

Licensing Sub-Committee Report

Item No:	
Date:	15 December 2015
Licensing Ref No:	15/09517/LIPN - New Premises Licence
Title of Report:	19 Brook's Mews London W1K 4DU
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:	N/A						
Non-standard timings:	N/A						

Anything of a similar description to Live Music, Recorded Music or Performance of a Dance				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:	N/A						
Non-standard timings:	N/A						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:	N/A						
Non-standard timings:	N/A						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Sally Thomas
Received:	13 th November 2015
<p><u>19 Brook's Mews, London, W1K 4DU</u></p> <p>I refer to the application for a new application for the above premises.</p> <p>The applicant has submitted the a ground floor layout plan drawing number 1A-500, this has not been dated.</p> <p>This representation is based on the plans and Operating Schedule submitted.</p> <p>The applicant is seeking the following licensable activities on the ground floor:</p> <ol style="list-style-type: none"> 1. The Supply of Alcohol for consumption 'on' the premises Monday to Sunday 11:30-22:00 hours. 	

2. To the provision of regulated entertainment 'indoors' of live music, recorded music, and anything similar Monday to Sunday 07:00-22:00 hours.

I wish to make the following representations in relation to the above application:

1. The Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.
2. The provision of regulated entertainment may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

The plans indicate 1 WC. The applicant will need to ensure the capacity is compliant with the British Standard 6465-1:2009 Table 10 or 11, depending on how they plan to operate the premises. The current provisions will allow for a maximum capacity of 15 people. The proposal is not compliant for the current capacity of 42 people.

The applicant has provided additional information and conditions with the operating schedule which are being considered, but does not fully address the concerns of Environmental Health. The premises are required to be inspected by the Council's Environmental Health Service to confirm that they are satisfied that the premises are suitable, in relation to addressing the licensing objectives of Public Safety and Prevention of Public Nuisance. The applicant is advised to contact the undersigned to arrange a suitable time for inspection of the premises.

The granting of this application as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

The Environmental Health Service has proposed conditions which have not been agreed by the applicant (**Appendix 4**).

Responsible Authority:	The Metropolitan Police
Representative:	Richard Brunch
Received:	23 rd November 2015

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to the following:

1. The Prevention of Crime and Disorder
2. Prevention of Public Nuisance

I note that my colleague from Westminster City Council EHO Sally Thomas has also made a

representation against this application. Perhaps in the very near future we could arrange a meeting/site visit to discuss the matter further with yourself and the operator.

3. Policy & Guidance

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

Policy COMB1 applies

(i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 STR1 and HRS1.

(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies.

It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).

(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&PB2, FFP1 & FFP2, MD1 & MD2.

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.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions

Appendix 5	Residential map and list of premises in the vicinity
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Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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

No supporting documentation received from Applicant

There is no licence or appeal history for the premises

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions proposed by the Environmental Health

9. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. The supply of alcohol by waiter or waitress service shall be made available.
11. There shall be no consumption of alcohol other than to seated customers save for planned events.
12. There shall be no consumption of alcohol outside the premises.
13. There shall be no draught beer sold at the premises.
14. There shall be no self service of alcohol.
15. 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.
16. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
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 08.00 on the following day.
20. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
21. No rubbish, including bottles, shall be moved, removed or placed in the outside areas between 23.00 and 08.00 hours.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 42.
23. 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.



7  Meters

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Residential / Proposed Residential	23
Under Construction	
Other Uses	
Proportion Residential of all Uses	

Data Source: Uniform Data
Date: 27/11/2015

APPENDIX 5

Premises within 75 metres of:

p / n	Name of Premises	Premises Address	Licensed Hours
-9311	Claridge's Restaurant	Concession 1 47-57 Brook Street Mayfair London W1A 2JQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:30
21499	The Bath & Racquets Club	49 Brook's Mews London W1K 4EB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-28538	La Petite Maison	54 Brook's Mews London W1K 4EG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22827	Claridges Hotel	Claridges Hotel 47-57 Brook Street Mayfair London W1A 2JQ	Monday to Sunday 00:00 - 00:00

GPS: 51.5123,-0.1475



05/11/2015 10:32:35

StampThePhoto from ArvanSoft

GPS: 51.5123,-0.1473



05/11/2015 10:28:48

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GPS: 51.5123,-0.1473

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CAFE
OPENING
NOVEMBER
2015

DISABLED

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