

# Licensing Sub-Committee Report

Item No:	
Date:	29 October 2015
Licensing Ref No:	15/06889/LIPN - New Premises Licence
Title of Report:	The Knightsbridge Cafe Ground Floor 7 William Street London SW1X 9HL
Report of:	Director of Public Protection and Licensing
Wards involved:	Knightsbridge and Belgravia
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	18 August 2015		
<b>Applicant:</b>	Knightsbridge Cafe Ltd		
<b>Premises:</b>	The Knightsbridge Cafe		
<b>Premises address:</b>	Ground Floor	<b>Ward:</b>	Knightsbridge and Belgravia
	7 William Street London SW1X 9HL	<b>Stress Area:</b>	N/A
<b>Premises description:</b>	The premises is to operate as a restaurant.		
<b>Premises licence history:</b>	The premises at 7 William Street has not previously held a licence under any regime. However, the premises at 5 – 6 William Street has operated as the Knightsbridge Café and held a premises licence under the Licensing Act 2003 since conversion in 2005.		
<b>Applicant submissions:</b>	<p>The applicant operates an existing licensed restaurant at 5 – 6 William Street (15/03917/LIPDPS). The applicant proposes to open a new restaurant at 7 William Street. The application seeks the same authorised hours as the 5 – 6 William Street licence together with a full schedule of up to date model conditions. The applicant will surrender the 5 – 6 William Street licence on grant of a satisfactory new licence at 7 William Street.</p> <p>On 22 October 2015, the applicant confirmed via email that they no longer wished to include the Sale by Retail of Alcohol in the application. Therefore, the only licensable activity being applied for is Late Night Refreshment.</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:30	00:30	00:30	00:30	01:00	01:00	00:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	1. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. 2. On Sundays preceding bank holidays: 23:00 – 01:00.						

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	00:30	00:30	00:30	00:30	01:00	01:00	00:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	1. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. 2. On Sundays preceding Bank Holidays: 07:00 – 00:30.						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	11 September 2015
<p>I refer to the above application which seeks a Premises Licence to include the following Licensable activities:</p> <p><b>Late Night Refreshment</b> Sunday, Monday to Thursday until 0030hrs, Friday and Saturday until 0100hrs;</p> <p><b>The Supply of Alcohol</b> 'On' and 'Off' the premises Monday to Thursday 1000hrs-2330hrs, Friday and Saturday 1000hrs-0000hrs, and Sunday 1200hrs-2230hrs.</p> <p><u>Non-Standard Timings:</u></p> <p><i>'From the end of permitted hours on New Years' Eve until the start of permitted hours on New Years' Day.'</i></p> <p><i>'On Sundays preceding bank Holidays 1200-0000hrs'</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>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><i>On 22 October 2015, Mr Nevitt submitted further comments following the applicant's decision to remove the sale by retail of alcohol from the application:</i></p> <p>The applicant has <u>withdrawn the Sale/Supply of Alcohol</u> from the application.</p> <p>I assume that <u>their Proposed Conditions 1 – 3 are no longer necessary.</u></p> <p>The applicant seeks late night refreshment only but the hours sought are beyond the 'Core Hours'. Although the premises is not in a Stress Area the matter should be adjudicated at a hearing of the Licensing Sub Committee because it is against policy and I believe there are local residential objectors.</p> <p>I would seek a restriction on the use of the outside area as there are residential windows directly above. Our usual terminal hour is <b>2300hrs.</b></p> <p><b>Take-away of hot food and drink should cease at 2300hrs.</b></p> <p>The premises is the subject of building and fit-out works and I would like to keep the proposed 'works' condition.</p>	

<b>2-B Other Persons</b>	
<b>Name:</b>	Ms Gillian Harwood
<b>Address and/or Residents Association:</b>	4 Bradbrook House Studio Place Kinnerton Street SW1X 8EL
<b>Received:</b>	3 September 2015
<p>I live at 4 Bradbrook House, Studio Place, Kinnerton Street, SW1X 8EL. My flat is at the rear of the building and my bedroom window looks out directly to the rear of numbers 6 and 7 William Street.</p> <p>It is my understanding that the Masgouf restaurant has recently co-located with The Knightsbridge Café at 6-7 William Street. Since that occurred during the month of July 2015 I have had cause to complain to your Noise Prevention Department about the loud noises of shouting, plates crashing and other kitchen noises coming from a new kitchen directly outside my bedroom window, to say nothing of the cooking smells. The new kitchen has been built in what was a derelict single storey structure to the rear of no's 6-7 William Street sandwiched between William Street and the rear of Bradbrook House which is in Kinnerton Street. The roof of the new kitchen has no less than eight skylight windows and these are left open at all times. The nearest window is less than 3 metres from my bedroom window. At times I have had to crawl out of my window onto the flat roof in order to shut the nearest windows so I can get some sleep as the current noise carries on to well past eleven. Last night they were still shouting at midnight. The kitchen noises commence at around 7.30 in the morning and go on all day. The smell of cooking is also all day and makes opening my bedroom window impossible at any time.</p> <p>All this will be confirmed by your Noise Control Officer who called at my flat in early August and found the noise, smell and general nuisance to be intolerable. She went round to the restaurant to tell them to shut the windows, turn down the controls on their very noisy extract system, etc. I am afraid they just carried on regardless.</p> <p>I returned from my holiday on Tuesday to find your notice and I went round to the premises this morning to read the full details of the application on the lamp post outside.</p> <p>I am now writing to object, in the firmest way, to any such late night licence being granted to these premises. In fact, if the premises already have an ordinary licence to sell alcohol I feel it should be revoked until such time as the premises have installed proper ventilation and other noise controls to their kitchen area to the rear. The roof lights would need to be permanently kept closed.</p> <p>Many/most of the surrounding flats are currently empty because of major redevelopment in that area. This is likely to mean that you might not receive as many objections to the proposed late night licence as might normally be the case. I can assure you that the current situation with the premises is far less than satisfactory and that if the noise and nuisance were to be permitted to go on until the early hours, life would not only be intolerable for me and my family but for many other people too.</p> <p>Now that I am back from holiday, I will be contacting the Noise Control Department again to see if any improvements can be made.</p> <p>I do sincerely hope you will take my objections seriously.</p>	

<b>Name:</b>	Mr C. J. Hughes
<b>Address and/or Residents Association:</b>	4 Studio Place Kinnerton Street London SW1X 8EW
<b>Received:</b>	14 September 2015
<p>I understand that Knightsbridge Cafe Ltd has applied for a new premises licence, and in particular extended opening hours. My wife's and my property is situated at the west end of Studio Place, next to Bradbrook House. The relevant premises are behind Bradbrook House. The area is congested, the buildings are close set. The prospect of extended licensing hours is most unattractive. Houses / properties are not air conditioned, with limited exceptions. In the summertime in particular open windows are essential, not least at night. Any increase in opening hours will lead to increased noise late at night. I am sure our concerns will be shared by other residents, not least the occupants of new premises in 55 – 91 Knightsbridge when that development is completed in due course.</p> <p>We would wish to oppose any extension of evening opening hours.</p>	

### 3. Policy & Guidance

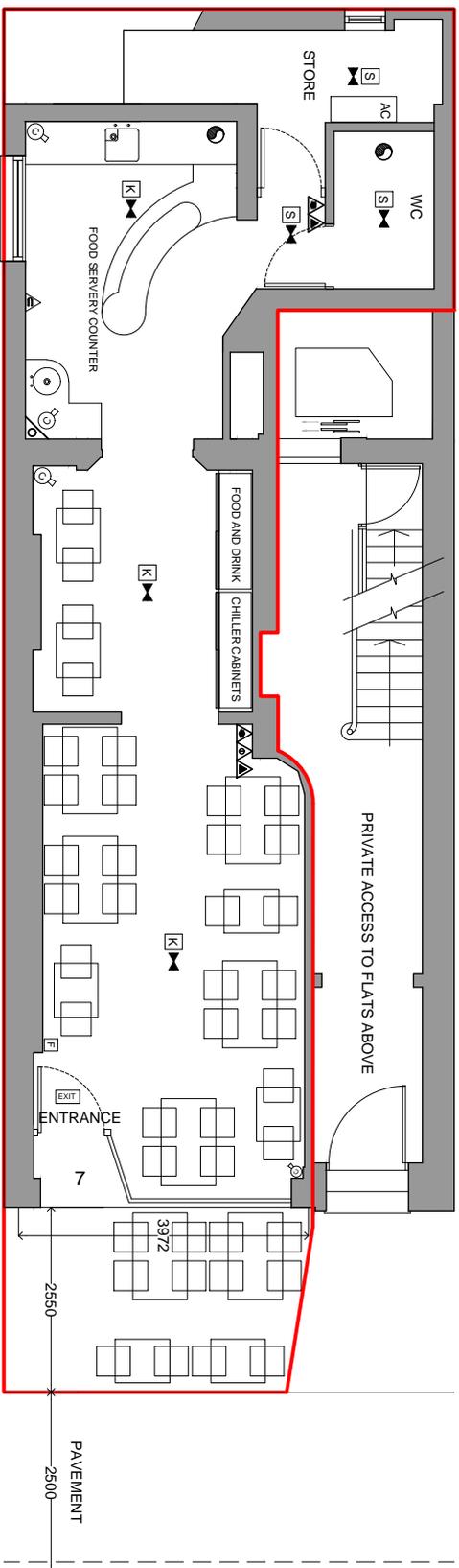
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(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.</p>
<b>Policy RNT1 applies</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history – none
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

# Appendix 1 - Premises Plans



GROUND FLOOR PLAN

LEGEND	
[EXIT]	FIRE EXIT SIGN
▲	FOAM FIRE EXTINGUISHER
▲	WATER FIRE EXTINGUISHER
▲	CARBON DIOXIDE FIRE EXTINGUISHER
▲	FIRE BLANKET IN CONTAINER
⦿	FIRE ALARM CALL POINT
[K]	AREA COVERED BY HEAT DETECTOR
[S]	AREA COVERED BY SMOKE DETECTOR
▶	AREA COVERED BY EMERGENCY LIGHT
📷	SECURITY CAMERA
🌀	MECHANICAL VENTILATION

— Licensable activities



**THE KNIGHTSBRIDGE CAFE**  
**7 WILLIAM STREET LONDON SW1 9HL**  
**GROUND FLOOR PLAN**

SCALE 1:100 at A4 DATE JUNE 2015 NUMBER 0015/7/01 REV

# Appendix 2 - Applicant's submissions

The Knightsbridge Café  
7 William Street, SW1X 9HL

## APPLICATION FOR PREMISES LICENCE

### Proposed Hours:

<b>Late Night Refreshment</b>	
Sunday – Thursday	23:00 – 00:30
Friday and Saturday	23:00 – 01:00
<b>Sale of Alcohol (on &amp; off sales)</b>	
Monday – Thursday	10:00 – 23:30
Friday and Saturday	10:00 – 00:00
Sunday	12:00 – 22:30
<b>Opening Hours</b>	
Monday – Thursday	07:00– 00:30
Friday and Saturday	07:00– 01:00
Sunday	07:00– 00:30

### Proposed Conditions:

1. The premises shall only operate as a restaurant
  - a. in which customers are shown to their table,
  - b. where the supply of alcohol is by waiter or waitress service only,
  - c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - d. which do not provide any take away service of food or drink for immediate consumption,
  - e. which do not provide any take away service of food or drink after 23.00, and
  - f. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

2. 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.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
8. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
9. 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.
10. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
11. 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. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. 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.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which 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 or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
14. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions proposed by the applicant**

1. The premises shall only operate as a restaurant:
  - (a) in which customers are shown to their table;
  - (b) where the supply of alcohol is by waiter or waitress service only;
  - (c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery;
  - (d) which do not provide any take away service of food or drink for immediate consumption;
  - (e) which do not provide any take away service of food or drink for immediate consumption;
  - (f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

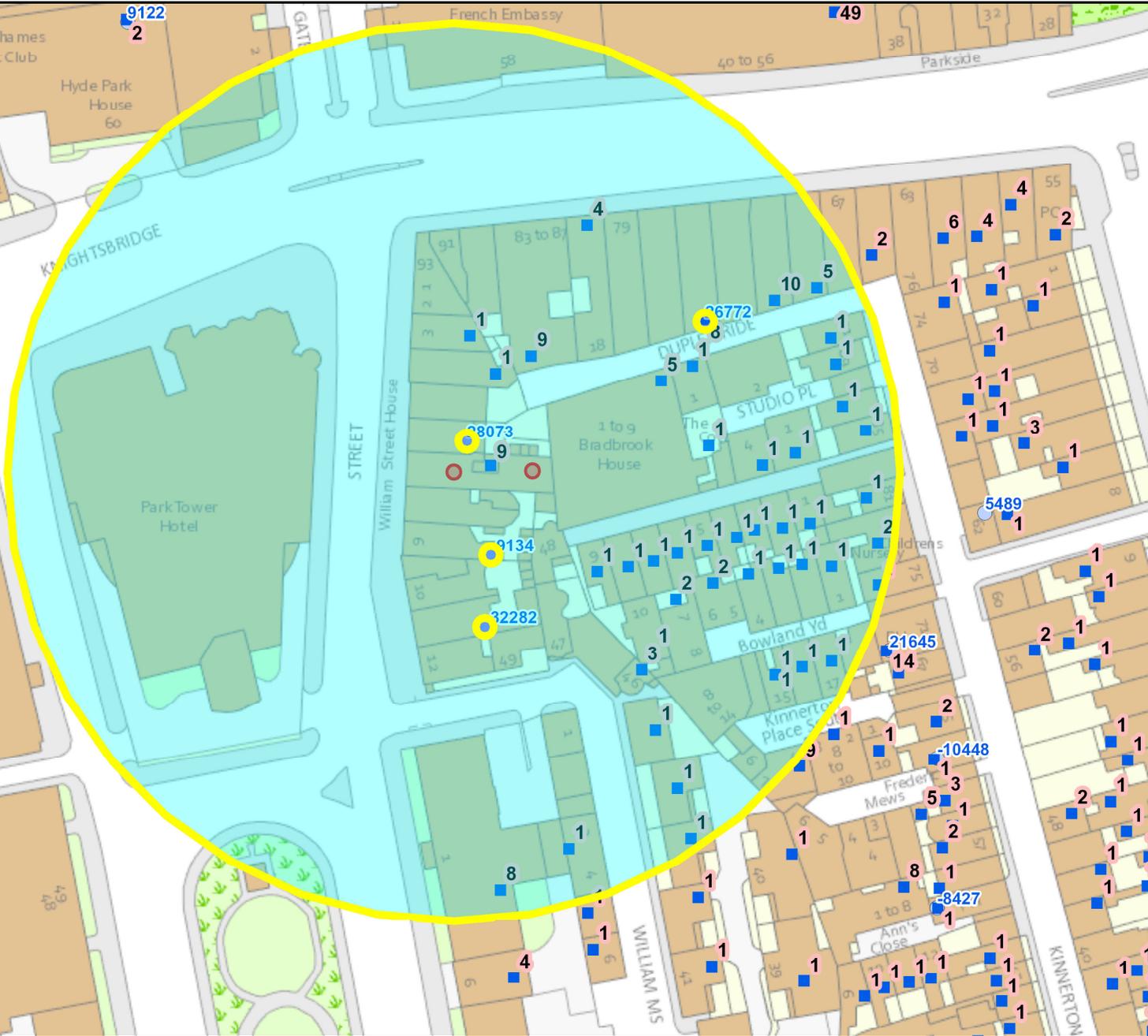
2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
8. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
9. 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.
10. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
11. 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. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
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13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which 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 or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
14. The licence will have no effect until the premise have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.



# The Knightsbridge Cafe

## Appendix 5 - Residential map



Residential / Proposed Residential	101
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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 Meters

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 Date: 16/10/2015

## Appendix 5 - List of premises in the vicinity

<b>Premises within 75 metres of: The Knightsbridge Café, 7 William Street</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
07/04865/WCCMAP	Masgouf House	75 Knightsbridge London SW1X 7RB	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:30
11/04080/LIPV	Noura	11-12 William Street London SW1X 9HL	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30
07/00711/WCCMAP	Ishbilila	9 William Street London SW1X 9HL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
15/03917/LIPDPS	Knightsbridge Cafe	5-6 William Street London SW1X 9HL	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2011
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	18 August 2015
<b>5</b>	Environmental Health representation	11 September 2015
<b>6</b>	C J Hughes representation	14 September 2015
<b>7</b>	Gillian Harwood representation	3 September 2015