically quiet area and where on occasions there are demonstrations.
18. Mr Auld added the terrace is not 60 mtrs form the residents. He emphasised that resident prefer conditions which they can refer to and ensure the operators are accountable. He expressed concerns that dispersal to Embankment tube station has been omitted by the Applicant.
19. Mr Auld still requires customers to use the hotel entrance, SIA door supervisors to remove smokers to Whitehall and the Committee were asked to note that the gardens in which staff will be advised to smoke closes from dusk to dawn.
20. In summary to the Committee, the EHO confirmed that the Civil Service club has an outside terrace area and a route from the Gurkha through the hotel is convoluted.
21. Mr Thomas summarised that with the ancillary condition on the premises licence the premises cannot be sold on without Raffles permission and Raffles want the restaurant to be a part of the hotel. He stated that staff will not be permitted to smoke on Whitehall Court and customers smoking will be directed to Whitehall.
22. Mr Thomas agreed to add additional conditions permitting the hotel facilities to be used by the premises, the removal of live music if the Committee is minded, a condition preventing staff smoking in Whitehall Court, patrons smoking to be directed to Whitehall and an amendment to the condition ensuring the final layout of the Premises accords with the plans.
23. Mr Thomas also requested that the restrictions his proposed conditions relating to the provision of off sales after 23.00, off sales in sealed containers and late-night refreshment after 23.00 to exclude residents of Raffles Hotel and the Raffles Apartments and their bona fide guests.

## DECISION

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### Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

The Committee note in particular that each case is decided based on its own individual merits. Reference to other hotels operation have been given limited weight. The Committee also note that it is their duty to promote the licensing objectives including the prevention of public nuisance.

This site has a separate entrance to the hotel and a third-party operator. It is also noted that this operation is facing residential premises and the evidence given is that this premises will operate in the main as a fine dining restaurant. However, there are numerous residential concerns about the operation of this premises and use of the external area. It is appropriate to ensure that the premises does not morph into anything more than a restaurant, considering its proximity to residential premises.

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

#### 1. To grant permission for:

##### **Films, Recorded Music (Indoors)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 01:00 to 05:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

##### **Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales other than to the external terrace permitted from 09.00 to 23.00 only.

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

#### **2. To refuse permission for:**

##### **Live Music (Indoors)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

#### **3. Relevant Mandatory Conditions 1-9 to apply**

#### **4. Conditions deemed appropriate and proportionate, imposed by the Committee after a hearing:**

10. Between the hours of 09.00 to 10.00 Monday to Saturday and 09.00 to midday Sunday the sale of alcohol shall be ancillary to the provision of food, with the exception of residents and their guests.

11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, except for alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway or residents of Raffles Hotel and the Raffles Apartments and their bona fide guests.

12. The supply of alcohol shall be by waiter or waitress service only.

13. 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.

14. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.

15. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests, there shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

16. After 21.00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
17. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premise, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. A Challenge 21 or 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, military ID card, passport or proof of age card with the PASS Hologram.
19. 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 preceding 31 day period.
20. 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.
21. 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) any complaints received concerning crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
22. All public entrances shall be supervised by a responsible member of staff at all times when that part of the premises is open to the public.
23. 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.
24. 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.

25. All windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
26. 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.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. 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.
30. No external deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
31. 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.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be directed to Whitehall or to the external smoking area inside the Hotel.
33. Staff shall not be permitted to smoke on Whitehall Court.
34. 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.
35. All outside tables and chairs on the public highway shall be rendered unusable or removed from the outside area by 21.00 hours each day.
36. The external terrace on the public highway shall not be used between 21.00 hours and 09.00 hours daily
37. The internal Courtyard terrace shall not be used for licensable activity between 23.00 hours and 09.00 hours daily
38. 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.

39. 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.
40. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
41. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
42. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
43. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.
44. The hours for licensable activities and the opening times may be extended on New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.
45. 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.
46. 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.
47. 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.
48. The need for SIA registered security shall be risk assessed on a continual basis. This risk assessment shall be made available upon request from a police officer or local authority officer.
49. There shall be no entry or re-entry to the premises after 00:30 save for residents and their bona fide guests.
50. Facilities, services and security of the hotel shall be available to this premises at all times that licensable activities are taking place.
51. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.
52. Between 01:00 and 09:00 the provision of licensable activities shall only be to residents and their guests.
53. Patrons leaving the Premises shall be directed by employees toward Whitehall.

54. Save for off sales to residents of Raffles Hotel and the Raffles Apartments and their bona fide guests, from 21.00, the premises shall only operate as a restaurant,

- (i) in which customers are shown to their table or the customer will 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) 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 alcohol may be supplied and consumed by patrons prior to their meal in the bar and are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

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

**The Licensing Sub-Committee  
16 February 2023**





## Ward

St James's

## Cumulative Impact Zone

None

## Special Consideration Zone

None

## Summary of Application

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This is a hearing of an Agenda Item 3 which was adjourned on the 2<sup>nd</sup> February 2023, as it was in the public interest for the Committee to request the Applicant to provide further and better particulars, so that a fully informed Decision could be made.

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The Premises is to operate as a restaurant and bar.

There is a resident count of 112.

The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

## Proposed Licensable Activities and Hours

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### Films, Live Music, Recorded Music (Indoors)

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### Retail Sale of Alcohol (On and Off Sales)

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales from 09.00 to 23.00

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Representations Received**

- Metropolitan Police Service (PC Tom Stewart) - **Withdrawn**
- Environmental Health Service (Ian Watson)
- Marcus Lavell – RLS Law on behalf of Mr Shafik Gabr (Resident.)

### **Issues raised by Objectors**

- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
- 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 area.
- 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 area.
- Venue will attract customers due to it late hours for licensable activities.
- OWO has a significant capacity.
- Late sales of alcohol will attract crime and disorder.
- Noise breakout and dispersal will lead to disturbance of residents.
- Departing customers will be at risk of injury by traffic.
- Impact on child living in the area will be substantial if the application is granted.
- Conditions fail to adequately address the Licensing Objectives.

## Policy Considerations

CD1, PS1, PN1, CH1, RNT1, HOT1, MD1, HRS1 and PB1

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## SUBMISSIONS AND REASONS

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1. Mr Jackaman summarised the application and informed the Committee that the Applicant had agreed the EHO proposed conditions and amended the timings for street facing operations and internal and external terraces. The proposed licence plans and licensable activities for premises had also been amended.
2. Mr Thomas on behalf of the Applicant provided an overview of the development of the new Raffles Hotel.
3. The Committee was informed that The Old War Office (OWO) is a historical building to be transformed into a Raffles Hotel.
4. All 3<sup>rd</sup> party operators will be subject of the same management controls as the hotel. Raffles will manage security, deliveries etc. 3<sup>rd</sup> parties will operate the Gurkha, Rooftop Restaurant and Bar, Pavilion and Whitehall as high-end restaurants and the Cambridge will be a bar operation. Mr Thomas identified the location of individual areas at the hotel including the apartments, ballroom, pool, staff access and egress, main entrance and licensed areas.
5. The hotel has the benefit of an internal car/taxi entrance with a roundabout and a carpark.
6. Mr Thomas then directed the Committee to the summary of the amendments to the original application at page 32 of the agenda papers and details of the dispersal policy at page 44 onwards.
7. The capacities of the main licensed areas are approximately a maximum of:
  - a. The ballroom, 820
  - b. Gurkha 75, internal terrace 30 and external terrace 20.
  - c. Pavilion 160 internally, 40 internal terrace.
  - d. Cambridge 50 internal and 20 external terrace
  - e. Whitehall 120 internal, 30 in the external terrace
  - f. Rooftop 120 internally and 90 in the external terrace
8. In relation to this application for the Pavilion Bar and Restaurant, Mr Thomas advised the Committee that this will be a 3-star Michelin restaurant and an inclusive part of Raffles. Entrance is through Raffles and therefore Mr Thomas confirmed he is happy to have a condition which maintains the use of the hotel facilities. Mr Thomas also agreed to access and egress from the Premises to be through the hotel to the main entrance on to Whitehall.

9. Mr Lavell confirmed there was no issue as this premises in within the demise of the hotel and not facing residents. It is more likely that if there was a nuisance from this Premises, hotel residents would be the first to be disturbed.
10. Mr Thomas agreed to add additional conditions permitting the hotel facilities to be used by the premises, the removal of live music if the Committee is minded, from 00.00 access and egress via the main entrance of the hotel onto Whitehall, a condition preventing staff smoking in Whitehall Place, patrons smoking to be directed to Whitehall and an amendment to the condition ensuring the final layout of the Premises accords with the plans.
11. The start time in proposed condition 11 to be amended from 02.00 to 0.00 was agreed. Mr Thomas also requested that the restrictions his proposed conditions relating to the provision of off sales after 23.00, off sales in sealed containers and late-night refreshment after 23.00 to exclude residents of Raffles Hotel and the Raffles Apartments and their bona fide guests

### **DECISION**

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#### **Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application**

- The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

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

#### **1. To grant permission for:**

##### **Films, Recorded Music (Indoors)**

- Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

- Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

##### **Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales from 09.00 to 23.00

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

2. **To refuse permission for Live Music.**
3. **Relevant Mandatory Conditions 1-9 to apply**
4. **Conditions deemed appropriate and proportionate, imposed by the Committee after a hearing:**

10. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

11. Between 01:00 and 09:00 the provision of licensable activities shall only be to residents and their bona fide guests.

12. Between the hours of 09.00 to 10.00 Monday to Saturday and 09.00 to midday Sunday the sale of alcohol shall be ancillary to the provision of food, with the exception of residents and their guests.

13. 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.

14. A waiter or waitress service shall be provided.

15. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests all sales of alcohol for consumption 'Off' the premises shall be in sealed containers only.

16. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.

17. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

18. After 21.00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

After 23.00 hours patrons permitted to temporarily leave and then re-enter the premise, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

19. A Challenge 21 or 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, military ID card, passport or proof of age card with the PASS Hologram.

20. 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 preceding 31 day period.

21. 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.

22. 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) any complaints received concerning crime and disorder
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

23. After 00.00 hours each day, pedestrian access and egress to the premises shall only be via the main Hotel entrance on Whitehall, except in the case of emergencies.

24. All public entrances shall be supervised by a responsible member of staff at all times when that part of the premises is open to the public.

25. 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.

26. 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.

27. All windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

28. 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.

29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. 31. 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.

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

33. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be directed to Whitehall or to the external smoking area inside the Hotel.

34. Staff shall not be permitted to smoke in Whitehall Place.

35. 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.

36. 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.

37. 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.

38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

39. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

40. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

41. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.

42. The hours for licensable activities and the opening times may be extended on New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

43. 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.

44. 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.

45. 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.

46. The external terrace shall not be used for licensable activity between 23.00 hours and 09.00 hours daily.

47. The need for SIA registered security shall be risk assessed on a continual basis. This risk assessment shall be made available upon request from a police officer or local authority officer.

48. There shall be no entry or re-entry to the premises after 00:30 save for hotel residents and their bona fide guests.

49. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

50. Facilities, services and security of the Hotel shall be available to this premises at all times that licensable activities are taking place.

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

**The Licensing Sub-Committee  
24 February 2023**





## **Ward**

St James's

## **Cumulative Impact Zone**

None

## **Special Consideration Zone**

None

## **Summary of Application**

-  
This is a hearing of an Agenda Item 4 which was adjourned on the 2<sup>nd</sup> February 2023, as it was in the public interest for the Committee to request the Applicant to provide further and better particulars, so that a fully informed Decision could be made.

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The Premises is to operate as a Japanese Sake bar.

There is a resident count of 112.

The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

## **Proposed Licensable Activities and Hours**

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### **Films, Live Music, Recorded Music (Indoors)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales other than to the terrace from 09.00 to 23.00

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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### **Representations Received**

- Metropolitan Police Service (PC Tom Stewart) - **Withdrawn**
- Environmental Health Service (Ian Watson)
- Marcus Lavell – RLS Law on behalf of Mr Shafik Gabr (Residents.)
- Amanda Leness (Resident)

### **Issues raised by Objectors**

- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
- 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 area.
- 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 area.
- Venue will attract customers due to its late hours for licensable activities.
- OWO has significant capacity.
- Late sales of alcohol will attract crime and disorder.
- Noise breakout and dispersal will lead to disturbance of residents.
- Departing customers will be at risk of injury by traffic.
- Impact on child living in the area will be substantial if the application is granted.
- Conditions fail to adequately address the Licensing Objectives.

- Concerns about mitigation for trade up to 02.00

## **Policy Considerations**

**CD1, PS1, PN1, CH1, RNT1, HOT1, MD1, HRS1 and PB1**

## **SUBMISSIONS AND REASONS**

1. Mr Jackaman summarised the application and informed the Committee that the Applicant had agreed the EHO proposed conditions and amended the timings for street facing operations and internal and external terraces. The proposed licence plans and licensable activities for premises had also been amended.
2. Mr Thomas on behalf of the Applicant provided an overview of the development of the new Raffles Hotel.
3. The Committee was informed that The Old War Office (OWO) is a historical building to be transformed into a Raffles Hotel.
4. All 3<sup>rd</sup> party operators will be subject of the same management controls as the hotel. Raffles will manage security, deliveries etc. 3<sup>rd</sup> parties will operate the Gurkha, Rooftop Restaurant and Bar, Pavilion and Whitehall as high-end restaurants and the Cambridge will be a bar operation. Mr Thomas identified the location of individual areas at the hotel including the apartments, ballroom, pool, staff access and egress, main entrance and licensed areas.
5. The hotel has the benefit of an internal car/taxi entrance with a roundabout and a carpark.
6. Mr Thomas then directed the Committee to the summary of the amendments to the original application at page 32 of the agenda papers and details of the dispersal policy at page 44 onwards.
7. The capacities of the main licensed areas are approximately a maximum of:
  - a. The ballroom, 820
  - b. Gurkha 75, internal terrace 30 and external terrace 20.
  - c. Pavilion 160 internally, 40 internal terrace.
  - d. Cambridge 50 internal and 20 external terrace
  - e. Whitehall 120 internal, 30 in the external terrace
  - f. Rooftop 120 internally and 90 in the external terrace.
8. In relation to this application for the Cambridge, Mr Thomas advised the Committee that this will be a Japanese Sake Bar, with an internal capacity of 50. There is an external terrace, with no direct access to the public save through the bar. The terrace will close at 21.00 but inside the premises will close at

01.00. There will be table service inside and outside the premises. Mr Thomas informed the Members that this is a very small area and ideally, he would not like to divert patrons through the hotel to the main entrance on Whitehall. Specialist Sake and Japanese whiskeys will be sold with nibbles. Mr Madani Sow however, confirmed that they agree to customers leaving the premises through the hotel's main entrance onto Whitehall.

9. The EHO requested a condition requiring smokers to be directed to Whitehall as this bar and terrace are resident facing areas.
10. Mr Lavell expressed concerns that this is a bar operation and for the first time in the history of the residents, there will be drinking in the outside area. The residents would prefer not to have an outside area for the bar.
11. Mr Thomas agreed to add additional conditions permitting the hotel facilities to be used by the premises, the removal of live music if the Committee is minded, from 00.00 access and egress via the main entrance of the hotel onto Whitehall, a condition preventing staff smoking in Whitehall Place, patrons smoking to be directed to Whitehall and an amendment to the condition ensuring the final layout of the Premises accords with the plans.
12. Mr Thomas also requested that the restrictions his proposed conditions relating to the provision of off sales after 23.00, off sales in sealed containers and late-night refreshment after 23.00 to exclude residents of Raffles Hotel and the Raffles Apartments and their bona fide guests.

## **DECISION**

### **Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application**

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

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

#### **1. To grant permission for:**

#### **Films, Recorded Music (Indoors)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales other than to the terrace from 09.00 to 23.00

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

2. **To refuse permission for Live Music**
3. **Relevant Mandatory Conditions 1-9 to apply**
4. **Conditions deemed appropriate and proportionate, imposed by the Committee after a hearing:**

10. Between the hours of 09.00 to 10.00 Monday to Saturday and 09.00 to midday Sunday the sale of alcohol shall be ancillary to the provision of food, with the exception of residents and their bona fide guests.

11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, except for alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway or residents of Raffles Hotel and the Raffles Apartments and their bona fide guests.

12. A waiter or waitress service shall be provided.

13. 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.

14. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.

15. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

16. After 21.00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

17. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premise, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

18. A Challenge 21 or 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, military ID card, passport or proof of age card with the PASS Hologram.

19. 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 preceding 31 day period.

20. 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.

21. 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) any complaints received concerning crime and disorder
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

22. After 00.00 hours each day pedestrian access and egress to the premises shall only be via the main Hotel entrance on Whitehall, except in the case of emergencies.

23. All public entrances shall be supervised by a responsible member of staff at all times when that part of the premises is open to the public.

24. 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.

25. 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.

26. All windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

27. 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.

28. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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

30. 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.

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

32. 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.

33. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be directed to Whitehall or to an external smoking area inside the Hotel.

34. Staff shall not be permitted to smoke in Whitehall Place.

35. 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.

36. All outside tables and chairs shall be rendered unusable or removed from the outside area by 21.00 hours each day.

37. The external terrace on the public highway shall not be used between 21.00 hours and 09.00 hours daily



38. 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.

38. 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.

39. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

40. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

41. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

42. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.

43. The hours for licensable activities and the opening times may be extended on New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

44. 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.

45. 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.

46. 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.

47. The need for SIA registered security shall be risk assessed on a continual basis. This risk assessment shall be made available upon request from a police officer or local authority officer.

48. There shall be no entry or re-entry to the premises after 00:30 save for hotel residents and their bona fide guests.

49. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

50. Between 01:00 and 09:00 the provision of licensable activities shall only be to residents and their bona fide guests.



**Application for New Premises Licences – RAFFLES APARTMENTS, Old War Office Whitehall London SW1A 2BX - 22/10514/LIPN**

**FULL DECISION**

**Premises:**

- Raffle **APARTMENTS**  
Old War Office (OWO)  
Whitehall  
London  
SW1A 2BX

**Applicant**

57 Whitehall Sarl

**Ward**

- St James's

**Cumulative Impact Zone**

None

**Special Consideration Zone**

None

**Summary of Application**

- This is a hearing of an Agenda Item 5 which was adjourned on the 2<sup>nd</sup> February 2023, as it was in the public interest for the Committee to request the Applicant to provide further and better particulars, so that a fully informed Decision could be made.

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The Premises is to operate as leased Apartments with ancillary facilities.

There is a resident count of 112.

The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

**Proposed Licensable Activities and Hours**

- **Films, Recorded Music (Indoors)**

- Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**Plays, Live Music, Performance of Dance, anything of similar description (Indoors)**

Monday to Sunday: 09:00 to 02:00 hours

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)**

Monday to Sunday: 23:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**Retail Sale of Alcohol (On Sales)**

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Apartments serviced by way of off sales when required.

**Hours Premises are open to the Public**

Monday to Sunday: 00:00 to 00:00 hours

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

-

**Representations Received**

-

- Metropolitan Police Service (PC Tom Stewart) - **Withdrawn**
- Environmental Health Service (Ian Watson)
- Marcus Lavell – RLS Law on behalf of Mr Shafik Gabr (Residents.)

**Issues raised by Objectors**

-

- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.

-

- 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 area.
- 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 area.
- Venue will attract customers due to its late hours for licensable activities.
- OWO has significant capacity.
- Late sales of alcohol will attract crime and disorder.
- Noise breakout and dispersal will lead to disturbance of residents.
- Departing customers will be at risk of injury by traffic.
- Impact on child living in the area will be substantial if the application is granted.
- Conditions fail to adequately address the Licensing Objectives.

### **Policy Considerations**

**CD1, PS1, PN1, CH1, RNT1, HOT1, MD1, HRS1 and PB1**

### **SUBMISSIONS AND REASONS**

1. Mr Jackaman summarised the application and informed the Committee that the Applicant had agreed the EHO proposed conditions and amended the timings for street facing operations and internal and external terraces. The proposed licence plans and licensable activities for various areas of the Hotel had also been amended.
2. Mr Thomas on behalf of the Applicant provided an overview of the development of the new Raffles Hotel.
3. The Committee was informed that The Old War Office (OWO) is a historical building to be transformed into a Raffles Hotel.
4. All 3<sup>rd</sup> party operators will be subject of the same management controls as the hotel. Raffles will manage security, deliveries etc. 3<sup>rd</sup> parties will operate the Gurkha, Rooftop Restaurant and Bar, Pavilion and Whitehall as high-end restaurants and the Cambridge will be a bar operation. Mr Thomas identified the location of individual areas at the hotel including the apartments, ballroom, pool, staff access and egress, main entrance and licensed areas.

5. The hotel has the benefit of an internal car/taxi entrance with a roundabout and a carpark.
6. Mr Thomas then directed the Committee to the summary of the amendments to the original application at page 32 of the agenda papers and details of the dispersal policy at page 44 onwards.
7. The capacities of the main licensed areas are approximately a maximum of:
  - a. The ballroom, 820
  - b. Gurkha 75, internal terrace 30 and external terrace 20.
  - c. Pavilion 160 internally, 40 internal terrace.
  - d. Cambridge 50 internal and 20 external terrace
  - e. Whitehall 120 internal, 30 in the external terrace
  - f. Rooftop 120 internally and 90 in the external terrace.
8. Mr Thomas informed the Committee that this application is for separate self-contained Apartments for residents and their guests only, save for one room identified on the supporting plans as a hatch black area. (Committee agenda page 264).
9. Mr Thomas advised the Committee that although the Apartments are not included in the licensed areas, residents can acquire alcohol from off sales provisions at the hotel, bring their own alcohol or obtain it from the communal areas shown on the supporting plans.
10. There are 85 Apartments which are sold on a long lease. They have seven lounges and their own kitchens and other facilities such as a gym, separate access and egress, courtyard area etc.
11. Sally Fabbricatore, EHO, stated to the Committee that there are no major concerns but she would like caution in dealing with licensable activities in any garden area, leading to noise breakout.
12. Mr Lavell on behalf of the resident, stated that having seen the amendments to the application and in view of Mr Thomas explanation, he has no comments in relation to this application.
13. Mr Thomas agreed to an amendment to the condition ensuring the final layout of the Premises accords with the plans and addition of "From 23.00, no regulated entertainment shall take place in the outside area in the triangular central courtyard area on the ground floor."
14. Mr Thomas also requested that the restrictions his proposed conditions relating to the provision of off sales after 23.00, off sales in sealed containers and late-night refreshment after 23.00 to exclude residents of Raffles Hotel and the Raffles Apartments and their bona fide guests

## **DECISION**

### **Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application**

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

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

#### **1. To grant permission for:**

##### **Films, Recorded Music (Indoors)**

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

##### **Plays, Live Music, Performance of Dance, anything of similar description (Indoors)**

Monday to Sunday: 09:00 to 02:00 hours

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)**

Monday to Sunday: 23:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

##### **Retail Sale of Alcohol (On Sales)**

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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 to Sunday: 00:00 to 00:00 hours.

2. **To refuse permission for the lower ground floor of Raffles Apartments to be licensed.**
3. **Relevant Mandatory Conditions 1 - 9 to apply**
4. **Conditions deemed appropriate and proportionate, imposed by the Committee after a hearing:**

Applicable to the area hatched black on the plans (Approved on the 24/2/23) only:

10. Between the hours of 09.00 to 10.00 Monday to Saturday and 09.00 to midday Sunday the sale of alcohol shall be ancillary to the provision of food, with the exception of residents and their guests.

11. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests all sales of alcohol for consumption 'Off' the premises shall be in sealed containers only.

12. A waiter or waitress service shall be provided.

13. 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.

14. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.

15. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests, there shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

16. After 21.00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

17. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premise, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

18. All windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

19. The hours for licensable activities and the opening times may be extended on New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

Applicable to all areas save for the area hatched black on the plans (Approved on the 24/2/23):



20. Save for the area hatched black, the provision of licensable activities shall only be to residents and their guests.

21. A Challenge 21 or 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, military ID card, 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 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 preceding 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, which shall record the following:

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

25. All public entrances shall be supervised by a responsible member of staff at all times when that part of the premises is open to the public.

26. 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.

27. 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.

28. 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.

29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
31. 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.
32. No external deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
33. 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.
34. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be directed to Whitehall or to the external smoking area inside Raffles Hotel or Raffles Apartments.
35. Staff shall not be permitted to smoke on Whitehall Place.
36. 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.
37. 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.
38. 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.
39. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
40. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
41. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

42. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.

43. 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.

44. 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.

45. 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.

46 From 23.00, no regulated entertainment shall take place in the outside area in the triangular central courtyard area on the ground floor.

47. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a Hotel or Apartments.

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

**The Licensing Sub-Committee  
24 February 2023**



## Ward

St James's

## Cumulative Impact Zone

None

## Special Consideration Zone

None

## Summary of Application

-  
This is a hearing of an Agenda Item 6 which was adjourned on the 2<sup>nd</sup> February 2023, as it was in the public interest for the Committee to request the Applicant to provide further and better particulars, so that a fully informed Decision could be made.

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The Premises is to operate as a restaurant and bar.

There is a resident count of 112.

The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

## Proposed Licensable Activities and Hours

-  
-

### Films, Live Music, Recorded Music (Indoors)

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### Retail Sale of Alcohol (On and Off Sales)

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales other than to the terrace 09.00 to 23.00

### **Hours Premises are open to the Public**

Monday to Sunday: 00:00 to 00:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Representations Received**

- Metropolitan Police Service (PC Tom Stewart) - **Withdrawn**
- Environmental Health Service (Ian Watson)
- Marcus Lavell – RLS Law on behalf of Mr Shafik Gabr (Residents.)

### **Issues raised by Objectors**

- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
- 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 area.
- 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 area.
- Venue will attract customers due to it late hours for licensable activities.
- OWO has significant capacity.
- Late sales of alcohol will attract crime and disorder.
- Noise breakout and dispersal will lead to disturbance of residents.
- Departing customers will be at risk of injury by traffic.
- Impact on child living in the area will be substantial if the application is granted.
- Conditions fail to adequately address the Licensing Objectives.

### **Policy Considerations**

**SUBMISSIONS AND REASONS**

1. Mr Jackaman summarised the application and informed the Committee that the Applicant had agreed the EHO proposed conditions and amended the timings for street facing operations and internal and external terraces. The proposed licence plans and licensable activities for premises had also been amended.
2. Mr Thomas on behalf of the Applicant provided an overview of the development of the new Raffles Hotel.
3. The Committee was informed that The Old War Office (OWO) is a historical building to be transformed into a Raffles Hotel.
4. All 3<sup>rd</sup> party operators will be subject of the same management controls as the hotel. Raffles will manage security, deliveries etc. 3<sup>rd</sup> parties will operate the Gurkha, Rooftop Restaurant and Bar, Pavilion and Whitehall as high-end restaurants and the Cambridge will be a bar operation. Mr Thomas identified the location of individual areas at the hotel including the apartments, ballroom, pool, staff access and egress, main entrance and licensed areas.
5. The hotel has the benefit of an internal car/taxi entrance with a roundabout and a carpark.
6. Mr Thomas then directed the Committee to the summary of the amendments to the original application at page 32 of the agenda papers and details of the dispersal policy at page 44 onwards.
7. The capacities of the main licensed areas are approximately a maximum of:
  - a. The ballroom, 820
  - b. Gurkha 75, internal terrace 30 and external terrace 20.
  - c. Pavilion 160 internally, 40 internal terrace.
  - d. Cambridge 50 internal and 20 external terrace
  - e. Whitehall 120 internal, 30 in the external terrace
  - f. Rooftop 120 internally and 90 in the external terrace
8. In relation to this application for Whitehall, Mr Thomas advised the Committee that this will be a fish restaurant which closes at 01.00 but the outside external terrace will close at 21.00. He confirmed that it was not practical for patrons to be directed through the hotel when leaving the premises. Mr Madani Sow confirmed this.
9. In response to questions from the member's Mr Thomas stated that this type of operation in other hotels do not cause residents issues. The risk of the premises causing a nuisance is low. He advised the Committee that this fell

under the Hotels Policy, supported by the ancillary use condition and therefore, a MC 66 restaurant condition would not be appropriate. Mr Thomas, for operational reasons would like there to be some consistency in the conditions across the licensed premises at Raffles.

10. Sally Fabbricatore has not proposed a restaurant condition but accepts the Premises is nearer to residents and noise breakout is a risk. There is no lobby on the plans, but the Applicant confirms the application for live music is withdrawn.
11. Mr Lavell expressed concerns that this Premises outside area and dispersal of patrons from the Premises will be directly opposite his client's residential premises. In light of this a restaurant condition should apply and the hours reduced to core hours. The capacity suggests 120 and having that amount of people under his client's windows is likely to cause a nuisance.
12. Mr Thomas in summary agreed to add additional conditions permitting the hotel facilities to be used by the premises, the removal of live music if the Committee is minded, from 00.00 access and egress via the main entrance of the hotel onto Whitehall, a condition preventing staff smoking in Whitehall Place, patrons smoking to be directed to Whitehall and an amendment to the condition ensuring the final layout of the Premises accords with the plans.
13. Mr Thomas also requested that the restrictions his proposed conditions relating to the provision of off sales after 23.00, off sales in sealed containers and late-night refreshment after 23.00 to exclude residents of Raffles Hotel and the Raffles Apartments and their bona fide guests.

## DECISION

### Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

The Committee has noted that the operation is directly opposite residential premises and dispersal of patrons and the use of the terrace is more likely to affect residents than premises with terraces internally facing the hotel. The Committee is satisfied that the conditions as amended are proportionate and will reduce the risk of nuisance from the Premises.

The Committee also note that there is always the option for the residents to Review the Premises licence if there are breaches of the conditions or the licensing objectives are not promoted.

Therefore, having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, **the Committee has determined**, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives: -



**1. To grant permission for:**

**Films, Recorded Music (Indoors)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard times: 01:00 to 05:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales other than to the terrace 09.00 to 23.00 only

**Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 01:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**2. To refuse permission for Live Music.**

**3. Relevant Mandatory Conditions 1-9 to apply**

**4. Conditions deemed appropriate and proportionate, imposed by the Committee after a hearing :**

10. The sale of alcohol shall be ancillary to the provision of food, with the exception of residents and their bona fide guests.

11. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

12. Between 01:00 and 09:00 the provision of licensable activities shall only be to residents and their bona fide guests.
13. Facilities, services and security of the Hotel shall be available to this premises at all times that licensable activities are taking place
14. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, except for alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
15. A waiter or waitress service shall be provided.
16. 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.
17. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
18. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests there shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
19. After 21.00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
20. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premise, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
21. A Challenge 21 or 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, military ID card, 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 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 preceding 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, which shall record the following:

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

25. After 00.00 hours each day pedestrian access and egress to the premises shall only be via the main hotel entrance on Whitehall, except in the case of emergencies.

26. All public entrances shall be supervised by a responsible member of staff at all times when that part of the premises is open to the public.

27. 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.

28. 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.

29. All windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

30. 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.

31. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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

33. 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.

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

35. 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.

36. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be directed to Whitehall or to the external smoking area inside the Hotel.

37. Staff shall not be permitted to smoke in Whitehall Place.

38. 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.

39. All outside tables and chairs shall be rendered unusable or removed from the outside area by 21.00 hours each day.

40. The external terrace on the public highway shall not be used between 21.00 hours and 09.00 hours daily.

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. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

46. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.

47. The hours for licensable activities and the opening times may be extended on New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

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. The need for SIA registered security shall be risk assessed on a continual basis. This risk assessment shall be made available upon request from a police officer or local authority officer.

52. There shall be no entry or re-entry to the premises after midnight save for hotel residents and their bona fide guests.

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

**The Licensing Sub-Committee  
24 February 2023**

7. **THE ROOFTOP RESTAURANT AND BAR, OLD WAR OFFICE,  
WHITEHALL, LONDON**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1**  
**(“The Committee”)**

**Thursday 24<sup>th</sup> February 2023**

Membership: Councillor Aziz Toki (Chair),  
Councillor Maggie Carman and Councillor Jim Glen

Officer Support:      Legal Adviser:                     Steve Burnett  
                                 Policy Officer:                     Kerry Simpkin  
                                 Committee Officer:                Sarah Craddock  
                                 Presenting Officer:                Kevin Jackaman

Other Parties:        Mr Alun Thomas (Thomas and Thomas) on **behalf** of 57  
                                 Whitehall Sarl (the Applicant)

From the Applicant:

- Mark Hastings – Director F&B
- Nick Glenister – Finance director
- Nicholas Du Toit – Accor Executive director

From WDS – Applicant’s representative:

- Madani Sow – CEO
- David Hernandez – Project director
- Geoff Hull – architect

Environmental Health (EHO) – Sally Fabbricatore  
Mr Macus Lavell (RSL Law) - **on behalf** of Mr Gabr (resident)

**Application for New Premises Licences – The Roof top Restaurant and Bar at  
RAFFLES, Old War Office Whitehall London SW1A 2BX - 22/10450/LIPN**

**FULL DECISION**

**Premises:**

**The Rooftop Restaurant and Bar** at RAFFLES  
Old War Office (OWO)  
Whitehall  
London  
SW1A 2BX

**Applicant**

57 Whitehall Sarl

## Ward

St James's

## Cumulative Impact Zone

None

## Special Consideration Zone

None

## Summary of Application

-  
This is a hearing of an Agenda Item 7 which was adjourned on the 2<sup>nd</sup> February 2023, as it was in the public interest for the Committee to request the Applicant to provide further and better particulars, so that a fully informed Decision could be made.

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The Premises is to operate as a roof top restaurant and bar.

There is a resident count of 112.

The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

## Proposed Licensable Activities and Hours

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### **Films, Live Music, Recorded Music (Indoors)**

#### **6<sup>th</sup> Floor**

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

#### **6<sup>th</sup> Floor**

Monday to Sunday: 23:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 02:00 hours (**5th Floor** internal terrace only)

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00.

### **Retail Sale of Alcohol (On and Off Sales)**

Monday to Sunday: 09:00 to 21:00 hours (**6th Floor** terrace)

Non-Standard times: 09:00 to 21:00 hours for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00.

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Representations Received**

- Metropolitan Police Service (PC Tom Stewart) - **Withdrawn**
- Environmental Health Service (Ian Watson)
- Marcus Lavell – RLS Law on behalf of Mr Shafik Gabr (Resident.)
- Lewis Silkin Solicitors on behalf of Nikita Tkachenko

### **Issues raised by Objectors**

- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
- 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 area.
- 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 area.
- Venue will attract customers due to it late hours for licensable activities.



- OWO has significant capacity.
- Late sales of alcohol will attract crime and disorder.
- Noise breakout and dispersal will lead to disturbance of residents.
- Departing customers will be at risk of injury by traffic.
- Impact on child living in the area will be substantial if the application is granted.
- Conditions fail to adequately address the Licensing Objectives.
- The use of the external terrace should be restricted to 21.00,

### **Policy Considerations**

**CD1, PS1, PN1, CH1, RNT1, HOT1, MD1, HRS1 and PB1**

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### **SUBMISSIONS AND REASONS**

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1. Mr Jackaman summarised the application and informed the Committee that the Applicant had agreed the EHO proposed conditions and amended the timings for street facing operations and internal and external terraces. The proposed licence plans and licensable activities for premises had also been amended.
2. Mr Thomas on behalf of the Applicant provided an overview of the development of the new Raffles Hotel.
3. The Committee was informed that The Old War Office (OWO) is a historical building to be transformed into a Raffles Hotel.
4. All 3<sup>rd</sup> party operators will be subject of the same management controls as the hotel. Raffles will manage security, deliveries etc. 3<sup>rd</sup> parties will operate the Gurkha, Rooftop Restaurant and Bar, Pavilion and Whitehall as high-end restaurants and the Cambridge will be a bar operation. Mr Thomas identified the location of individual areas at the hotel including the apartments, ballroom, pool, staff access and egress, main entrance and licensed areas.
5. The hotel has the benefit of an internal car/taxi entrance with a roundabout and a carpark.
6. Mr Thomas then directed the Committee to the summary of the amendments to the original application at page 32 of the agenda papers and details of the dispersal policy at page 44 onwards.
7. The capacities of the main licensed areas are approximately a maximum of:

- a. The ballroom, 820
  - b. Gurkha 75, internal terrace 30 and external terrace 20.
  - c. Pavilion 160 internally, 40 internal terrace.
  - d. Cambridge 50 internal and 20 external terrace
  - e. Whitehall 120 internal, 30 in the external terrace
  - f. Rooftop 120 internally and 90 in the external terrace
8. In relation to this application for the Roof Top Bar and Restaurant, Mr Thomas advised the Committee that the outside area, is the most contentious part of the application. The hours have been amended to be in line with planning permission granted for that area.
  9. Mr Thomas stated that the Applicant wants the option of having private pre-booked functions, but the external area will only trade to 21.00.
  10. The Committee was informed that off sales are required to supply the hotel apartments, but live music is not required.
  11. Sally Fabbricatore informed the Committee that restriction to the use of the outside area must be weighed up against the need for access to a private internal turret area where access after 21.00 can only be gained by using the outside terrace.
  12. Mr Lavell informed the Committee that he has no issues or concerns, but he would like customers leaving the premises to be directed to the main hotel entrance to Whitehall and again staff to not be permitted to smoke on Whitehall Court.
  13. Mr Thomas agreed to add additional conditions permitting the hotel facilities to be used by the premises, the removal of live music if the Committee is minded, from 00.00 access and egress via the main entrance of the hotel onto Whitehall, a condition preventing staff smoking in Whitehall Place, patrons smoking to be directed to Whitehall and an amendment to the condition ensuring the final layout of the Premises accords with the plans.
  14. Mr Thomas also requested that the restrictions his proposed conditions relating to the provision of off sales after 23.00, off sales in sealed containers and late-night refreshment after 23.00 to exclude residents of Raffles Hotel and the Raffles Apartments and their bona fide guests

### **DECISION**

-

**Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application**

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The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

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

1. **To grant permission for:**

**Films, Recorded Music (Indoors)**

– Sixth Floor only

– Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. 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)**

Sixth Floor only

– Monday to Sunday: 23:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**Retail Sale of Alcohol (On and Off Sales)**

– **6<sup>th</sup> Floor** indoors and **5<sup>th</sup> Floor** internal terrace only

– Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00.

**Retail Sale of Alcohol (On and Off Sales)**

**6<sup>th</sup> Floor** terrace only

– Monday to Sunday: 09:00 to 21:00 hours

Non-Standard times: 09:00 to 21:00 hours for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Off sales 09.00 to 23.00.

### **Hours Premises are open to the Public**

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

-

- 2. **To refuse permission for:**

### **Live Music (Indoors)**

Monday to Sunday: 09:00 to 02:00 hours

Non-Standard times: 00:00 to 00:00 for residents and bona fide guests. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

3. **Relevant Mandatory Conditions 1-9 to apply**

4. **Conditions deemed appropriate and proportionate, imposed by the Committee after a hearing**

10. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

11. Between 02:00 and 09:00 the provision of licensable activities shall only be to residents and their guests.

12. Between the hours of 09.00 to 10.00 Monday to Saturday and 09.00 to midday Sunday the sale of alcohol shall be ancillary to the provision of food, with the exception of residents and their guests.

13. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests, all sales of alcohol for consumption 'Off' the premises shall be in sealed containers only.

14. A waiter or waitress service shall be provided.

15. Save for access to the 6<sup>th</sup> Floor turret and in the case of emergencies, the 6th floor external terrace shall not be used between 21.00 hours and 09.00 hours daily.

16. 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.

17. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests, there shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.

18. Save for residents of Raffles Hotel and the Raffles Apartments and their bona fide guests, there shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

19. After 21.00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

20. A Challenge 21 or 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, military ID card, passport or proof of age card with the PASS Hologram.

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 preceding 31 day period.

22. 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.

23. 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) any complaints received concerning crime and disorder
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

24. After 00.00 hours each day pedestrian access and egress to the premises shall only be via the main Hotel entrance on Whitehall, except in the case of emergencies.

25. All public entrances shall be supervised by a responsible member of staff at all times when that part of the premises is open to the public.

26. 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.

27. 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.

28. All windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

29. 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.

30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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

32. 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.

33. 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.

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

35. 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.

36. 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. 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.
37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
39. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
40. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.
41. The hours for licensable activities and the opening times may be extended on New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.
42. 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.
43. 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.
44. 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.
45. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premise, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
46. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be directed to Whitehall or to the external smoking area inside the Hotel
47. Staff shall not be permitted to smoke on Whitehall Place.
48. The need for SIA registered security shall be risk assessed on a continual basis. This risk assessment shall be made available upon request from a police officer or local authority officer.
49. There shall be no entry or re-entry to the premises after 00:30 save for hotel residents and their bona fide guests.

50. Facilities, services and security of the Hotel shall be available to this premises at all times that licensable activities are taking place

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

**The Licensing Sub-Committee  
24 February 2023**

The Meeting ended at 6.20 pm