



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 1st June, 2023**, This meeting will be held on MS TEAMS.

**Members Present:** Councillors Angela Piddock (Chair), Md Shamsed Chowdhury and Jacqui Wilkinson

#### 1. MEMBERSHIP

1.1 It was noted that there were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 It was noted that there were no declarations of interest.

#### 1. DUKE OF ARGYLL PUBLIC HOUSE, 37 BREWER STREET, W1F 0RY

### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 1 June 2023

Membership: Councillor Angela Piddock (Chair),  
Councillor Md Shamsed Chowdhury and Councillor Jacqui Wilkinson.

Officer Support:	Legal Adviser:	Steve Burnett
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Georgina Wills
	Presenting Officer:	Emanuela Meloyan

Other Parties: Niall McCann, Keystone Law (Solicitor for the Applicant), Mr Samuel Smith Director of the Applicant Company, Samuel Smith (Southern), PC Tom Stewart (Metropolitan Police), Mr Kevin Jackaman (Licensing Authority), Mr Anil Drayan (Environmental Health Authority), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing Jane Doyle of the Soho Society

**Application for a Variation of a Premises Licence for the Duke Of Argyll Public House, 37 Brewer Street, London W1F 0RY - 23/01986/LIPV**

**Premises:**

Duke Of Argyll Public House,  
37 Brewer Street,  
London W1F 0RY

**Applicant**

Samuel Smith (Southern)

**Ward**

West End

**Summary of Application**

This is an application for a variation of a premises licence under the Licensing Act 2003 ("The Act"). The Applicant is seeking to vary the terminal hour for Late Night Refreshment, the Sale of Alcohol, and the opening hours from 23.00 (Sale of alcohol) and 23.30, to 00:00 on Friday and Saturdays.

The Applicant's submissions can be found at page 3 of the additional bundle and a dispersal policy at page 23.

**Cumulative Impact Zone**

West End

**Special Consideration Zone:**

None

There is a resident count of 235

**Variation of Licensable Activities and Hours**

**Late Night Refreshment**

Friday and Saturday 23.00 to 00.00 (Currently - 23.00 to 23.30)

**Retail Sale of Alcohol (Both)**

Friday and Saturday 10.00 to 00.00 (Currently - 10.00 to 23.00)

**Hours Premises are open to the Public**

Friday and Saturday 10.00 to 00.00 (Currently - 10.00 to 23.30)

## **Representations Received**

- Karyn Abbott (Licensing Authority)
- Anil Drayan (Environmental Health Services)
- PC Tom Stewart (Metropolitan Police)
- Margaret Bloomer (Resident)
- Tamer Ali (Resident)
- Marina Tempia (On behalf of the Soho Society)

## **Issues raised by Objectors**

The proposed increase in hours for the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area.

The proposed increase in hours for Provision of Late-Night Refreshment may lead to an increase in Public Nuisance in the area.

Due to the location of the premises within the CIZ, the Police have concerns that the extra hour of alcohol consumption may add to existing crime and ASB within the immediate area.

The police request that the sale of alcohol is reduced to 23:30. With a closing time of 00:00, this would allow for a 'drinking up period' and help to reduce the levels of intoxication as well as assist with the dispersal of customers.

Noise - increasingly a problem for residents. More disturbed sleep. Car doors slamming as patrons leave premises. Screaming/shouting. Pedicabs with boom boxes. Drug dealers hanging around in cars with loud music playing outside venues late at night. Street urination and vomiting. Anti-social drunken behaviour eg: graffiti and vandalism

As this pub has deliveries on Sunday from the brewery generally after closing. I would like to know if this would make their deliveries even later due to their later opening hours & therefore causing a disturbance of noise.

The current off sales provision which will allow patrons to stand outside drinking on the street until midnight. The additional hour will also result in more people being retained for longer in the area, a concern and raised within Cumulative Impact Policy.

This pub is situated in an area with a large number of residential properties on Brewer Street and Gt. Windmill Street.

## **Policy Considerations**

Policy PB1(B) states

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
2. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

The Core hours for Pubs and Bars are:

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

### **SUBMISSIONS AND REASONS**

1. Ms Roxsana Haq, the Presenting Officer, outlined the application to the Committee.
2. Mr McCann attended the hearing with Sam Smith who is in control off the day-to-day operation. He referred to his submissions which had been considered by the Committee. He confirmed two amendments, namely that it has been agreed that the sale of alcohol will cease 30 mins before the Premises closes and that they will now accept model condition 34 that rubbish will be presented 30 min before collection. The Committee was informed that there are no collections on Sundays.
3. Mr McCann understand the Policy issues raised by the Police and Residents Society and the fact that there are criminal issues in the area is not disputed but it is not accepted that this Premises is the source.
4. The Applicant has 17 premises which are traditional pubs and are all freehold or long lease. None have been reviewed.
5. The Committee was advised that there are no TVs or music in the Premises. Customers tend to attend after the theatre. This is not a venue for pre drinks

before going to a late bar or nightclub. Mr McCann stated that the representations are a problem with Soho not the Premises.

6. The Applicant has agreed to decrease the terminal time for the use of the outside area and reminded the Committee that this application is to be decided on its own merits.
7. In response to questions from the Members, Mr McCann confirmed that the capacity of the restaurant is 60 but there was no capacity limit on the ground floor pub area but during refurbishment, the pub capacity was reduced as a result of increasing the size of the bar during refurbishments. The Committee was also informed that employees were provided with accommodation at the Premises, which prevents the addition to the CIZ and improves the safety of staff once the Premises closed.
8. Mr McCann stated that the extra 30 min would allow their existing customers time to finish off their drinks. In relation to waste, all bottles are packaged and recycled but Biff, waste removers had let them down. Mr McCann confirmed that they will accept Westminster Model Condition 34 and 35.
9. Mr Jackaman on behalf of the Licensing Authority stated their representation is based on policy as the premises is located in the Cumulative Impact Zone (CIZ) and although the hours are within Core and there is no presumption to refuse, there is still a potential for a capacity of up to 110 to be retained in the area. However, Mr Jackaman confirmed that this is on the lower end of applications affecting the CIZ.
10. Mr Drayan of the Environmental Health Services maintained their representation to assist the Committee. He confirmed there are no issues at the premises in relation to the Licensing Objectives. He did have concerns about waste management, but conditions have been accepted to address those issues.
11. In response to the Members, Mr Drayan confirmed that the sale of alcohol ended at closing time. Mr McCann agreed to a reduction of the sale of alcohol by 30 min to permit drinking up time.
12. PC Stewart on behalf of the Metropolitan Police Services informed the committee that the area is densely populated and agreed the Premises does not cause concerns and not have TVs or music. However, the police have concerns that this is an additional 30 min which will allow customers to be more intoxicated and crime hits a peak at 00.00. He welcomes the conditions added and drinking up time.
13. The Committee was informed by PC Stewart that despite the modest increase and being at the lower end of risk, it would have an impact on the CIZ.
14. Mr Brown informed the Committee that this was a straightforward application and there are no issues with how the Premises operates. However, the pub is in the heart of the CIZ and although there is no presumption to refuse the

application, the Applicant must show that the application will not add to crime and disorder or public nuisance and must be assessed on its own merits.

15. Mr Brown referred the Committee to the Soho Society's representation and in particular to the statement that crime levels now are higher than the pre-pandemic levels and the sleep survey which found that 59% of residents are woken  $\frac{3}{4}$  times per night. He advised the Committee that Soho attracts the younger crowds, and the application must add to CIZ, even though it is not at the higher end of the scale. This means that the application is contrary to Policy despite there being no problems at the Premises and the Premises being well managed. He asserted that vertical drinking and this must be a factor. There are also concerns that the grant of this application will be used in support of other applications from the Applicant.
16. Mr McCann emphasised to the Committee that Westminster's 'pubs Policy for applications within Core Hours will generally be granted subject to other policies relating to crime and disorder and public nuisance. The Policy Officer confirmed that the Policy make consideration of the four licensing objectives paramount. CIZ is still a relevant consideration. Although in this application it is a lesser bar, CIZ is a valid concern to consider.
17. Mr McCann concluded by informing the Committee that this is a modest application with appropriate agreed, additional conditions. This application is not driven by profit and the operation does not add to the CIZ.

### **DECISION**

The Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application.

This Decision is in no way intended to sway or influence any future decisions in relation to applications submitted by this Applicant. This Decision is not to be considered as persuasive or restrictive on the decision making process of other Sub-Committees. Other applications from the Applicant will be decided on their own merits.

Having carefully considered the matter and the need to promote the licensing objectives, the Committee decided to grant the application. The Committee was persuaded that the application met the policy requirements. The Committee has imposed additional conditions and considered them to be proportionate and appropriate to promote the licensing objectives.

In particular the Committee had regard to the Act, The Guidance and Westminster's Statement of Licensing Policy, PB1 and Core Hour. It was noted the operation of the Premises had not attracted adverse complaints to the Police or Environmental Health Service. The operation of the Premises does not include background, live or recorded music or the use of televisions.

Conditions have also been offered which promotes the licensing objectives, including a reduction in the terminal time for the use of the outside area. The Committee was also impressed with the facility provided to employees at the premises.

The Committee arrived at this decision based upon the merits of this application and the written and oral evidence.

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

1. **To grant permission for:**

-

**Late Night Refreshment**

Friday and Saturday 23.00 to 00.00

**Retail Sale of Alcohol (Both)**

Friday and Saturday 10.00 to 23.30

**Hours Premises are open to the Public**

Friday and Saturday 10.00 to 00.00

2. **Mandatory Conditions to apply**

3. **Conditions consistent with the operating schedule:**

9. A designated taxi number shall be available.

10. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

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

12. 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. 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.

13. 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.

14. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

16. Deliveries and bottle collections shall not be undertaken between the hours of 22:00 and 07:00.

17. The maximum number of persons accommodated in the first floor at any one time shall not exceed 60 persons (excluding staff)

18. Substantial food and non-intoxicating beverages, including drinking water, shall be available until 22:00 in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

19. Except in an emergency, customers shall not use the entrance / exit door situated immediately next to number 25 Great Wimpole Street.

20. A notice shall be prominently displayed on the premises so that it can be read from outside the premises to the effect that customers must not drink or smoke in front of or obstruct any residential doorways.

21. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.

22. Patrons shall not be permitted to consume drinks outside the premises after 23.00 hours.

23. The Premises shall comply with a written dispersal policy and all customer facing staff shall be trained in respect of that policy. A copy of the premises' dispersal policy and record of training shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

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

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

26. No waste or recyclable materials shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day. Unless done during Westminster City Council's own refuse collection times.

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



## Licensing Sub-Committee

1<sup>st</sup> June 2023

2. 80 DUKE STREET, LONDON, W1K 6JG

### **WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4** **("The Committee")**

**Thursday 1 June 2023**

Membership: Councillor Angela Piddock (Chair),  
Councillor Md Shamsed Chowdhury and Councillor Jacqui Wilkinson.

Officer Support:	Legal Adviser:	Steve Burnett
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Georgina Wills
	Presenting Officer:	Emanuela Meloyan

Other Parties: Lana Tricker – LT Law (Solicitor for the Applicant), Mr Saul Lewin on behalf of the Applicant, Maryool Lease Limited, Mr Maxwell Koduah (Environmental Health Authority), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing Mr Mike Dunn of the Residents Society of Mayfair and St James and Ms Vivienne Loesch (Resident)

### **Application for a New Premises Licence for 80 Duke Street, London, W1K 6JG - 23/01711/LIPN**

#### **Premises:**

80 Duke Street,  
London,  
W1K 6JG

#### **Applicant**

Maryool Lease Limited

#### **Ward**

West End

#### **Summary of Application**

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The Applicant is seeking to operate a Lebanese restaurant. The premises also will provide take away meals.

### **Cumulative Impact Zone**

None

### **Special Consideration Zone:**

None

There is a resident count of 149

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

#### **Late Night Refreshment**

Mondays to Sundays 23.00 to 00.00

#### **Retail Sale of Alcohol (Both) and recorded music**

Mondays to Sunday 09.00 until 00.00

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

Mondays to Sunday 09.00 until 00.30

**For all the above:** From end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

### **Representations Received**

- Ayesha Bolton (Environmental Health Services)
- Vivienne Loesch (Resident)
- Mike Dunn (On behalf of Residents Society Of Mayfair & St James)

### **Issues raised by Objectors**

- The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.
- Noise from the premises and it's servicing will cause noise nuisance to residents nearby and in the area.
- Monday to Thursday sales of alcohol and late night refreshment should end at 11.00pm, and at midnight on Fridays and Saturdays. 10.30pm is appropriate for Sunday end of sales and refreshment.
- Opening hours should end at midnight Monday to Thursday, 12.30am on Friday and Saturday, and 11pm on Sundays.
- The servicing and deliveries activity should not be allowed after 9pm, or 9.30pm

- No movement of goods or other items or substances outside the premises between 9pm and 7.30am.
- No deliveries and no servicing at the premises between 9pm and 7.30am
- Save for WCC services, there will be NO waste/recycling collections at the premises between 8am and 5pm.
- Condition 20 seeks no deliveries before 6am. We feel that this is too early and that it should be changed to 7am at the earliest. In addition there should be a similar condition for waste collections.
- Current Planning restrictions should apply.

### **Policy Considerations**

Policy RNT(1) states

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:
  - B.
    1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
    2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
    3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
    4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- C. For the purposes of this policy a restaurant is defined as:
  1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
  2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
  3. Which do not provide any takeaway service of food and/or drink for immediate consumption.
  4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

HRS1

A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

### **Restaurants Core Hours**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

### **SUBMISSIONS AND REASONS**

Ms Roxsana Haq, the Presenting Officer, outlined the application to the Committee.

Ms Tricker confirmed that in attendance was Saul Lewin of the Applicant company.

The Committee was informed by Ms Tricker that the Applicant had experience in operating in Westminster and this Premises is subject of a lease conditional on obtaining a Premises Licence with suitable hours.

Ms Tricker confirmed that the capacity would be 95 instead of the 150 limit planning had imposed. The site will operate as a contemporary Lebanese restaurant with sale of alcohol ancillary to the provision of substantial food. Outdoor seating will be permitted to 23.00.

No regulated entertainment is required as the Premises will be subject to background music alone. Conditions have been agreed with the Environmental Health Services (EH) which have addressed the promotion of the Licensing Objectives. The Premises will not be problematic and waste collection will be by Westminster's own waste collection services if used.

In response to questions from the Committee, Ms Tricker confirmed that smokers and the outside area would be controlled by way of a Management Plan. The use of the outside area is usually permitted until 23.00 but tables will be removed by that time. The Premises will open for Breakfast from 09.00 to 11.00 and then lunch and dinner throughout the rest of the opening period. Ms Tricker further informed the Committee that takeaway facilities were not a core part of the business for the first 6 months but they would like the provision in line with other restaurant in the area.

The Applicant would want some flexibility in relation to deliveries to the Premises as they require fresh produce, but they are currently working with the business next door to coordinate deliveries and refuse collection to minimise disturbance to residents.

Ms Tricker confirmed that the basement area will not be used for licensable activities and agreed an appropriate condition.

Mr Koduah the EH, confirmed the agreed conditions which provided comfort with the Application despite the hours being outside Core Hours.

Mr Brown representing Mr Dunn and Ms Loesch advised the Committee that there were 5 main issues they had concerns about, the hours, servicing, the capacity of the Premises, consistency with the planning permission and outsider tables and chairs.

Mr Brown stated that this is a prominent site and the hours are well beyond core hours. There is a pub next door which has core hours, and this should be the same.

He advised that the delivery hours should be model hours and the application for recorded music should be refused.

The Committee heard that servicing the Premises is Ms Loesch main concern. She would rather no deliveries between 21.00 and 07.30. Conditions 48 and 49 states 20.00 to 09.00. Any late delivery in the evening will disturb residents. The Committee was directed to para G4 of Westminster's statement of licensing policy which recognise the issues with deliveries, and it was submitted that it would be better not to have 3<sup>rd</sup> party and it is difficult to enforce and control their behaviour.

The conflict between planning was highlighted with Ms Tricker offering to close windows and doors by 21.00 but planning stating that they will be closed at all times.

The Committee was advised that the objector would either like the capacity or terminal hours for use of tables and chairs to be reduced.

Mr Dunn confirmed that the location is a highly sensitive residential area and the Premises intend to trade in excess of Core Hours. He felt there was no reason for this. He also requested a condition preventing smokers for taking drinks into outside areas.

The Legal Adviser reviewed the agreed, amend and proposed conditions with all parties. Ms Tricker agreed to a reduction in the terminal time for alcohol sales by 30 minute and reminded the committee that the Premises is not a vertical drinking operation and of the delivery condition agreed. The Committee was also reminded to the reduced capacity of the Premises.

## **DECISION**

The Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application. It was noted by the Committee that the Metropolitan Police Service had not made representations against the application.

Having carefully considered the matter and the need to promote the licensing objectives, the Committee decided to grant the application. The Committee was persuaded that the application met the policy requirements. The Committee has

imposed conditions and considered them to be appropriate and proportionate to promote the licensing objectives.

The Committee arrived at this decision based upon the merits of the application and the written and oral evidence.

In reaching its decision, the Committee concluded that the conditions attached to the licence would alleviate the Environmental Health Authority and residents' concerns.

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

**1. To grant permission for:**

**Late Night Refreshment**

– Mondays to Sundays 23.00 to 00.00

**Retail Sale of Alcohol (Both)**

– Mondays to Sunday 09.00 until 23.30

**Hours Premises are open to the Public**

– Mondays to Sunday 09.00 until 00.30

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

**3. Relevant Mandatory Conditions to apply**

**4. Conditions consistent with the operating schedule:**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. The outside seating areas shall be covered by the CCTV at the premises. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested

11. 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

12. 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.

13. There shall be no sales of alcohol for consumption off the premises after 23.00.

14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

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

16. 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.

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

18. 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. The maximum capacity to be no more than 95 excluding staff.

19. All sales of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

20. All sales of alcohol for consumption off the premises shall be either:

(a) in sealed containers and shall not be consumed on the premises and shall only be supplied with, and ancillary to a take-away meal Or for delivery (either by phone or online) to a bona fide address and the customer shall be reminded that the premises operate a challenge 25 policy. Customers shall be asked to provide ID on delivery if they look younger than 25. Restaurant staff shall notify the delivery drivers if an order contains alcohol and/or

(b) restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and where the supply of alcohol is by waiter or waitress service only.

21. Notwithstanding condition (19), alcohol may be supplied and consumed to seated patrons prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.

22. The supply of alcohol shall be by waiter or waitress service only including by bar staff if seated at the bar.

23. 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.

24. 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.

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

26. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and shall record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

28. No deliveries to the premises shall take place between (21.00) and (07.30) on the following day.

29. 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.

30. 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.

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

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

33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.



34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment
36. The premises may remain open for the regulated entertainment, sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
37. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
38. 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.
39. 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.
40. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner to ensure that there is no public nuisance or obstruction of the public highway.
41. All tables and chairs shall be removed from the outside area by (23.00) each day.
42. Deliveries of food shall only be made to a bona fide residential or business addresses.
43. The Premises Licence Holder shall ensure that riders/drivers shall be instructed not to loiter in the vicinity of residential premises.
44. The Premises Licence Holder shall ensure that riders/drivers shall not be permitted to congregate in the immediate vicinity of the premises.
45. The Premises Licence Holder shall ensure that riders/drivers shall not be permitted to smoke in the immediate vicinity of the premises
46. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises.

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

48. Save for WCC waste collection services, no waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 08.00 hours on the following day.

49. Save for WCC waste collection services, no collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 on the following day.

**Conditions imposed as appropriate and proportionate:**

50. No licensable activities or consumption of alcohol shall take place in the basement area of the premises.

51. Smokers shall be directed to Duke Street to smoke.

52. The Premises Licence Holder shall ensure that there are suitable receptacles positioned outside the premises for use by smokers.

**INFORMATIVE:**

The Committee was informed by Mrs Tricker that the Applicant shall seek to agree with the neighbouring public house to have joint refuse collections to prevent unnecessary nuisance to residents. Discussions, if necessary, shall take place between the parties to have WCC refuse services collect refuse between 16.00 and 18.00 hrs rather than during the earlier morning slot.

The Committee welcome partnership working between the parties to prevent public nuisance.

The Committee also remind residents of their right to report incidents of public nuisance to Westminster City Council's Environmental Health Department and/or to commence a Review of the Premises Licence.

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

**Licensing Sub-Committee  
1<sup>st</sup> June 2023**

**3. UNITS 1 & 2, ZIG ZAG BUILDING, 70 VICTORIA STREET, SW1E 6SQ**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4**  
**("The Committee")**

**Thursday 1 June 2023**

Membership: Councillor Angela Piddock (Chair),  
Councillor Md Shamsed Chowdhury and Councillor Jacqui Wilkinson.

Officer Support:	Legal Adviser:	Steve Burnett
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Georgina Wills
	Presenting Officer:	Emanuela Meloyan

Other Parties: Jeremy Bark, Bryan Cave Leighton Paisner (Solicitor for the Applicant), Graeme Smith of the Applicant Company Ls Zig Zag Limited, Sally Fabbricatore (Environmental Health Authority), Barbara Waine, Tony Cutler (Witness for Barbara Waine).

**Application for a New Premises Licence for Units 1 And 2, Zig Zag Building, 70 Victoria Street, London SW1E 6SQ - 23/01746/LIPN**

**Premises:**

Units 1 And 2,  
Zig Zag Building,  
70 Victoria Street,  
London  
SW1E 6SQ

**Applicant**

Ls Zig Zag Ltd

**Ward**

St James

**Summary of Application**

This is an application for a New premises licence under the Licensing Act 2003 ("The Act"). The premises intends to operate as a Bowling Centre with associated leisure and entertainment facilities together with a bar and food facilities. This is for pre-booked and walk in customers. The applicant has provided further submission in response to each interested party. These can be found at **Appendix 2** of the main agenda bundle.

Following consultation with the Metropolitan Police Service the applicant has agreed to reduce the hours for the Sale by Retail of Alcohol and the terminal hour for Late Night Refreshment.

### **Cumulative Impact Zone**

None

### **Special Consideration Zone:**

None

There is a resident count of 21

### **Licensable Activities and Hours**

#### **Late Night Refreshment (Indoors)**

Mondays to Thursdays 23.00 to 23.30.  
Fridays and Saturdays 23.00 to 00.00

#### **Retail Sale of Alcohol (Both)**

Mondays to Thursdays 10.00 to 23.30.  
Fridays and Saturdays 10.00 to 00.00  
Sundays 12.00 to 22.30

#### **The provision of Films, Live Music and Recorded Music (Indoors)**

Mondays to Thursdays 10.00 to 00.00.  
Fridays and Saturdays 10.00 to 01.00  
Sundays 11.00 to 22.30

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

Mondays to Thursdays 10.00 to 00.00.  
Fridays and Saturdays 10.00 to 01.00  
Sundays 11.00 to 22.30

### **Representations Received**

- Sally Fabbricatore (Environmental Health Services)
- PC Reaz Guerra (Metropolitan Police) **Withdrawn 17<sup>th</sup> May 2023**
- Mr Andrew Freeman (Resident) **Withdrawn 19 May 2023**
- Ms Barbara Waine (Resident)

### **Summary Issues raised by Objectors**

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

3. The provision of Films, Recorded Music and Live Music may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

It is also noted that 'alcohol may be served to those not participating in bowling'. There can be no certainty that the premises may not be used predominantly as a site to sell alcohol.

Any off sales of alcohol shall be limited only to such sales for consumption in any external seating area. This raises two issues: (a) how will such limits be determined? (b) where are the 'external seating areas' expected to be located.

### **Policy Considerations**

A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

C. For the purpose of Clauses A above, the Core Hours for applications for each premises use type as defined within this policy are:

### **Cinemas, Cultural Venues and Live Sporting Premises Monday to Sunday: 9am to Midnight**

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

### **Policy COMB1 applies**

A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone.

### **SUBMISSIONS AND REASONS**

Ms Roxsana Haq, the Presenting Officer, outlined the application to the Committee.

Mr Bark on behalf of the Applicant informed the Committee that there have been amendments to the application reducing the licensable activities to Core Hours. He explained that the Premises will consist of bowling lanes, table games, golf putting and similar. The operators already have 13 sites and have operated for 10 years. 80% of customers pre book for up to 2hrs a session. There is food provision and off

sales of alcohol is purely to accommodate customers using the outside area, which is private land.

Conditions have been offered and agreed and the fit out will cost in the region of £4 million. The operation will provide films, in the main, background music and private events will be permitted. Mr Bark identified that there will be a dispersal policy and that the Premises is not located in a CIZ or SCZ area. It is the 1<sup>st</sup> in London and will accommodate 380 people with busy periods being between 17.00 and 22.00. Customers stay approximately 2 hours, and the intention is to open for Christmas.

In response to questions from the Committee, Mr Bark stated that the use of door staff will be risk assessed and the actual building have their own dedicated security team.

Deliveries are by way of a dedicated rear private road which will not cause a problem. Mr Bark confirmed that this is not a drinks-led venue.

The Environmental Health Officer confirmed to the Committee that she was there to assist them and this application with the reduced hours and new conditions satisfy the EHS that the operation will uphold the Licensing Objectives. She confirmed that the operation will be food led and not a bar and off sales of alcohol is only permitted in the outside area.

Local resident, Barbara Waine and Mr Cutler explained to the Committee that the original application was vague, but matters were now clearer. However, if the primary use of the Premises is leisure, they would have liked to have seen a breakdown of revenue and look at variance between different sites. They felt that although 80% pre-booked, there was a remaining 20% using the site which would cause public nuisance. They felt that what is being presented as a leisure facility is more of a bar with food. Ms Waine concluded by stating that the Premises is located in a residential area.

### **DECISION**

The Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application.

The Committee noted that the Premises is not located in a CIZ or SCZ area and that the Premises had reduced their hours to Core Hours. The Applicant had also operated without issue for over 10 years in Manchester, Glasgow, Birmingham and Newcastle. Substantial and appropriate conditions had been agreed with the EHO and the Metropolitan Police representations had been withdrawn.

The Committee accepted that this is a leisure operation with ancillary sale of alcohol and food having been informed by the Applicant that 50% of their income is generated from events and 28% from the sale of alcohol.

Having carefully considered the matter and the need to promote the licensing objectives, the Committee decided to grant the application. The Committee was persuaded that the application met the policy requirements. The Committee has

imposed additional conditions and considered them to be proportionate and appropriate to promote the licensing objectives.  
The Committee arrived at this decision based upon the merits of the application and the written and oral evidence.

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

**1. To grant permission for:**

**Late Night Refreshment (Indoors)**

Mondays to Thursdays 23.00 to 23.30.  
Fridays and Saturdays 23.00 to 00.00

**Retail Sale of Alcohol (Both)**

Mondays to Thursdays 10.00 to 23.30.  
Fridays and Saturdays 10.00 to 00.00  
Sundays 12.00 to 22.30

**The provision of Films, Live Music and Recorded Music (Indoors)**

Mondays to Thursdays 10.00 to 23.30.  
Fridays and Saturdays 10.00 to 00.00  
Sundays 12.00 to 22.30

**Hours Premises are open to the Public**

Mondays to Thursdays 10.00 to 00.00.  
Fridays and Saturdays 10.00 to 00.30  
Sundays 12.00 to 23.00

**2. Relevant Mandatory Conditions to apply**

**3. Conditions consistent with the operating schedule:**

1. CCTV condition:

- a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
- b. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition.
- c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external area immediately outside the premises entrance.
- d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

- e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
  3. There shall be a Challenge 25 age verification policy in place in relation to the sale and supply of alcohol and suitable training shall have be provided to those involved in the sale or supply of alcohol.
  4. The primary use of the premises shall be as a bowling alley with ancillary/associated leisure and entertainment, food and bar facilities and the provision of the licensable activity of provision of the sale and supply of alcohol shall be ancillary to that overall use (and acknowledging that alcohol may be served to those not participating in bowling).
  5. At least 55% of patrons using the premises for licensable activities shall have pre-booked in advance (albeit walk in guests may use the premises and its facilities).
  6. 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.
  7. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
  8. Any off sales of alcohol shall be limited only to such sales for consumption in any external seating area (as shown on any approved layout drawing should such areas be used) where the service is by way of waiter/waitress service for consumption by persons who are seated.
  9. All outside tables and chairs within any dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
  10. There shall be no under18s admitted to the premises after 9pm.
  11. The venue shall employ a dedicated receptionist to greet guests on arrival.
  12. Waiter/Waitress service shall be available for the sale and supply of alcohol and food throughout the premises.
  13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take alcohol with them.
  14. An incident log (whether in digital or physical form) shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and shall record the following:



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

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

16. 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.

17. All windows and external doors shall be kept closed after 23.00 at all times, except for the immediate access and egress of persons.

18. Before the premises begin to operate and provide licensable activities a dispersal policy shall be put in place, adhered to and be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

19. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.

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

21. 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.

22. Other than when using the dedicated Zig Zag Building refuse collection areas and systems, no collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.

23. Other than when using the dedicated Zig Zag Building delivery area and system, no deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.

24. 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.

25. 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.

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

**Licensing Sub-Committee**

**1<sup>st</sup> June 2023**

The Meeting ended at 2.30 pm