



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 13th July, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Angela Piddock (Chair), Concia Albert and Louise Hyams

1. MEMBERSHIP

1.1 There were no membership changes.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. WOK AND FIRE, 33 HAYMARKET, LONDON

WCC LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 13 July 2023

Membership: Councillor Angela Piddock (Chair) Councillor Concia Albert and Councillor Louise Hyams

Officer Support: Horatio Chance: Legal Advisor
Policy Officer: Aaron Hardy
Committee Officer: Jack Robinson-Young

Other Parties: Mr David Dadds of Dadds LLP, representing the Applicant WF Piccadilly Limited.
The Licensing Authority (Karyn Abbott calling Estefania Rumble City Inspector as witness).
Environmental Health Service (Sally Fabbriatore).
Metropolitan Police Service (PC Tom Stewart).

Application for a New Premises Licence in respect of Wok and Fire 33 Haymarket London SW1Y 4HA 23/01516/LIPN

Full Decision

Case Summary

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 (“The Act”) in respect of the above premises (“The Premises”). The Premises currently operates as a noodle restaurant and takeaway. This is a new premises application and therefore no Premises Licence history exists, save for the various Temporary Event Notices listed at **Appendix 3** of the agenda report.

The application provides that from 23:00 there will be no late-night refreshment on the Premises and no delivery of food. Therefore, the late-night refreshment will be for takeaway service to customers only. Further, on Fridays and Saturdays from 21:00 there will be one licensed door supervisor on duty at the Premises.

The Applicant has provided a report prepared by Mr Adrian Studd, Independent Licensing Consultant. This can be seen at **Appendix 2**.

The Premises was inspected by the Council’s City Inspector on two occasions where Late Night Refreshment was prepared on the Premises after 23:00 hours giving rise to breaches of the Act for undertaking the selling of hot food without the appropriate authorisations in place. The City Inspector’s Witness Statements are contained on pages 24-26 of the report from Ms Estefania Rumble.

The Premises are located within the St James’s Ward and West End Cumulative Impact Zone. The matter was assessed on its individual merits having regard to the evidence before the LSC and the promotion of the licensing objectives.

There is a resident count of 31.

Representations were received from the Environmental Health Service, Metropolitan Police Service all citing concerns regarding public nuisance and crime and disorder.

Premises

Wok and Fire
33Haymarket
London
SW1H 4YA

Applicant

WF Piccadilly Limited

Cumulative Impact Area

West End Cumulative Impact Zone (“West End CIZ”)

Activities and Hours

Late Night Refreshment (Indoors)

Monday to Sunday 23:00 to 01:00

Sunday 23:00 to 00:00

Seasonal variations: None

Opening Hours of the Premises

Monday to Saturday 11:00 to 01:30

Sunday 12:00 to 01:30

Seasonal variations: None

Representations Received

- The Licensing Authority (Karyn Abbott)
- Environmental Health Service (EHS) (Sally Fabbriatore)
- Metropolitan Police Service (MPS) (PC Tom Stewart)

Summary of Representations

- *The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:*
 - *Public Nuisance*
 - *Prevention of Crime & Disorder*
 - *Public Safety*
 - *Protection of children from harm*
- *I wish to make the following representation in relation to the above application, the provision of and proposed hours for Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact zone and may impact on Public Safety.*
- *The Police believe that if this application were to be granted, it would likely undermine the Licensing Objective “The prevention of crime and disorder” and lead to an increase in cumulative impact within the West End Cumulative Impact Zone (“CIZ”).*
- *The provision and proposed hours for Late Night Refreshment may cause an increase in Public Nuisance in the Cumulative impact zone and may impact on public safety.*

Policy Considerations

Policies CIP1, HRS1 and FFP1 (A) apply under the City Council’s Statement of Licensing Policy (“SLP”).

Policy CIP1

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
 2. Vary the licence to reduce the overall capacity of the premises.
- C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.
- D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy 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.

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

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

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

6. Pubs and bars, Fast Food and Music and Dance venues

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.

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.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy FFP1 (A)

A. Applications outside the West End Cumulative Zones will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or latenight 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 Zones Policy SCZ1 if the premises are located within a designated zone.
5. The application and operation of the venue meet the definition of a fast food premises in Clause D.

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, and/or,
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.
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 Fast Food Premises in Clause D.

D. For the purposes of this policy a Fast Food Premises is defined as: 1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.

2. Food and drink are:

- a. Available on the premises for self-selection.
- b. Prepared on the premises.
- c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.

3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.

4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

SUBMISSIONS AND REASONS

The Presenting Officer Ms Roxsana Haqq outlined the application to the Sub-Committee She advised that this was an application for a new premises licence in respect of Wok and Fire, 33 Haymarket, London. The application has been made by WF Piccadilly Limited (represented today by Mr David Dadds of Dadds LLP). The Applicant has amended the application seeking late night refreshment to Westminster's core hours. Full details can be found at page 2 of the report. Representations have been received by the Licensing Authority (Ms Karyn Abbott with Estefania Rumble, City Inspector), Environmental Health Service (Ms Sally Fabricatore), The Metropolitan Police Service (PC Tom Stewart). The Premises is situated within the St James Ward and falls within the West End CIZ.

Mr David Dadds Solicitor appearing on behalf of the Applicant addressed the Sub-Committee on the following matters:-

- The application has been amended to Westminster's core hours.
- We do not believe the application will have a negative impact on the West End CIZ and this view is supported by the observations and conclusions of Adrian Studd's independent report.
- The Premises are a small independent business.
- This will have a positive impact on the street because if the application was granted SIA door staff would be employed from 21:00 hours.
- There will be a steady slow customer flow rate.
- There have been no issues during TENs to demonstrate that the Applicant can operate and have some remaining. We have not used up all our TENs allocation.
- There have been no resident objections.

- Customers are not going to be hanging around the Premises afterwards, we are not serving burgers, kebabs.
- The Premises will not be drawing people into the area, because they will already be there.
- There will be no queuing as the operation is fast with around 40 customers hourly. We have a similar premises operating in Victoria with no problems.
- During Midnight Friday and Saturday which is peak time people are either going to be in the West End CIZ in any event due to an evening out or simply going home.
- Food has been served at ambient temperature.
- Regarding the June visit to the Premises by the City inspector this was a misunderstanding of the Council's regulations by staff which has now been rectified.
- The Police's evidence is noted in terms of the peak times for crime in the West End CIZ after midnight so we feel if we operate within core hours, we would not be undermining the licensing objectives.

Ms Karyn Abbott appearing on behalf of the Licensing Authority addressed the Sub-Committee. Ms Abbott advised that the Licensing Authority welcomed the Applicant's scaling back of the hours to core hours. However, the Premises is situated within part of the west end and so there are still have concerns with Cumulative impact particularly as the Premises falls within the FFP1 Policy where there is a presumption to refuse the application

Ms Abbott said that the licensing authority were concerned with the two incidents that occurred where the Premises traded unlawfully past 23:00 hours selling hot food identified by the City Inspector Ms Estafania Rumble.

Ms Rumble the City Inspector addressed the Sub-Committee following her visits to the Premises on the 16 & 23 June respectively. Ms Rumble said that her concern is about late-night refreshment and the major concern of the Premises selling hot foods after hours with no managers present at any times.

Ms Rumble went onto state that she would like to ensure managers are present at all times to oversee the operation and to also be present if enforcement officers attend the Premises where they can speak to and address these issues.

In answer to the comments made from Rumble Mr Dadds advised that the Applicant is going to make sure there is training undertaken for staff.

- Already receiving instruction but we will be testing them ourselves.
- CCTV is accessible so management can come in and check it.
- We will ensure there is a supervisor present at all times.
- We would ask the Sub-Committee to accept our apologies for the second visit.

In answer to questions from the Sub-Committee Mr Dadds confirmed that there will always be a shift supervisor on duty at the Premises who will be held responsible.

PC Tom Stewart from the MPS addressed the Sub-Committee and confirmed the following matters:-

- The MPS along with the Licensing Authority welcome core hours.
- Hot food attracts customers and those that are intoxicated also.
- I would have presumed they would test what they are seeking under a TEN.

- It is a concern if managers cannot get the small things right as this indicates a concern for the operation as a whole for the business.
- It is important even if it is a shift manager, that they know exactly what they have to do especially when it comes down to accessing CCTV.
- Adding to cumulative impact – core hours is better than later hours. There is still a lot of people that will need to walk past the Premises to get to the nearest tube station.
- An additional door supervisor is welcomed.
- Mr Dadds comments are noted that the Premises has been well managed but it is to be expected that all premises are to be well managed.
- In 6 months', time when they are not in direct contact with a consultant, it begs the question whether the Applicant will still have ongoing compliance and pass a test purchase?
- There is no exception to policy required but the Sub-Committee have to be satisfied that it will not add to cumulative impact.
- There is not a large number of people leaving the Premises but they are still adding to the number at midnight.

In answer to questions from the Sub-Committee PC Stewart said that if you are attracted to stay and buy something in this Premises, then you are adding to cumulative impact. You may have an argument with someone at another venue, you may become a victim of crime. It is all about how much they may add. The MPS representation is about where the Premises is situated rather than because it is a problem venue.

Ms Fabbricatore appearing on behalf of the EHS addressed the Sub-Committee and confirmed the following matters:-

- EHS have maintained their representation on the grounds that the Premises is within the West End CIZ and the original hours that were sought.
- The reduction to core hours is also welcomed.
- Public safety wasn't mentioned in my representation however as there is no consumption of late night refreshment on the Premises, public safety is not concerned.
- In terms of public nuisance there will be no deliveries from the Premises which rules out a lot of potential public nuisance problems.
- Condition 20 deals with no deliveries.
- Condition 24 potentially confuses matters but this is regarding any deliveries prior to 23.00.
- The reduction in hours to core hours helps mitigate the concerns of EHS.
- The City Inspector's visits have been the only complaints history and should therefore be taken into account.

Mr Horatio Chance the Legal Advisor to the Sub-Committee went through the proposed conditions with the Applicant and sought agreement thereto. These are stated as follows:-

- Condition 9 has been amended.
- Condition 18 waste condition to read 'the area immediately outside the premises shall be maintained to ensure any litter generated by the premises and its customers are regularly cleared' noting that Mr Dadds would prefer

that at the end of the night it is checked and the Sub-Committee dispense with “immediate area” and insert “a 25m area” instead. Subject to the revised wording the condition is agreed.

- Conditions regarding training and refresher training every 12 months are agreed.
- Model Condition (MC24) requiring a telephone number to be made available for the manager of the Premises.

Conclusion

The Sub-Committee realises that it has a duty to consider each case on its individual merits and did so when determining the matter.

The Premises are to operate as a Fast-Food Premises under Policy FFP1. The Sub-Committee noted that the Premises is located within the West End CIZ and so there is an automatic presumption to refuse the application.

The Sub-Committee noted and welcomed that the Applicant had listened to those who had objected to the application and had amended it to core hours.

The Sub-Committee had regard not only to the written and oral evidence but also to the requirements of the Act, The Guidance issued under section 182 of the Act and the City Councils SLP in the main policies HRS1 CIP1 and FFP1.

The Sub-Committee noted that the Premises were selling hot food without a licence in place following two separate visits to the Premises by the Councils City Inspector and therefore takes a very dim view of this because responsible operators running licensed premises are expected to comply with the provisions of the Act to ensure compliance. However, the Sub-Committee accepted that this was a mistake by staff on duty due to a lack of understanding of the relevant statutory provisions when hot food is to be sold after 23:00 hours as well as a lack of proper training.

The Sub-Committee accepted the undertaking given by the Applicant that training is to be provided to all staff to ensure that they are fully conversant with the conditions now imposed on the licence. Refresher training is to be undertaken every 12 months by a relevant provider and a training manual is to be provided to all new and existing staff.

The Sub-Committee concluded that the Applicant had provided valid reasons as to why the application should be granted and not add to cumulative impact in the West End CIZ. There are a number of comprehensive conditions on the licence that will deal with the issue of nuisance and crime and disorder so the right balance had been struck when considering the view of the Responsible Authorities who had objected and the Applicant to run the Premises in a way that will help promote the licensing objectives.

The Sub-Committee considers that the conditions it has imposed on the premises licence regarding CCTV by way of security, SIA door staff, deliveries and collections of waste to the Premises within permitted hours so as to prevent nuisance, a litter sweep to be undertaken within 25 metres of the Premises, the restriction of food for consumption on the Premises after 23:00 and takeaway delivery after that time to be

appropriate and proportionate and will have the overall effect of promoting the licensing objectives, in particular the prevention of public nuisance and crime and disorder licensing objectives.

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

1. To grant permission for **Late Night Refreshment (Indoors)** to Westminster Core Hours. **Seasonal Variations: None**
2. To grant permission for the **Opening Hours of the Premises** to Westminster Core hours **Seasonal Variation: None**
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant.

5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
7. 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.
8. At least one member of staff on duty whilst the licence is being used shall be trained in the requirements of the Licensing Act in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence.

9. Policies and procedures shall be put in place for the collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.
10. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
11. From 21:00 whenever the venue is operational on Fridays and Saturdays there will be 1 licensed door supervisor on duty on the premises. They will correctly display their SIA licence which will be visible whilst on duty.
12. There shall be no consumption of late-night refreshment on the premises.
13. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. 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.
15. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
16. No deliveries from the premises, either by the licensee or a third party shall take place between (23:00) and (08:00) hours on the following day.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
19. 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.

20. Delivery drivers 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 the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
21. The Premises Licence Holder shall ensure that induction training including refresher training at six-month intervals shall be undertaken with all relevant staff under the Licensing Act 2003. All training shall be recorded and training records shall be made readily available on request to the Responsible Authorities.
22. The Premises Licence Holder shall ensure that at the end of each night the area within 25 metres shall be maintained to ensure that any litter generated by the Premises and or/its customers is regularly cleared.
23. 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.

If problems are experienced then a Review of the Premises Licence can be made.

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

The Licensing Sub-Committee

13 July 2023

2. KING HENRY VIII HOTEL, 23 LEINSTER GARDENS, W2 3AN

WCC LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 13 July 2023

Membership: Councillor Angela Piddock (Chair) Councillor Concia Albert and Councillor Louise Hyams

Officer Support: Horatio Chance: Legal Advisor
Policy Officer: Aaron Hardy
Committee Officer: Jack Robinson-Young

Other Parties: Mr Jack Spiegler of Thomas & Thomas Partners, representing the Applicant Ordersupply Limited.
Environmental Health Service (Maxwell Koduah)
Richard Brown Westminster Licensing Project representing SEBRA (John Zamit, Chair of SEBRA).

Application for a New Premises Licence in respect of 23 Leinster Gardens London W2 3AN 23/02649/LIPN

Full Decision

Case Summary

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act") in respect of the above Premises ("The Premises"). The Premises intends to operate as a hotel lobby bar at ground and lower ground floor level, ancillary to the use of the Premises as a hotel. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only. The Applicant has proposed conditions to form part of the operating schedule that appears at **Appendix 4** of the agenda report.

The Premises are located within the Lancaster Gate Ward. Neither the West End Cumulative Impact Zone nor Special Consideration Zone applies. There is no policy presumption to refuse applications outside of the West End CIZ.

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.

Representations were received from the Environmental Health Service, SEBRA, 5 local residents and two Councillors, one of which withdrew their representation all citing concerns regarding public nuisance and public safety.

There is a resident count of 144.

Premises

King Henry VIII Hotel
23 Leinster Gardens
London
W2 3AN

Applicant

Ordersupply Limited

Cumulative Impact Area

None

Activities and Hours

Late Night Refreshment (Indoors)

Monday to Thursday 23:00 to 23:30
Friday and Sunday 23:00 to 00:00
Sunday N/A

Seasonal variations: 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.00:00 – 00:00 for hotel residents and their bona fide guests by way of room service

Sale by Retail of Alcohol (Indoors and Outdoors)

Monday to Thursday 09:00 to 23:30
Friday and Saturday 09:00 to 00:00
Sunday 09:00 to 22:30

Seasonal variations: 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.00:00 – 00:00 for hotel residents and their bona fide guests by way of room service

Opening Hours of the Premises

Monday to Sunday 00:00 to 00:00

Seasonal variations: None

Representations Received

- Environmental Health Service (Maxwell Owusu Koduah)
- Stanislave Sokolov Flat 4 22 Leinster Gardens London W2 3AN
- Robin Martin Flat 5 22 Leinster Gardens London W2 3AN
- Dr Linda Sokolova Flat 7 22 Leinster Gardens London W2 3AN

- Malkoc Sualp Flat 2 22 Leinster Gardens London
- Dr Farokh Zhand 22 Leinster Gardens Flat 3 London W2 3AN
- John Zamit (SEBRA)
- Councillor Ellie Ormsby (**withdrawn 20 June 2023**)
- Councillor Ryan Jude

Summary of Representations

- *I am concerned this will create serious noise pollution for our building. Drunken tourists sat outside the Blakemore Hotel which is 100 meter away from this hotel regularly keep my kids up at night and I imagine this, located much more closely opposite to our building, will be worse.*
- *I live in Flat 2, 22 Leinster gardens and having an outside sitting area will create tremendous disturbance on the street. There is enough disturbance already coming from hotels on this street and behaved loud tourist. I object strongly to this application.*
- *Living on Leinster Gardens is becoming increasingly intolerable as there are more than 10 hotels in the immediate vicinity - many of which attract poorly behaved tourists. The outside terrace in front of the Blakemore Hotel just 30 metres down the road is a case in point: hotel guests often drunkenly sit on the terrace, shouting and singing well into the night. Adding another bar (with late night music) will compound the misery for families with young children trying to secure sound sleep. Leinster Gardens and the immediate area must remain attractive to residents and families. The street already has a bar and pub, and need not attract even more noisy tourists from the surrounding area. Should the Council approve the application anyway, I would kindly request the hotel is mandated to install effective sound isolation and is not allowed to host guests on the terrace.*
- *I am reaching out to express my opposition to licence application 23/02649/LIPN (23 Leinster Gardens). I am a resident living directly facing the Henry Hotel, and I strongly object to the proposed late-night bar opening. Leinster Gardens has become increasingly noisy due to the presence of multiple hotels and sometimes unruly guests. The outside terrace of the Blakemore Hotel, located just 30 meters down the road, is a prime example. Adding another bar, with late-night music, will only increase the discomfort for families with young children trying to secure a peaceful sleep. It is crucial that Leinster Gardens and the surrounding area remain appealing to residents and families as it's a local community. The street already has a bar and pub, and there is no need to attract even more noisy tourists from the surrounding areas. I therefore would like to oppose the projected changes.*
- *SEBRA is concerned on potential noise and disturbance from the premises, particularly from the large terrace and believe use of terrace should be limited to say, no later than 22.00. There is no indication of how many bona fide guests per hotel resident.*
- *Please could you note my support for SEBRA's objections. Agree on all counts.*
- *I would like to echo Cllr Ormsby's views on this. Key points are on restricting delivery, restriction on terrace use (due to the noise pollution impact) and the point on the off sales.*

Policy Considerations

Policies HRS1 and HOT 1 (A) apply under the City Council's Statement of Licensing Policy ("SLP").

Policy 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.

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

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into

account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

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

6. Pubs and bars, Fast Food and Music and Dance venues

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.

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.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy HOT1

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

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

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

3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel.

5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.

6. The application and operation of the venue meeting the definition of a Hotel as per Clause C.

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

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

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

3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel.

5. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

6. The application and operation of the venue meeting the definition of a Hotel as per Clause C.

C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.

SUBMISSIONS AND REASONS

Ms Roxsana Haq Presenting Officer outlined the application to the Sub-Committee. She advised that this is an application for a new premises licence in respect of 23 Leinster Gardens London W2 3AN. The application has been made by Order supply Limited represented today by Jack Spiegler of Thomas and Thomas partners. The Applicant seeks late night refreshment and the sale by retail of alcohol. Full details can be found at page 38 of the report bundle. Representations were received from the Environmental Health Service (Ms Sally Fabbriatore) and 6 representations were received from interested parties. In attendance today are Richard Brown, John Zamitt of SEBRA and Robin Martin local resident.

Mr Jack Spiegler Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that the Applicant was a respected operator with a positive vision for the Premises.

Mr Spiegler said that the Applicant thanks John Zamitt for his engagement via emails and in a recent meeting on site as well as discussions had this morning. The Applicants' amendments following Mr Zamitt's feedback is set out in the additional papers.

Mr Spiegler confirmed that the terminal hour for the terrace had been agreed at 22:00 hours. He referred the Sub-Committee to page five of the agenda report but no response was received.

Mr Spiegler advised that a conversation has been had with Mr Martin this morning and this has established a helpful new line of communication. Referring to the objections raised Mr Spiegler said that the concerns are noted, however, there are a number of licenced premises in the area. The Premises are not in a cumulative impact area, the nearby hotel is a different type of operation and is open to members of public.

Mr Spiegler said that the Premises will be a hotel, that is of a high quality fit out and at affordable prices attracting mainly the tourist market. In relation to the external terrace area, it is in the Applicant's interests to control this efficiently because we do not want to disturb sleeping guests. Conditions 10,11 and 12 relate to the terrace which is to be used only by seated hotel guests.

Mr Spiegler said in terms of the amendments to the application these are as follows:-

- The capacity of the terrace has now been scaled back with a restricted hour of 22:00.
- Off-sales of alcohol have been limited to hotel guest bedrooms only as per Condition 17.
- Condition 28 is now removed.
- Timing of servicing and deliveries is now reduced to 08:00.
- The number of bona fide guests is restricted to four.
- Model Condition (MC21) to be slightly adapted so that notices displayed at entry points where licensable activities may only be provided to hotel

residents and their bona fide guests to respect the needs of local residents and use the area quietly.

- Model Condition (MC24) telephone condition has been offered.
- Model Condition (MC14) requiring doors and windows to be closed has been offered.

In answer to questions from the Sub-Committee Mr Spiegler said that the telephone number for the Premises can be given to the objectors who made the representations.

Mrs Sally Fabbricatore on behalf of the EHS addressed the Sub-Committee. She advised that a site visit would be undertaken once the Premises is operating to confirm the capacity.

Mrs Fabbricatore said that off sales of alcohol limited to bedrooms is welcomed. In terms of the use of the external terrace this is more heavily restricted and a terminal hour of 22:00 is welcomed although external terraces elsewhere in the City is usually 23.00 however, it is noted that this is a residential area.

Mrs Fabbricatore confirmed that there was no nuisance history, only complaints in relation to construction noise. She advised that all residents are encouraged to contact the Council if they experience problems.

Mr Robin Martin a local resident of Leinster Gardens addressed the Sub-Committee. He said that the flats directly face the hotel and that the road is quiet and residential. The hotel and pub already referred to has caused noise pollution and granting this licence will only make matters worse. Mr Martin said that he respected the concessions made over the last few weeks.

Mr Martin said that 40 people on a small terrace less than 20 meters away from residents will cause disturbance. The reduction in hours is welcomed. Mr Robin said that children go to sleep at 20.30 so noise after this will cause an issue.

Mr Robin referred to an issue that happened last Sunday where outside the entrance of the hotel, pedicabs were blaring music and no one from the hotel took action.

In answer to questions from the Sub-Committee Mr Robin advised that he did not complain to the hotel directly because he was not sure who ran it but said that he had a history of complaining to the other hotel down the road and no one reacts.

Mr Brown appearing on behalf of local residents addressed the Sub-Committee. He advised that the issues have been narrowed down greatly and that the key area for concern for SEBRA is that the licence should be restricted to hotel guests. Residents welcomed the Applicants engagement with them.

Mr Brown said that in terms of the conditions the off sales condition should be amended meaning condition 17 is to be deleted. Condition ? dealing with the door and windows would help assist residents.

Mr John Zamit Chair of SEBRA addressed the Sub-Committee. Mr Zamit said he was not surprised there were resident objectors to the application. The terrace was a bone of contention because this was a large area and there could be the potential for nuisance. He said that he was confident if there were any complaints that a direct telephone number is provided.

Mr Zamit said that the conditions are strict in nature and the reductions made to the application are welcomed so SEBRA is hopeful. He said that it was a bit disturbing to hear about the recent incident described by Mr Robin.

In answer to questions from the Sub-Committee Mr Zamit confirmed that the area is not purely residential because there is a main shopping street and pub opposite. Therefore, 22:00 for the terrace is a good compromise as opposed to 21:30. In answer to questions from the Sub-Committee Mr Spiegler said that the Applicant would like to maintain 22.00 for the terrace. Condition 34 anticipates the EHS setting the capacity. Mr Spiegler said that if the Sub-Committee were minded including the terrace area as well, this can be set by EHS and we could keep to a maximum of 40 people.

The Sub-Committee queried whether a terminal hour of 21:30 for the external terrace would be accepted but this was resisted by the Applicant.

Mrs Fabbricatore stated that the red line has been significantly reduced and there would be no consumption of alcohol beyond the red line. The Premises has more restrictions now than if it was non-licensed. She advised that a capacity is set from a public safety point of view, such as a means of escape and that 40 looks reasonable. Mrs Fabbricatore said we can look at the floor space to see what is reasonable for public safety however I cannot decide on a public nuisance point and that should be left for the Sub-Committee to decide.

The Sub-Committee expressed the view on the number of tables and chairs and how they are to be laid out because larger tables will cause more noise.

Mr Horatio Chance the Legal Advisor to the Sub-Committee went through the proposed conditions. He confirmed the following:-

- Condition 11 has been amended to read 22.00.
- Condition 12 - maximum of 40 patrons seated although 30 is preferable.
- Condition 15 is a general catch all in relation to nuisance.
- Model Condition MC19 – all outside table and chairs shall be rendered unusable at 22.00 each day.
- Condition 16 - only to the guests' bedrooms.
- Condition 17 is to be deleted.
- Model Condition MC24 requiring a telephone number for the manager of the Premises is to be made available.
- Model Condition MC14 doors and windows.
- Model Condition MC23 - Notices shall be prominently displayed at all entrances stating that licensable activities shall only be provided to hotel residents and their bone fide guests.

Conclusion

The Sub-Committee realises that it has a duty to consider each case on its individual merits and did so when determining the matter.

The Premises are to operate as a Hotel under Policy HOT1. The Sub-Committee noted that the Premises is not located within the West End CIZ nor Special

Consideration Zone and so there is no policy presumption to refuse an application of this type provided that the licensing objectives are not undermined.

The Sub-Committee noted and welcomed that the Applicant had listened to those who had objected to the application and had amended it by reducing the terminal hour on the terrace as this would help reduce nuisance as well as the removal and amendment of certain other conditions.

The Sub-Committee had regard not only to the written and oral evidence but also to the requirements of the Act, The Guidance issued under section 182 of the Act and the City Councils SLP in the main policies HRS1 and HOT1.

The Sub-Committee considers that the conditions it has imposed on the premises licence regarding CCTV by way of security, the capacity restriction and terminal hour of the terrace until 22:00 hours, the fact that licensable activities shall be ancillary to the main function of the premises as a hotel, and that alcohol shall only be provided to hotel resident's and their bona fide guests in their bedrooms with no off sales for consumption off the premises, deliveries and collections of waste to the Premises within permitted hours so as to prevent nuisance to be appropriate and proportionate and will have the overall effect of promoting the licensing objectives, in particular the prevention of public nuisance and crime and disorder licensing objectives.

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

1. To grant permission for **Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 Friday and Sunday 23:00 to 00:00 Sunday N/A **Seasonal variations:** 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.00:00 – 00:00 for hotel residents and their bona fide guests by way of room service.
2. To grant permission for the **Sale by Retail of Alcohol (On and Off)** Monday to Thursday 09:00 to 23:30 Friday and Saturday 09:00 to 00:00 Sunday 09:00 to 22:30 **Seasonal variations:** 00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.00:00 -00:00 for hotel residents and their bona fide guests by way of room service
3. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 00:00 to 00:00 **Seasonal variations:** None
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant.

6. Licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
7. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only.
8. The external terrace shall not be used for licensable activities between 22.00 and 09.00 hours.
9. In the external terrace, alcohol shall only be served to a maximum of 30 patrons seated at tables.
10. CCTV:
 - (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 will 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 will 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.
11. 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.
12. 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.
13. Save for alcohol provided to hotel residents and their bona fide guests in their bedrooms, there shall be no sales of alcohol for consumption off the premises.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day save for where the Westminster City Council collection times are different.
17. 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.
18. 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.
19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day save for where the Westminster City Council collection times are different.
20. 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.
21. 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.
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. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
23. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
24. No deliveries from the premises, either by the licensee or a third party, shall take place between 23:00 and 07:00 hours on the following day.

25. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
26. 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.
27. 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
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.
30. No licensable activities shall take place 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
31. 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.
32. All outside tables and chairs shall be rendered unusable by 22:00 each day.
33. All windows and external doors in the licensable area shall be kept closed after (21:00) hours except for the immediate access and egress of persons.
34. Notices shall be prominently displayed at all entry points where licensable activities may only be provided to hotel residents and their bona fide guests to respect the needs of local residents and use the area quietly.

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

**The Licensing Sub-Committee
13 July 2023**

3. THE ST JOHN'S WOOD GENERAL STORE, 17 ST JOHN'S WOOD HIGH STREET, NW8 7NG

WCC LICENSING SUB-COMMITTEE NO. 4
("The Committee")

Thursday 13 July 2023

Membership: Councillor Angela Piddock (Chair) Councillor Concia Albert and Councillor Louise Hyams

Officer Support: Horatio Chance: Legal Advisor
Policy Officer: Aaron Hardy
Committee Officer: Jack Robinson-Young

Other Parties: Mr Alun Thomas and Will Robinson of Thomas & Thomas Partners, representing the Applicant T42 Limited, Raj Bathia Owner, Ethan Berenzweig (Landlord)
Environmental Health Service (Maxwell Koduah).

Application for a New Premises Licence in respect of The St Johns Wood General Store 17 St John's Wood High Street London NW8 7NG 23/03022/LIPN

Full Decision

Case Summary

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act") in respect of the above Premises ("The Premises"). The Premises intends to operate as a premium general store.

The Applicant has proposed 13 conditions in their operating schedule. The MPS withdrew their representation after the Applicant agreed to amend the CCTV condition. These can be found in **Appendix 4** of the agenda report. The Applicant has provided a summary of proposals, a letter to the interested parties and details about the Premises, these can be found at **Appendix 2**. The Applicant submitted a written submission and this was considered by the Sub-Committee.

The Premises are located within the Regents Park Ward. Neither the West End Cumulative Impact Zone nor Special Consideration Zone applies. There is no policy presumption to refuse an application of this type under Policy SHP1.

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.

Representations were received from the MPS (withdrawn) EHS and 3 local residents all citing concerns regarding public nuisance and public safety.

There is a resident count of 216.

Premises

The St Johns Wood General Store
17 St John's Wood
High Street
London
NW8 7NG

Applicant

T42 Limited

Cumulative Impact Area

None

Activities and Hours

Sale by Retail of Alcohol (Outdoors)

Monday to Saturday 08:00 to 23:00
Sunday 09:00 to 22:30

Opening Hours of the Premises

Monday to Sunday 07:00 to 23:00

Seasonal variations: None

Representations Received

- Metropolitan Police Service (MPS) (PC Reaz Guerra) (**Withdrawn 23 June 2023**)
- Environmental Health Service (EHS) (Kudzaishe Mondhlani)
- Miss Marjike Drewes, 78A St Johns Wood High Street London NW8 7SH
- Ms Sarah Amador 78A St Johns Wood High Street London NW8 7SH
- Mr Xavier D'arifat 78A St Johns Wood High Street London NW8 7SH

Summary of Representations

- *I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives*
- *The supply of alcohol would have the likely effect of causing an increase in Public Nuisance in the area and may also impact on Public Safety*
- *The granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may also impact on Public Safety.*
- *Cars will constantly drive up and depart until late every evening . Car doors will be slammed and engines started. There will be unnecessary revving of*

engines of flashy sports cars, screeching tires, insane loud music or amplified conversations on mobiles. All this will definitely disturb the piece.

- *View is that application is inappropriate for a conservation area of special unique historical character” as over the hours of opening and alcohol sales.*
- *Fear that the availability of cheap alcohol late into the evening will ensure that people who have drunk too much continue drinking and hang around the high street creating, noise, disturbance and engaging in anti-social behaviour.*

Policy Considerations

Policies HRS1 and SPH1 apply under the City Council’s Statement of Licensing Policy (“SLP”).

Policy 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.

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

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a ‘winding down’ period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

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

6. Pubs and bars, Fast Food and Music and Dance venues

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.

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.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy SPH1

A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:

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

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

3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1.

4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meeting the definition of a shop in Clause C.

B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:

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

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

3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1.

4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

5. The application and operation of the venue meeting the definition of a shop in Clause C.

C. For the purposes of this policy:

1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.
2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop.
3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence

Submissions and Reasons

Ms Roxsana Haq Presenting Officer outlined the application to the Sub-Committee. She advised this was an application for a New Premises Licence in respect of The St Johns Wood General Store located at 17 St John's Wood High Street London NW8 7NG. The application has been made by T42 Limited (Represented today by Mr Alun Thomas). The applicant seeks the sale by retail of alcohol Off the Premises. Full details can be found at page 60 of the report bundle. Representations were received from 3 interested parties and none of them are in attendance today. The Premises are located within the Regents Park Ward and does not fall within the West End Cumulative Impact Zone nor Special Consideration Zone applies.

Mr Alun Thomas Solicitor acting for the Applicant addressed to the Sub-Committee. He advised that the concept for the General Store was founded in 2021 which in essence was to bring high quality produce from around the world to the UK.

In summary Mr Thomas confirmed the following matters:-

- This will be a global local store with speciality produce.
- The produce of the goods is of a high quality and that will be the customer experience with the sale of alcohol forming a small part of the offer.
- The flagship store is in Battersea Power Station.
- The Landlord is present to answer questions.
- The Premises does not fall within the West End Cumulative Impact Zone nor Special Consideration Zone and so the application should be dealt with upon merit.
- The Premises will operate as an off-licence and so Policy SHP1 will apply.
- Conditions have been agreed with the EHS and MPS with the MPS having withdrawn their representation.

Mr Raj Bathia, Owner of the Applicant Company addressed the Sub-Committee. He advised that he had some 22 years retail experience and was enthusiastic about his loving of great good quality food. He said that he had travelled extensively during his world travels over the years and did not see the type of products he saw on those travels readily available and so decided to bring that concept to London. This idea was responded to positively and so far, has been an exciting and rewarding business.

In answer to questions from the Sub-Committee the Applicant confirmed the following:-

- Deliveries locally are by way of a shopping trolley; however, we take on board the Sub-Committee's comments regarding noise generated from the trolleys when making those deliveries and the safety of pedestrians, particularly young children. This practice will now cease and a new system adopted.
- Engagement through the local community is positive with many people active. We have an imminent launch event on a Saturday and will engage with many people there. We will send out emails and engage on social media. Every month there will be a cheese tasting session.
- We employ experience staff so the staff will be transferred to the Premises so they know what they are doing.
- In terms of the running and management of the Premises two tills will be set up so that we can move quickly. All the produce has barcodes so we can serve quickly. The shop is quite narrow and long and so customers will have to queue and this process will be managed efficiently by staff.

Conclusion

The Sub-Committee realises that it has a duty to consider each case on its individual merits and did so when determining the matter.

The Premises are to operate as a general store with premium produce from around the world at the higher end of the market to its London customer base. This Premises will be a further shop in the Applicant's portfolio noting that there are branches in Battersea and Chelsea close to people's homes in residential homes. The sale of alcohol is for "Off sales" only within the core hours policy and so there is no policy presumption to refuse the application.

The Sub-Committee decided that there are to be no super-strength beer, lager or ciders above 5.5% ABV (alcohol by volume) sold at the Premises save for premium beer or ciders in glass bottles and this is now conditioned on the premises licence accordingly. All off sales are to be in sealed containers and this requirement is also conditioned on the licence.

The Sub-Committee noted and welcomed that the Applicant had prior to the hearing contacted local residents by way of letter that objected to the application setting out the concept of the business, what measures are to be implemented by the Premises to address the potential for nuisance in order to secure the promotion of the licensing objectives. An invitation to meet local residents in person or online was also offered by the Applicant to local residents but this offer seemed not to have been taken up by those residents to be affected.

The Sub-Committee noted that the Premises is not located within the West End CIZ nor Special Consideration Zone and so there is no policy presumption to refuse an application of this type provided that the licensing objectives are not undermined. The Sub-Committee had regard not only to the written and oral evidence but also to the requirements of the Act, The Guidance issued under section 182 of the Act and the City Councils SLP in the main policies SPH1 and HRS1.

The Sub-Committee considers that the conditions it has imposed on the premises licence regarding CCTV by way of security, the strength of alcohol to be sold, challenge 21/25 policy and proof of age, deliveries and collections of waste to the Premises within permitted hours so as to prevent nuisance to be appropriate and proportionate and will have the overall effect of promoting the licensing objectives, in particular the prevention of public nuisance and crime and disorder licensing objectives.

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

1. To grant permission for the **Sale by Retail of Alcohol (Off the Premises)** Monday to Saturday 08:00 to 23:00 Sunday 09:00 to 22:30 **Seasonal Variations:** None
2. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 07:00 to 23:00 **Seasonal variations:** None
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant.

5. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
6. Notices shall be prominently displayed within the premises requesting patrons to respect the needs of local residents and leave the local area quietly.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours on the day following.
9. No deliveries shall be made to the premises between 23:00 hours and 07:00 hours.
10. (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 will 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 will 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.

11. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
12. 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.
13. No super-strength beer, lager or ciders above 5.5% ABV (alcohol by volume) shall be sold at the premises save for premium beer or ciders in glass bottles.
14. 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.
15. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
16. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

19. 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 of 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.

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

The Licensing Sub-Committee

13 July 2023

4. CLEMENCE, 46 SHEPHERD MARKET, W1J 7QS

WCC LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 13 July 2023

Membership: Councillor Angela Piddock (Chair) Councillor Concia Albert and Councillor Louise Hyams

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Jack Robinson-Young
Presenting Officer: Roxsana Haq

Also Present: Jack Spiegler of Thomas and Thomas Partners representing the Premises Licence Holder, Nathan Lowry of the Applicant Company.

Application for a Variation in respect of Clemence 46 Shepherd Market London W1J 7QS 23/02937/LIPV

FULL DECISION

Summary of Application

The Sub-Committee has determined an application for a Variation of a Premises Licence under the Licensing Act 2003 ("The Act") in respect of Clemence 46 Shepherd Market, London W1J 7QS ("The Premises"). The Premises currently operates as a café and shop with a small bar serving coffees, carafes of wine, small glasses of "pression" craft beers and a short wine list. The Premises Licence Holder is 1WSBH Limited and the current Designated Premises Supervisor is Mr Nathan Lowry.

The Premises has had the benefit of a premises licence since 2022. The current premises licence (22/00815/LIPN) can be viewed at **Appendix 2** of the agenda report along with the premises history at **Appendix 3**. The PLH has provided a mediation letter for the interested party. A copy can be found at **Appendix 1**.

The variation seeks the following:-

- ***To vary the terminal hour for the retail sale of alcohol on Thursday to Saturday from 22:30 to 23:30.***
- ***To add Late Night Refreshment Thursday to Saturday 23:00 to 23:30***
- ***To vary the opening hours on Friday to Saturday from 23:30 to 00:00.***

The Premises are located within the West End Ward. Neither the West End Cumulative Impact Zone nor Special Consideration Zone applies. There is no policy presumption to refuse applications outside of the West End CIZ.

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.

Representations were received from one local resident citing concerns regarding public nuisance.

There is a resident count of 132.

Premises

Clemence
46 Shepherd Market
London
W1J 7QS

Premises Licence Holder

1WSBH Limited ("PLH")

Ward

West End

Cumulative Impact

None

Special Consideration Zone

None

Activities and Hours applied for

As per the Premises Licence

Representations Received

- One local resident

Summary of Representations

- *The application fails to take into account the impact of these extended licences on residents. Shepherd Market is typically residential above the ground floor, and the noise and disruption from late night drinking significantly impairs the experience of living in the Market. This problem is exacerbated when drinkers are outside, and despite many assurances from business owners over the years (and indeed the terms of their licences), they prove incapable of limiting the outside crowds. The existing licensing hours are much more consistent with the mixed use nature of the neighbourhood and the extended hours should be rejected.*

Policy Considerations

Policies HRS1 and RNT1 apply under the City Council's Statement of Licensing Policy ("SLP").

Policy 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.

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

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into

account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

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

6. Pubs and bars, Fast Food and Music and Dance venues

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.

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.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy RNT1

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

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

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

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 Zones Policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

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

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

3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

5. 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, except if provided via an ancillary delivery service to customers at their residential or workplace address.
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.

DECISION AND REASONS

Ms Roxsana Haq, Presenting Officer summarised the application set out in the report before the Sub-Committee. She explained that the application was to vary the licence in respect of Clemence 46 Shepherd Market London W1J 7QS. The PLH is seeking to vary the terminal hour for the retail sale of alcohol Thursday to Saturday from 22.30 to 23.30, to add late-night refreshment and to vary the opening hours on Fridays and Saturdays. One local resident had maintained their representation. The Premises is situated in the West End Ward and does not fall within any area of Cumulative Impact nor Special Consideration Zone.

Mr Jack Spiegler Solicitor appearing on behalf of the PLH addressed the Sub-Committee and confirmed the following matters:-

- Mr Lowry is a serious operator with an existing portfolio.
- He is an operator you can trust to run premises professionally and harmoniously alongside local residents with the aim of promoting the licensing objectives.
- Each of his premises are different and tailored to their specific locations.
- Before submitting the application, Mr Lowry proactively consulted residents namely the Society of Mayfair and St James' and those closest residents to the Premises.
- The view from local residents was that they wanted an earlier terminal hour than core hours.
- This is an existing well-run premises seeking a slight extension within core hours.
- A letter was hand delivered to the sole objector, but no response was received and this can be found at page 91 of the agenda report.
- The primary concern of the resident objector seems to be more of a general nature and not specifically in relation to the application.
- Furthermore, the resident in question lives on the other side of the building block so are unlikely to be directly affected by the operation.
- Mr Lowry's offer invitation to engage remains open.

The Sub-Committee noted that the PLH had consulted with local people before the variation application was submitted.

In answer to questions from the Sub-Committee the PLH advised that the effect the proposed extension will have on the business will not be a huge extension but it will give customers the opportunity to dine later in the West End as well as help

commercially. Mr Lowry explained that the application was largely driven by customer demand as they wanted to dine later and not necessarily be rushed. Mr Horatio Chance the Legal Advisor to the Sub-Committee went through the suggested conditions. Mr Spiegler advised that all the proposed conditions were agreed. Mr Chance sought confirmation whether model condition MC24 was agreed with the PLH i.e. the requirement to have a telephone number available for the Manager of the Premises and this was confirmed.

Mr Spiegler said that he did not wish to sum up as he had addressed all of the key points in his submission to the Sub-Committee.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. There was no policy presumption to refuse the matter under Policy RNT1, so the test was whether the licensing objectives are to be promoted.

In deciding the application, the Sub-Committee took into account the Sub-Committee papers, the requirements of the Act and the promotion of the licensing objectives.

The Sub-Committee was confident that the PLH would promote the licensing objectives given the proactive stance by the PLH to engage prior to submitting the application. This demonstrated to the Sub-Committee that the PLH was a responsible operator that cared about the interests of local residents signifying a willingness to engage in the licensing regime right from the outset.

The Sub-Committee concluded that the licensing objectives will be promoted in light of the ongoing commitment by the PLH to work with local residents, the measures it has in place when it came to the management of the Premises for the additional hours sought and therefore decided to **GRANT** the variation application meaning that an additional one hour for the terminal hour for the sale of alcohol is amended on Thursday to Saturday from 22:30 to 23:30, Late Night Refreshment is amended Thursday to Saturday 23:00 to 23:30 and the opening hours Friday to Saturday from 23:30 to 00:00.

The Sub-Committee concluded that the conditions imposed on the Premises Licence will be mitigate the concerns of the one local resident who had objected to the application and have the desired effect of promoting the licensing objectives.

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

1. That the terminal hour for the **Sale by Retail of Alcohol (On and Off the Premises)** on Thursday to Saturday is varied from 22:30 to 23:30 hours.
2. To grant permission to add **Late Night Refreshment (Indoors)** Thursday to Saturday 23:00 to 23:30 hours.
3. That the **Opening Hours** on Friday to Saturday is varied from 23:30 to 00:00 hours.

4. That the Licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the licence shall remain in full force and effect save as otherwise varied as specified below and numbered 6-27.

Conditions imposed by the Committee after a hearing with agreement of the Premises Licence Holder:-

6. There shall be no self-service of alcohol on the premises after 23:00.
7. 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.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. 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
10. No waste or recyclable materials including bottles shall be moved, removed from or in outside areas between 2300 hours and 0700 hours on the following day.
11. The supply of alcohol shall be by waiter or waitress service only
12. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a '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

13. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission
14. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the

book shall be produced on demand for inspection by the police or an authorised officer of the Council

15. 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.
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. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only
19. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
20. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
21. 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.
22. There shall be no smoking of shisha at any area dedicated for smoking.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 07:00 hours on the following day.
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
26. All windows and the ground floor external doors, shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
27. 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.

28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. 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.
32. 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.
33. No licensable activities shall take place 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.
34. CCTV:
 - 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 will 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 will 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.
35. 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.
36. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of

drugs or offensive weapons (f) any faults in the CCTV system, (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

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

**The Licensing Sub-Committee
13 July 2023**

The Meeting ended at 2.30 pm