

	Full Licensing Committee
Date:	15 th July 2015
Subject:	Review of Licensing Act 2003 New and Variation application Licensing Sub-Committee Report format

Summary

This report sets out the results of the trial period for different Licensing Sub-Committee report formats and seeks the views of the Committee on the final format of the Licensing Act 2003 new and variation application reports.

Recommendations

The Committee is recommended to:

1. consider the trial reports and feedback; and provide views on what officers should include in the final report format.
2. approve that the Chairman of the Licensing Committee approves the final version of the report format for new and variation applications under the Licensing Act 2003.



City of Westminster

Committee report

Date:	15th July 2015
Classification:	For General Release
Title of Report:	Review of Licensing Act 2003 New and Variation application Licensing Sub-Committee Report format
Report of:	Director of Public Protection & Licensing
Wards involved:	All
Policy context:	N/A
Financial summary:	None
Report Author:	Miss Claire Hayes, Senior Practitioner - Licensing
Contact details	Miss Claire Hayes Telephone 020 7641 7816 chayes@westminster.gov.uk

1. Background Information

- 1.1 From the 1st April the new Public Protection and Licensing operating model commenced. As part of that new operating model there has been a significant focus on driving out inefficiencies within processes.
- 1.2 At the Full Licensing Committee hearing on 11 March 2015 a report outlining the Licensing Service proposals in relation to the frequency of meetings, the format of reports and the hearing processes was put forward to make the process more efficient.
- 1.3 The report confirmed that although the current Committee Reports have gone through numerous changes over the past seven years, there had been growing concerns over the size and content of these reports from members, officers, applicants and other stakeholders.
- 1.4 It was proposed that officers would undertake a review of the report format for new and variation applications under the Licensing Act 2003 (2003 Act) to seek to eliminate unnecessary documentation whilst providing the necessary and relevant information within the main text of the report itself.
- 1.5 At the hearing on 11 March 2015 it was resolved that trials would be undertaken during May and June 2015 and the results of that trial would be put before the Licensing Committee in July 2015.
- 1.6 This report covers the results of the report format trial

2. Analysis of Trial Report Formats

- 2.1 On 21 May 2015 the first trial report (Report 1) for a new premises licence was published. The format of this report had a title page which was shortened and a detailed summary of the application was added. All of the representations were added within the body of the report rather than as appendices and the background documents were listed but not included within the report bundle. All of the background documents and photographs were available at the hearing if required. A copy of Report 1 is attached as Appendix A1
- 2.2 Following the hearing feedback was provided by the Sub-Committee. The Sub-Committee (Cllrs Caplan, Evans and Talukder) confirmed that the reduced amount of appendices was welcome and were happy that the photographs were available at the hearing rather than in the report. However, it was felt that if the premises had previously been licensed (this one had not), then a comparison table would be beneficial.
- 2.3 The second trial format was an application for variation of a premises licence listed for hearing on 28 May 2015 (Report 2). In this report format the detailed summary on the first page was not included as it was felt that as reports are published at least a week in advance, the summary would not necessarily be completely up to date or reflect any last minute changes. Report 2 included the representations within the body of the report and the reduced appendices similar to Report 1, but went in to much more detail when referencing policy and

guidance. Therefore it was suggested that it would be more beneficial for the Senior Licensing Officer to provide this information when introducing the report. A copy of report 2 is attached as Appendix A2

- 2.4 Report 2 was well received by the Sub-Committee and the specific reference to the guidance and policy was felt to be useful. The Sub-Committee (Cllrs Harvey, Freeman and McAllister) also confirmed that the reduced amount of appendices was an improvement. It was also mentioned that members of the Sub-Committee find a comparison table between the current licensable activities and hours and what is being requested as part of the variation useful.
- 2.5 The third trial report format related to the variation of a premises licence (Report 3) which was listed for hearing on 04 June 2015. This report format was similar to Reports 1 and 2 in that the representations were included within the body of the report and the background documents were included in the report bundle. However, the information provided in the report was only the basic information contained within the application and there was very little reference to the council's policy or Home Office guidance. A copy report 3 is attached as Appendix A3
- 2.6 The feedback from members of the Sub-Committee (Cllrs Caplan, Acton and Begum) on this report format was not as positive as Reports 1 and 2. Members liked the smaller amount of appendices, but felt that they needed the background documents when they retired to make a decision.
- 2.7 The fourth trial report format was an application for a new premises licence and was listed for hearing on 11 June 2015 (Report 4). This report was similar to reports 1, 2 and 3 as the representations were contained within the body of the report and there were minimal appendices. However, the report was set out in a tabled style which was completely different to the other three trial reports. There was a table for each separate piece of information including the hours and activities and the representations. A copy report 4 is attached as Appendix A4.
- 2.8 The feedback for this report was very positive as the members of the Sub-Committee (Cllrs Aiken, Acton and Toki) felt it captured the information well.

3. Proposals

- 3.1 That the Committee consider the trial report formats attached to this report, and feedback; and provide officers at the hearing with views on what the final version of the report format should take. Officers will produce a final report format, taking into account the views of the Committee which will be provided to the Chair of the Licensing Committee for final approval.

4. Legal Implications

- 4.1 The final report format that will take into account the views of the Committee will be considered by the Council's legal services to ensure that it will meet the statutory requirements of the 2003 Act and also ensure that it contains the necessary information required for potential appeals.

5. Staffing Implications

- 5.1 The proposal to develop the final report format for 2003 Act applications will have no effect on staffing levels.

6. Appendices

- 6.1 Appendix A1 – Report 1
Appendix A2 – Report 2
Appendix A3 – Report 3
Appendix A4 – Report 4

If you have any queries about this report or wish to inspect one of the background papers please contact Miss Claire Hayes on 020 7641 7816, email chayes@westminster.gov.uk

Background Papers

- Report to Full Licensing Committee on 11 March 2015



City of Westminster

Licensing Sub-Committee Report

Hearing Date: **Thursday 21st May 2015**

Application Type: **New Premises Licence Application**

Legislation: **Licensing Act 2003**

Premises Name: **Toast**

Premises Address: **11 South Molton Street, London, W1K 5QL**

Council Reference: **15/00989/LIPN**

Ward: **West End**

Stress Area: **No**

Report Author: **Yolanda Wade, Senior Licensing Officer**

Summary of application

The application is for a new premises licence for a café / restaurant outside the Council's defined stress areas. The proposed start times for the sale of alcohol Monday to Friday are outside the Council's core hours.

There are seven representations to this application which have been made by the Metropolitan Police Service, Environmental Health Service, four local residents and one resident association.

The applicant has agreed conditions with the Police but the Police are maintaining their representation as the requested hours are outside of core hours.

The Environmental Health Service has provided conditions relating to this application which as yet have not been agreed by the applicant. The Environmental Health Service will be maintaining their representation to this application.

As the application has received adverse representations that have not been withdrawn or agreement reached that a hearing is unnecessary this application must be considered by the Licensing Sub-Committee. The Licensing Sub-Committee decision will be whether to grant the application as proposed, grant the application with amendments and/or additional conditions or refuse the application.

1. Premises & Area Information

- 1.1 Toast Cafe is a café / restaurant that provide hot meals, speciality burgers, salads, pastas, snacks, soft drinks including tea and coffee. The premises have a Tables and Chairs Licence for 8 tables and 22 chairs for Monday to Sunday from 08:00 to 19:00.
- 1.2 The premises are situated in a pedestrianised street in a high end commercial area. There are 7 licensed premises within a 75 metres radius of the premises.
- 1.3 The proposed licensed area is on the ground floor with work stations and storage on the lower ground and basement floors.
- 1.4 The application was originally listed for a hearing on 23rd April 2015 but was adjourned until the 21st May at the applicant's request.

2. Application Details

- 2.1 Application was submitted on 10th February 2015 by Meat Club Ltd, 11 South Molton Street, London W1K 5QL. The applicant, as part of the application has completed the operating schedule which sets out how they will operate their premises if the licence were to be granted. A copy of the applicants operating schedule is attached to this report as Appendix A
- 2.2 The application was submitted along with the proposed plans for the premises. A copy of these plans are attached to this report at Appendix B
- 2.3 These premises have not been previously licensed under the Licensing Act 2003.

2.4

Proposed Activities	Proposed Hours	
Sale by Retail of Alcohol - for consumption On and Off the premises	Monday to Saturday	09:00 to 23:00
	Sunday	12:00 to 22:30*
Opening Hours	Monday to Saturday	08:00 to 23:30
	Sunday	08:00 to 23:30

** The applicants have amended their original licensable hours for Sunday from 09:00 to 23:00 the hours listed above after discussions with the Police.*

- 2.5 The proposed Designated Premises Supervisor for these premises is Ms Luiza Egorova who holds a personal licence with Westminster City Council.
- 2.6 The applicant has stated that the provision of adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children is not applicable.

3. Representations

3.1 Representations have been received from the Environmental Health Service, the Metropolitan Police, one Resident Association and four local residents. The representations are set out below:

3.2 **Stephen Smith - Environmental Health Officer, Environmental Health Consultation Team**

Received: 27th February 2015

OBJECTION

I refer to the application for a New Premises Licence.

The applicant has submitted a Floor plan for the premises dated December 2014 This representation is based on the plan and operating schedule submitted.

The applicant is seeking the following hours which are beyond core hours within the licensing policy:

1. *To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Sunday between 09.00 and 23.00 hours.*

I wish to make the following representation on the grounds of protecting public safety and preventing public nuisance:

- i. *The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety in the area.*
- ii. *The premises have only a single WC for patrons with no intervening ventilated space to the food area,*
- iii. *The level of WC provision is suitable for up to a maximum of 15 persons including staff under the sanitary provisions of BS6465: 2006. There are no separate staff toilets.*

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

3.3 On the 5th May 2015 the Environmental Health Service submitted further submissions relating to their representation and after considering the proposed conditions from the Police. The submissions from David Nevitt, Environmental Health Officer states:

EH maintain a Representation in respect of this application because there are still matters of concern and there are outstanding Reps from local residents.

I understand that the applicant has agreed to amend the hours sought to be within the 'Core Hours' as defined by the City Council's Licensing Policy for both 'On' and 'Off' sales of alcohol.

I also understand that the applicant has agreed a number of Conditions with the Police. I am of the opinion that the list of Conditions contains some inconsistencies which need to be clarified, especially in relation to 'Off' Sales – a Condition has been agreed that allows supply of alcohol to persons seated outside the premises by way of an 'Off' sale, but another Condition restricts 'Off' sales to persons purchasing a take-away meal. I think that this can be clarified by discussions with the applicant.

My main concern is that the premises appears to only have 1 WC – this is for both Staff and Customers. The original EH Rep dated 27th February 2015 referred to this and states that the result is that capacity should be limited to 15 persons. I therefore propose the following:

The maximum number of persons accommodated to consume food and/or drink at the premises shall not exceed 15 persons (excluding staff).

I also propose a 'Works' Condition if it is envisaged that adaptation or alteration works are to be undertaken:

The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

And a 'No Nuisance' Condition:

No noise or vibration shall emanate from the premises which gives rise to a nuisance.

3.4 The conditions proposed by the Environmental Health Service have been attached as conditions 23 – 25 in Appendix B.

3.5 **PC Jim Sollars - Westminster Police Licensing Unit, Metropolitan Police Service**
Received: 10th March 2015.
OBJECTION

With reference to the above application, I make a representation against the application as the operating schedule does not sufficiently address the crime prevention objective.

We discussed conditions which could be attached to your licence and a change to the hours, which will allow Police to withdraw the representation.

I am including the conditions for your consideration.

3.6 The Applicant has agreed the conditions proposed by the Police which are set out as conditions 9 to 22 of Appendix B. The Police are maintaining the representation as the proposed hours are outside the Councils core hours.

3.7 Further representations received by local residents and Resident Association representations are set out below:

3.7.1 Mr Ron Whelan - 29a Brook Street, London, W1K 4HE
Received: 23 Feb 2015
OBJECTION

10:57 AM on 23 Feb 2015 The Mayfair Residents Group wishes to object to this license application. There are already six licensed establishments (three of whom are late licensed), with a seventh opening very soon, within about three hundred yards of Toast.

Local residents, having suffered acute problems with anti-social behaviour from the patrons of some of these establishments, feel that the granting of yet another license will be excessive.

It will also be in conflict with the Council's professed objective of establishing a harmonious environment in Mayfair for its desired expansion of the residential population.

3.7.2 Mr Derek Stratton - 19 Moore Flats, Gilbert Street, London
Received: 9 Mar 2015
OBJECTION

As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end the society wish to object to the proposed new premises licence of the above.

The Society firmly believes that to grant this licence for the late night terminal hour the applicant has applied for will lead to additional anti-social behaviour and noise pollution. It will absolutely have a negative impact on the residents living in this street. As the LSC will be well aware, South Molton Street is predominantly a retail street which closes down completely after 8pm. I am informed that there are approximately 60 residential flats in the street and all will be negatively affected if this proposed new licence is granted.

Any addition of further late night venues will only exacerbate an already intolerable situation. Crime and disorder along with a sever public nuisance will surely ensue.

The Residents Society of Mayfair & St. James's therefore wishes to register a very strong objection for and on behalf of the residents on that basis.

Please confirm in your usual manner that you have received our objection in good time and it will be lodged for the LSC for consideration.

3.7.3 Mr Michal Cohen-Sagi - Director At , 58 South Molton Street, Well
Being Business Centre
Received: 9 Mar 2015
OBJECTION

Toast is a café whose services have served well for us at 58, for both our employees as well as our clients. The way it stands now, it is a very quiet and contained atmosphere and there are no challenges on our end with regards to noise or disruptions. However, we are a therapy centre and we are normally open up until 10 pm.

The challenge we face is that many of the therapies that are practiced within the centre (such as psychotherapy, hypnotherapy and craniosacral therapy) need a quiet surrounding, which is currently not a problem, as the street is normally very quiet during the day, and after 7 pm. If a new licence was granted, this would result in a noisier street, meaning these therapies would not be able to take place, and therefore, we would lose clients.

Another concern is for the safety of our employees who lock up the building when we close late at night. They normally leave the building on their own, and I am worried about the kinds of people a licenced business would bring to the street and how this would affect the security of my staff as well as our clients.

3.7.4 Ms Judy Kuttner - Flat 3, 29A Brook Street, London
Received: 10 Mar 2015
OBJECTION

Toast has served the street as a local cafe for a number of years. The cafe is frequented by many of the people who work in the street as well as by passers-by. Toast serves people at tables both inside and outside the premises and also provides a take-away service. The tables currently have an 8am - 8pm license, although the cafe normally closes around 6pm.

South Molton Street has nearly 60 shops, at least as many offices and 30 flats. It is a pedestrian precinct which is primarily a shopping street that closes down by 8pm with rare exception. It is not heavily travelled during the evening and the noise level drops. There are currently no premises licences serving alcohol on South Molton Street. This application would allow a new licence in the middle of a narrow, high-sided street with a significant number of residents.

I believe that there are concerns in allowing this cafe to have a license to serve alcohol and to be open until a later hour in terms of public nuisance including noise, litter, loitering and potentially smell, especially because of its outdoor and takeaway services. In addition to outdoor tables, the cafe has a front which opens fully in warmer weather when residents need to open their own windows.

This cafe has served a useful purpose for many years, but basically we do not need another late evening watering hole in this small area, particularly where one does not exist at present.

3.7.5 Ms Vivienne Loesch - 19 Balderton Flats, W1K 6TD,
Received: 10 Mar 2015 by Neighbour

OBJECTION

I object to the above licence application being granted on the grounds that it will be detrimental to residential amenity.

1. *Local residents already suffer considerably from noise nuisance caused by customers of licensed premises that open late in this street; this situation should not be made even worse. This premises is not a club, but if it is open during the evenings it will inevitably attract people who have already been drinking and are likely to be noisy. It anyway only takes a couple of glasses of wine for people to start raising their voices, with complete disregard for nearby residents.*
2. *Residents throughout the area - including families with children who need to sleep during the evening as well as after 11pm - are, variously, kept awake, woken up, or prevented from relaxing or doing homework, by evening and late night deliveries and waste/recycling collections and the horrendous noise of bottles cascading into bins or being put out on pavements. This noise affects people living in the side streets throughout the area. The proposed conditions should limit waste and recycling collections, deliveries, and movement of any waste and recycling items outside the premises to between 8am and 8pm.*
3. *I see that no designated waste storage area is marked on the plans attached to the license application, so question whether the premises has a space suitable for storing waste overnight and until the waste and recycling collections take place.*

This locality is over-saturated with premises whose customers and servicing activities cause evening and late night noise; this application should therefore not be granted.

Please list my objections to the Licensing Committee members.

4. Policy & Guidance

- 4.1 The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:

- (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
- (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

Policy RNT1 applies: Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm

4.2 The Licensing Authority must have regard to the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 which was agreed in March 2015.

5. Appendices

- 5.1 Appendix A – Applicants operating schedule
 Appendix B – Premises Plans
 Appendix C – Proposed Conditions
 Appendix D – Residential Map and list of premises in the vicinity

If you have any queries about this report or wish to inspect one of the background documents please contact:

Yolanda Wade, Senior Licensing Officer
Telephone: 020 7641 1872
Email: ywade@westminster.gov.uk

Background Documents – Local Government (Access to Information) Act 1972

The background documents will be available at the hearing if there are any questions or need to refer to them. The premises plans, photos and location plans will be available to all parties at the hearing via the monitors within the Committee Room.

Item Number	Description of document	Date
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	10 th February 2015
5	Email Representation from Jonathan Davies (NHS Central London)	13 th February 2015
6	Email from Agent Mr Manuel Rocha confirming no Late Night Refreshment	13 th February 2015
7	Representation from Mr Ron Whelan	23 rd February 2015
8	Environmental Health Service Representation	27 th February 2015
9	Correspondence received from Applicant RE: Amendment to Sunday Opening openings	2 nd March 2015
10	Representation from Judy Kuttner	9 th March 2015

11	Representation from Police	10 th March 2015
12	Representation from Mr Derek Stratton	10 th March 2015
13	Representation from Mr Michael Chen-Sagi	10 th March 2015
14	Representation from Vivienne Loesch	10 th March 2015
15	Email from Agent Mr Rocha Re: Agreement to Police Proposed Conditions	11 th March 2015
16	Email to Applicant's Agent Re: New LSC date	9 th April 2015
17	Email to Interest Parties Re: New LSC date	9 th April 2015
18	Applicant's Acceptance of LSC date	10 th April 2015
19	EH proposed Conditions to Applicant	5 th May 2015
20	Photos of premises	

APPENDIX A2



City of Westminster

Licensing Sub-Committee Report

Hearing Date: **Thursday 28th May 2015**

Application Type: **Variation of a Premises Licence**

Legislation: **Licensing Act 2003**

Premises Name: **34**

Premises Address: **34 Grosvenor Square, London, W1K 2HD**

Council Reference: **15/01958/LIPV**

Ward: **West End**

Stress Area: **No**

Report Author: **Steve Rowe, Senior Licensing Officer**

1. Premises & Area Information

- 1.1 34 is a meat game and seafood restaurant that holds a Premises Licence for the basement, ground and first floor of the premises under the Licensing Act 2003.
- 1.2 The premises are situated in Grosvenor Square opposite the American Embassy. The area is a mix of commercial and residential properties with Grosvenor Square Gardens in its centre. There are 2 licensed premises within a 75 metres radius of the premises.

2. Variation Details

- 2.1 The variation application was received on 16th March 2015 by the applicant Caprice Holdings Limited and seeks to:
 - To extend the terminal hour for the performance of live music sale of alcohol provision of late night refreshment opening hours as detailed below; and
 - To remove, replace and add conditions in Annex 3 of the premises licence, as detailed in the Operating Schedule.

2.2

Licensable activities permitted under the existing Premises Licence 13/07057/LIPVM	Variation to Licensable Activities
Performance of Live Music: Sunday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 00:00 New Year's Eve: 10:00 to 00:00	Performance of Live Music: Monday to Thursday: 10:00 to 00:00 Sunday: 10:00 to 23:00 Sundays before bank holiday: 10:00 to 00:00 Friday to Saturday: 10:00 to 00:00 New Year's Eve: 10:00 to 00:00
Late Night Refreshment: Sunday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:30 New Year's Eve: 23:00 to 05:00	Late Night Refreshment: Monday to Thursday: 23:00 to 00:30 Sunday: 23:00 to 23:30 Sundays before bank holiday: 23:00 to 00:30 Friday to Saturday: 23:00 to 00:30 New Year's Eve: 23:00 to 05:00
Sale by Retail of Alcohol - for consumption On and Off the premises Sunday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 00:00 New Year's Eve: 10:00 to 05:00	Sale by Retail of Alcohol - for consumption On and Off the premises Monday to Saturday: 10:00 to 00:30 Sunday: 10:00 to 23:00 Sundays before bank holiday: 10:00 to 00:30 New Year's Eve: 23:00 to 05:00

Opening Hours Sunday to Thursday: 08:00 to 23:30 Friday to Saturday: 08:00 to 00:30	Opening Hours Monday to Saturday: 08:00 to 01:00 Sunday: 08:00 to 23:30 Sundays before bank holiday: 08:00 to 01:00
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- 2.5 The applicant has applied to **remove conditions 9, 14, 17, 19, 20 and 27** in their entirety.
- 2.6 The applicant has applied to **remove conditions 10, 15, 16, 18 and 21** and **replace with the conditions consistent with the operating schedule in Appendix A.**

3. Representations

- 3.1 Representations have been received from the Environmental Health Service, a local Resident Association and a local resident. The representations are set out below:
- 3.2 **Ian Watson – Senior Practitioner Environmental Health, Environmental Health Consultation Team**
Received: 13th April 2015
OBJECTION

I refer to the application for variation of the Premises Licence.

This representation is based on the operating schedule submitted.

The applicant is seeking the following

1. *To extend the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday to 00.30 hours and Sunday before a Bank Holiday to 00.30 hours.*
2. *To extend the provision of Late Night Refreshment 'Indoors' Monday to Thursday to 00.30 hours and Sunday before a Bank Holiday to 00.30 hours.*
3. *To extend regulated entertainment 'indoors' of live music Monday to Thursday to 00.00 hours and Sunday before a Bank Holiday to 00.00 hours.*
4. *Remove conditions 9, 14, 17, 19, 20 and 27.*
5. *Remove and replace conditions 1, 15, 16, 18, and 21.*

I wish to make the following representation

1. *The additional hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.*
2. *The additional hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.*
3. *The additional hours requested to permit the provision of live music will have the likely effect of causing an increase in Public Nuisance within the area.*
4. *No objection.*

5. *No objection.*

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance in the area.

3.3 The representations received by the local resident and the Resident Association are set out below:

3.3.1 **Mr Ron Whelan - 29a Brook Street, London, W1K 4HE**

Received: 8 April 2015

OBJECTION

9:58 AM on 08 Apr 2015 The Mayfair Residents Group wishes to object to this application. Whilst we accept that Caprice Holdings is a very professional operator of its licensed premises and that the "34" seems to have caused few problems for local residents, this creep in late hours which is being applied for does worry us. It is a matter of record that late hours for any licensed establishment is likely to produce excessive noise and anti-social behaviour in the local streets. Mayfair is suffering from a blight of such noise and late night behaviour and we would ask Westminster Council to restrict any further expansion of late licensing hours without very tight controls.

3.3.2 **Mr Stelio Stefanou - 48 Upper Grosvenor Street, W1K 2NR**

Received: 2 April 2015

OBJECTION

4:55 PM on 02 Apr 2015 I wish to object to this application to vary the existing premises licence by, among other things, extending the terminal hour of the live music, the sale of alcohol and the opening hours etc on the basis that this is likely cause a public nuisance. This objection is therefore made to Prevent a Public Nuisance from occurring.

4. Policy & Guidance

4.1 When determining applications members should consider whether the applicant has provided sufficient information in their application to promote the Licensing Objectives:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm

4.2 Whilst none of the representations received to this application relate to crime, public safety or the protection from children from harm they do focus on the potential problems of public nuisance specifically noise related issues that may be caused due to an increase in hours.

4.3 The Council's policies surrounding the Licensing Objective the Prevention of Public Nuisance (PN1) provide applicants with considerations that should be taken into account relating to noise, eating drinking and smoking outside the premises and other environmental impacts when submitting applications. With regard to limiting noise and vibration the policy states that 'Applicants will be expected to have included measures in the Operating Schedules that make adequate provision to:

- (a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity...'
- (b) limit the escape of noise from the premises...'
- (c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping'
- (d) minimise and control noise from customers arriving at the premises...outside it and departing from it'

4.4 Although the applicants have not specifically addressed the prevention of a potential noise nuisance in their operating schedule as part of this application, conditions 22, 24, 25 and 28 of the current premises licence deal with noise control from the premises and patrons leaving the premises.

4.5 The variation application increases the terminal hour beyond that of the Councils core hours and therefore Policy HRS1 applies to this application.

4.6 Part (ii) of HRS1 states that applications for hours outside the core hours will be considered on their merits, subject to other relevant policies. In this case Members should have particular regard to the following consideration under policy HRS1:

(a) The demonstration of compliance with relevant criteria in policies CD1, PS1, PN1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety and public nuisance.

(b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.

(c) The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.

(d) The proposed hours when any music, including incidental music, will be played.

(g) Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

(i) The type of use: recognising that premises that sell alcohol, play music for dancing, provide fast food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs.

(m) 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.

- 4.7 As the premises operate as a restaurant Policy RNT1 applies to this application. The Policy states 'Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1'.
- 4.8 2.5.3 of the Councils Policy defines what premises are considered to be a restaurant under the policy. It goes further to state that '...Where an application is to be considered under the policies which apply to restaurants, following relevant representations, conditions restricting the premises in accordance with this definition may be attached. These might include: requiring alcohol to be served only by waiter/ waitress service, customers to be only served while seated, and the sale of alcohol only to persons taking a substantial table meal for consumption ancillary to that meal'.
- 4.9 Members will note from the conditions proposed by the applicant in their operating schedule (see Appendix B) that they have gone some way to addressing this policy by restricting the supply of alcohol to waiter/waitress service and after 6pm alcohol shall only sold to persons seated ancillary to food.
- 4.10 Members should also take into account Paragraph 8.58 of the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 which relates to what type of applications are considered full variations.
- 4.11 Taking into account the representations received, the Westminster's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 the Licensing Sub-committee may refuse, grant in full or grant in part this proposal.

5. Appendices

- 5.1 Appendix A – Proposed Conditions
Appendix B – Residential Map and list of premises in the vicinity

If you have any queries about this report or wish to inspect one of the background documents please contact:

Steve Rowe, Senior Licensing Officer
Telephone: 020 7641 7825
Email: srowe@westminster.gov.uk

APPENDIX A3



City of Westminster

Licensing Sub-Committee Report

Hearing Date: **Thursday 4 June 2015**

Application Type: **Variation of a Premises Licence**

Legislation: **Licensing Act 2003**

Premises Name: **Travellers Tavern**

Premises Address: **4 Elizabeth Street, London, SW1W 9RB**

Council Reference: **15/02977/LIPV**

Ward: **Warwick**

Stress Area: **No**

Report Author: **Nick Nelson, Senior Licensing Officer**

1. Premises & Area Information

- 1.1 Travellers Tavern is a Public House which holds a Premises Licence for the ground and first floors of the premises under the Licensing Act 2003.
- 1.2 The premises are situated on Elizabeth Street opposite Victoria Coach Station. The premises sits on a corner of an alleyway leading to an entrance to Victoria Coach Station. As such, it has tables and chairs along both sides of the exterior of the premises. There are 24 residential units and 4 other licensed premises within a 75 metre radius of the premises.

2. Variation Details

- 2.1 The variation application was received on 21 April 2015 by the applicant Spirit Pub Company (Services) Limited. The application seeks the following:

- To extend the permission for the sale of alcohol as follows:
 - Ground Floor:
 - Monday to Saturday: 09:00 – 00:00
 - Sunday: 09:00 – 22:30
 - Sundays before Bank Holidays: 09:00 – 00:00
 - First Floor:
 - Monday to Thursday: 09:00 – 23:30
 - Friday to Saturday: 09:00 – 00:00
 - Sunday: 09:00 – 22:30
 - Sundays before Bank Holidays: 09:00 – 00:00
- To amend conditions 13(a), 13(b), 13(c), 14(a), 14(d) and 15 to reflect the revised hours for the sale of alcohol requested above (see **Appendix B**).

2.2

Licensable activities permitted under the existing Premises Licence 14/09551/LIPVM	Variation to Licensable Activities
Performance of Live Music: Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00	Performance of Live Music: No change
Playing of Recorded Music: Unrestricted	Playing of Recorded Music: No change
Anything of a similar description to Live Music or Recorded Music: Monday to Thursday: 10:00 – 23:30	Anything of a similar description to Live Music or Recorded Music: No change

<p>Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00</p>	
<p>Late Night Refreshment:</p> <p><u>Ground Floor:</u> Monday to Saturday: 23:00 – 00:30 Sundays before Bank Holiday: 23:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 23:00 – 23:30 Friday to Saturday: 23:00 – 00:00 Sundays before Bank Holiday: 23:00 – 00:00</p>	<p>Late Night Refreshment:</p> <p>No change</p>
<p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</p> <p>Unrestricted</p>	<p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</p> <p>No change</p>
<p>Sale by Retail of Alcohol - for consumption On and Off the premises</p> <p><u>Ground Floor:</u> Monday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 Sundays before Bank Holidays: 10:00 – 00:00</p>	<p>Sale by Retail of Alcohol - for consumption On and Off the premises</p> <p><u>Ground Floor:</u> Monday to Saturday: 09:00 – 00:00 Sunday: 09:00 – 22:30 Sundays before Bank Holidays: 09:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 09:00 – 23:30 Friday to Saturday: 09:00 – 00:00 Sunday: 09:00 – 22:30 Sundays before Bank Holidays: 09:00 – 00:00</p>
<p>Opening Hours</p> <p><u>Ground Floor:</u> Monday to Saturday: 07:00 – 00:30 Sunday: 07:00 – 22:50 Sundays before Bank Holidays: 07:00 – 00:00</p> <p><u>First Floor:</u> Monday to Thursday: 07:00 – 23:30 Friday to Saturday: 07:00 – 00:00 Sunday: 07:00 – 22:50 Sundays before Bank Holidays: 07:00 – 00:00</p>	<p>Opening Hours</p> <p>No change</p>

3. Representations

3.1 A representation has been received from the Environmental Health Service, as detailed below:

3.2 **David Nevitt – Environmental Health Officer, Environmental Health Consultation Team**
Received: 27 April 2015

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

4. Policy & Guidance

4.1 When determining applications, members should consider whether the applicant has provided sufficient information in their application to promote the Licensing Objectives:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm

4.2 The representation from Environmental Health focuses on the potential problems of public nuisance and public safety.

4.3 As the application is requesting the extension of hours in the morning from 9am, policy HRS1 applies. Policy HRS1 states that applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4.4 AS the premises operates as a Public House, Policy PB1 applies. Policy PB1 states that applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4.5 Taking into account the representation received, the Westminster's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 Licensing Act 2003 the Licensing Sub-committee may refuse, grant in full or grant in part this proposal.

5. Appendices

- 5.1 A – Premises Licence History
B – Conditions
C – Residential Map and list of premises in the vicinity

If you have any queries about this report or wish to inspect one of the background documents please contact:

Nick Nelson, Senior Licensing Officer
Telephone: 020 7641 3431
Email: nnelson@westminster.gov.uk



City of Westminster

APPENDIX A4

Licensing Sub-Committee Report

Item No:	
Date:	11 th June 2015
Licensing Ref No:	15/02349/LIPN
Title of Report:	Application for a New Premises Licence under the Licensing Act 2003 for Duke of Argyll Public House 37 Brewer Street London W1F 0RY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kerry Simpkin Licensing Team Leader
Contact details	Tel: 020 7641 1840 E-mail: ksimpkin@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	26 th March 2015		
Applicant:	Mr Thomas Paget		
Premises:	Duke of Argyll Public House		
Premises address:	37 Brewer Street London W1F 0RY	Ward:	West End
		Stress Area:	West End
Premises description:	Public House		
Premises licence history:	The premises already have the benefit of a premises licence (10/00308/LIPT) which is issued to Mr Thomas Paget, the applicant. A full licence history is attached at Appendix 3		
Applicant submissions:	See Appendix 2		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	23:30	23:30	
Seasonal variations:		No variance from proposed hours					
Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. (Due to the licensable hours specified within the Act for late night refreshment (23:00 to 05:00) this will effectively be from 23:00 on New Year's Eve to 05:00 on New Years day)					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun

Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations:	No variance from proposed hours						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. (Effectively from 23:00 on New Year's Eve to 10:00 on New Year's Day).						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations:	No variance from proposed hours						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. (Effectively from 23:00 on New Year's Eve to 10:00 on New Year's Day).						
Adult Entertainment:	None (Proposed Applicant Condition 14)						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Westminster Police Licensing Team - Metropolitan Police
Representative:	Jim Sollars, Police Constable
Received:	11:48, 14 th April 2015
<p>...with reference to the above application Police make a representation against the above application.</p> <p>The application is for a bar in the West End Stress Area and therefore against policy.</p>	
Responsible Authority:	Environmental Health Consultation Team, Public Protection and Licensing

Representative:	David Nevitt, Environmental Health Officer
Received:	21 st April 2015
<p>I refer to the above application which seeks a Premises Licence to include the following Licensable activities:</p> <p>Late Night Refreshment 'Indoors' until 2330hrs Monday to Saturday;</p> <p>The Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday, 1000hrs-2300hrs, and 1200hrs-2230hrs on Sunday;</p> <p>The applicant seeks the following Non-Standard Timings:</p> <p><i>'From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day'.</i></p> <p>The applicant has proposed conditions which are under consideration.</p> <p>I wish to make Representations on the following grounds:</p> <p style="padding-left: 40px;">Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>The premises are located in the West End Stress Area as defined by the City Council's Licensing Policy.</p>	

2-B Other Persons			
Name:		Kenneth White	
Address and/or Residents Association:		Chairman of St. James's Residences Resident's Association	
Status:	Local resident	In support or opposed:	Support with caveat
Received:	11:03, 7 th April 2015		
<p>I will support this application as the pub is generally well run. However, the new licence should stipulate that any deliveries and bottle collections should be outside the hours that we sleep, 12 midnight to 7am. Also, there should be a requirement that the staff sweep up outside the pub after the customers have gone home - cigarette ends.</p> <p>(Proposed condition 16, Appendix 4)</p>			
Name:		Mr Abraham Jordan	
Address and/or Residents Association:		Flat 2, 25 Great Windmill Street London	

Status:	Local resident	In support or opposed:	Opposed
Received:	22:11, 15 th April 2015		

I have reviewed the documents provided for the above license application and I have some issues with the proposed changes to the Duke of Argyll.

First of all, and from what i understand, the applicant is planning on opening the current staff entrance for customer use, if that is the case, I would like to strongly object to that, due to its proximity to our building's main entrance, the pub's customers already consume their alcoholic beverages outside our homes, opening a second customer door would mean more crowding and noise.

I also disagree on music being played loudly at the first floor; again this is due to the noise that will echo on to our flats. I think it is only fair that the premises should stick to its core hours only.

As a next door neighbour, I believe that my concerns should strongly be taken into consideration, as this will be affecting our homes and families.

Name:	Ms Marie Payne
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Address and/or Residents Association	Flat 3, 25 Great Windmill Street London and Chairman 25 Great Windmill Street Residents Association
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Status:	Local resident and Chairman of Residents Association	In support of opposed:	Opposed
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Received:	09:20, 20 th April 2015
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I write to make a representation in respect of the above application for a new premises licence. I am concerned that the application, if granted, would harm the licensing objective of prevention of public nuisance.

I live at Flat 3, 25 Great Windmill Street, London,W1D 7LH

The application seems to be for the same hours as currently permitted, but includes the first floor within the licensable area. This will presumably mean that the capacity will increase. I have two concerns:

1. That licensable activity on the first floor will cause noise seepage into the adjoining flats, which are in our block. I appreciate that live and recorded music is deregulated between the hours of 8am and 11pm in certain circumstances, although the licence holder does not seem to permit music anyway. It would be helpful if the Applicant could confirm whether they intend to have any music. In any event, we would suggest a condition that: 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.'

2. The entrance to our block is adjacent to a door marked on the application plans as 'entrance' (on Great Windmill Street). This entrance has been used by staff in the past, not customers, and so has not caused an issue. However, we are worried that the applicant will allow customers to use this entrance. As customers drink outside the pub in the evenings outside the main entrance, this would also happen outside the Great Windmill Street entrance. We would therefore ask that this entrance remains for use by staff only and that a suitable condition is added in this regard.

I have been in to the pub to inquire about the application and the barman was very helpful. The people who run it are very nice and it has been unproblematic in the past. We just want to ensure that it remains that way.

We look forward to being kept informed of any developments and would welcome clarification from the Applicant as to the points raised in this letter.

Name:		Mr Alf Taboda	
Address and/or Residents Association		Flat 40, St James's Residence Brewer Street London	
Status:	Local Resident	In support or opposed:	Opposed
Received:	09:34, 22 nd April 2015		

My family occupies the adjacent property along Brewer Street, two floors up, and we suffer noise pollution through the constant noise emanating from air conditioning units owned by the Duke of Argyle pub.

We have identified them as belonging to the Duke of Argyle, and the problem is particularly acute in the summer months, where we find it impossible to sleep with our windows open due to the noise. The units continually operate through the small hours of the night, breaking off only occasionally.

We had complained directly to the landlords before but our messages were not answered. We feel the current proprietors do not take our concerns seriously, and do not consider the basic needs of residents sleeping to the rear of the property who wish to have a good night's sleep without the low-level yet constant noise of air con units droning on; for this reason we object to the pubs license application.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1	<ul style="list-style-type: none"> i. Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. ii. Applications for hours outside the core hours set out below in
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	this policy will be considered on their merits, subject to other relevant policies.
Policy STR1	<ul style="list-style-type: none"> i. It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. ii. Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.
Policy PB2	It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents (Statement of Case, Restoration Proposal and Food Menu)
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Kerry Simpkin, Licensing Team Leader
Contact:	Telephone: 020 7641 1840 Email: ksimpkin@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	26 th March 2015
5	Public Notice	26 th March 2015

6	Premises in the vicinity list – Residents	31 st March 2015
7	Residents letters	31 st March 2015
8	Service of online application email	31 st March 2015
9	Designated Premises Supervisor consent	26 th March 2015
10	Mr Kenneth White Public Access submission	7 th April 2015
11	Police Representation Email from PC Sollars	14 th April 2015
12	Mr Abraham Jordan Public Access submission	15 th April 2015
13	Ms Marie Payne Representation email	20 th April 2015
14	Environmental Health Representation – Mr Nevitt	21 st April 2015
15	London Fire Brigade No Representation email	21 st April 2015
16	Mr Alf Taboda Public Access submission	22 nd April 2015
17	Applicants supporting documents email	11 th May 2015
18	Applicant Notice of Hearing letter	26 th May 2015
19	Environmental Health Notice of Hearing Letter	26 th May 2015
20	Police Notice of Hearing Letter	26 th May 2015
21	Resident Representation Notice of Hearings Letters	26 th May 2015
22	Email to Mr Nevitt attaching Notice of Hearing	26 th May 2015
23	Email to PC Sollars attaching Notice of Hearing	26 th May 2015
24	Email of Attendees on behalf of the applicant	1 st June 2015