

# Licensing Sub-Committee Report

Item No:	
Date:	12 <sup>th</sup> January 2016
Licensing Ref No:	15/10074/LIPN - New Premises Licence
Title of Report:	Ascott Mayfair London, Lower Ground Floor 49 Hill Street London W1J 5NB
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:	Mr Steve Rowe Senior Licensing Officer
Contact details	Telephone: 020 7641 7816 Email: srowe@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>	6 November 2015		
<b>Applicant:</b>	Room Seasons Ltd		
<b>Premises:</b>	Ascott Mayfair London, Lower Ground Floor		
<b>Premises address:</b>	49 Hill Street London W1J 5NB	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	<p>The premise is a catering unit (Production kitchen). It is located inside the building of the Ascott Mayfair London in the lower ground floor (33.4m<sup>2</sup>).</p> <p>Regarding the purpose of the business, it is a catering company focused around providing food and beverage offering for 3 and 4 star hotels/ Serviced Apartments/Offices in West London that don't supply full Food and Beverage Supply on site. The company will process the order and take care of the delivery for the hotels located within a radius area of 20 minutes from the premise.</p> <p>The catering will provide cold/hot dishes and beverages including alcohol. It will operate from 12:00 to 01:30 seven days a week.</p>		
<b>Premises licence history:</b>	The premises has not previously been licensed under the Licensing Act 2003		
<b>Applicant submissions:</b>	The applicant has stated in their Operating Schedule what steps they are taking to promote the licensing objectives (See Appendix 2).		

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>	01:30	01:30	01:30	01:30	01:30	01:30	01:30
<b>Seasonal variations:</b>		N/A					
<b>Non-standard timings:</b>		N/A					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<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>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	01:30	01:30	01:30	01:30	01:30	01:30	01:30
<b>Seasonal variations:</b>		N/A					
<b>Non-standard timings:</b>		N/A					

<b>Hours premises are open to the public</b>							
<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>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	01:30	01:30	01:30	01:30	01:30	01:30	01:30
<b>Seasonal variations:</b>		N/A					
<b>Non-standard timings:</b>		N/A					
<b>Adult Entertainment:</b>		N/A					

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	David Nevitt
<b>Received:</b>	10 <sup>th</sup> December 2015

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

On the 6<sup>th</sup> January 2016 the EHO raised the following comments with the applicant:

It is understood that the main activity proposed is to supply meals and alcohol for consumption off the premises by way of motorbike delivery to order. The applicants advise that their customers are intended to be patrons of nearby hotels who do not have the benefit of in-house food and beverage supplies.

The hours sought are in excess of the 'Core Hours' as defined by the City Council's Licensing Policy. The premises is not located in a Stress Area but the application will need to be adjudicated at a Hearing of the Licensing Sub Committee. The Ctee may consider imposing Conditions which restrict the sale/supply of alcohol and provision of Late Night Refreshment to deliveries only.

The main EH concern (and that of local residents) is the potential for noise and disturbance caused by delivery motorbike activity. I am particularly concerned that there appears to be a significant amount of residential accommodation in close proximity in the area surrounding the premises, including the rear where it is envisaged access and

egress for motorbikes will be provided. I am also concerned that the problem may be exacerbated by the fact that such activity may be carried on late at night and in the early hours of the morning. In my experience, it is often a combination of noise sources which disturb residents: noise from opening and closing of delivery bay gates, use of vehicle ramps, revving and idling of vehicle engines, radios, delivery staff talking outside the premises etc.. The applicant will need to be careful to address these matters.

I have discussed these concerns with the applicant and advised them to set out the mitigation measures and arrangements they intend to put in place in order to minimise impact on local residents.

The applicant will also need to explain to the Committee how they will comply with an age verification scheme/procedure to ensure that sales of alcohol are correctly made.

I will maintain an EH Representation because of the hours sought and because there are local resident's Representations.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	5 <sup>th</sup> December 2015

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

**2-B Other Persons**

<b>Name:</b>	Mr David Damant
<b>Address and/or Residents Association:</b>	Flat 86 39 Hill Street London W1J 5LY
<b>Received:</b>	22 <sup>nd</sup> November 2015

12:40 PM on 22 Nov 2015 I would suggest that the principal question is where the motor bikes will depart from - in front of the building or from the garage? This is a matter which could affect the noise levels at night

### 3. Policy & Guidance

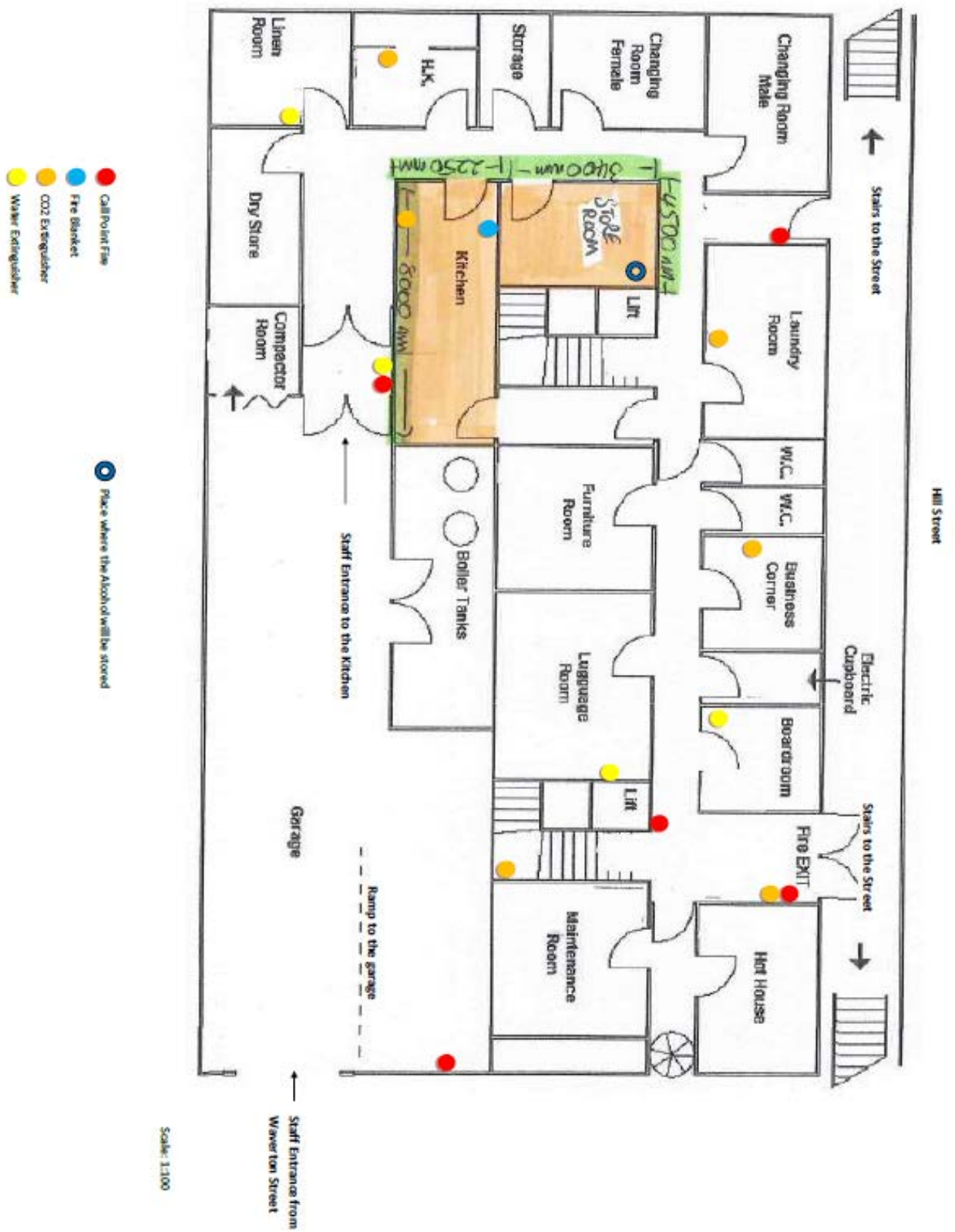
The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy HRS1 applies</b>	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.
<b>Policy OS1 applies</b>	Policy OS1 applies:  Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant's Operating Schedule
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Steve Rowe Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk



## **LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

### **a) General – all four licensing objectives (b,c,d,e)**

List here steps you will take to promote all four licensing objectives together.

The licence holder will make sure all staff members will be trained properly to comply with the legislation and promote the four licensing objectives. They will be explained in more details in the following parts:

### **b) The prevention of crime and disorder**

The premise is located within the Ascott Mayfair where CCTV are in used. They cover all points of access and egress of the premise. As well, Ascott Mayfair employs a Security Company to carry out external night-time checks and surveillance of the premise seven nights per week. At the same time, our staff and the staff of the Ascott Mayfair are trained to deal with issue that can occur during night time. This is to prevent crime at the premise.

In the premise we will keep a book available for staff to record all incidents that happen at the premises and in the immediate vicinity. This record can be used should a crime take place on licensed premises or a complaint is made about the premises or the staff. It will be introduced to the member of the staff on the induction day.

All the members working for the company will be trained and have the knowledge of aspects of licensing legislation and in particular on underage sales to support the responsibilities of the Designated Premises Supervisor. All training will be recorded so that they are available for inspection at the request of police and council officers.

All staff members will sign a "Sales of Alcohol Policy" prior starting their employment in order to prevent Crime and Disorder.

At the premise, the company will operate drug free policy as per contract. The Company reserved the right to check at any time the Staff Lockers.

### **c) Public safety**

The premises will comply with all statutory fire safety controls as well as the surrounding. The Ascott Mayfair, where the premise is located, will insure the premise against fire and such other risks.

The premise is registered with the local council for food safety. The food hygiene and safety will be respected as the two other directors hold Level 2 Food Hygiene Certificate Catering. All the other staff member have to pass Level 2 Food Hygiene Certificate Catering before a 3 months term after starting working for the company.

Health and safety measures will be implicated to all staff member in order to avoid any hazards. All incidents will be recorded in a book and will be available on demand.

Finally the premise complies with The Disability Discrimination Act 1995.

**d) The prevention of public nuisance**

The licence holder will take the responsibility of the following:

- Reduce the noise: Keep doors closed.
- Rubbish and litter: The Rubbish will be kept at the rear of the premises, away from public access
- Car parking: A car parking is available for any delivery behind the hotel

**e) The protection of children from harm**

To protect the children from harm, the licence holder will train any member of the staff dealing with customer. They will be trained in checking customers' ages by only accepting the correct identifications (Passport; Driving licence; Citizencard). All the person who look under 25 year old will be systematically asked for ID (Challenge 25). All staff members will sign a "Sales of Alcohol Policy" prior starting their employment in order to protect Children from Harm a refusal book will be kept on the premises where staff can record details of everyone who has been refused alcohol.



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 but not agreed by the applicant**

- 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.
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
- Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
- A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

### **Conditions proposed by the Police**

None (at the time of publishing the report)

**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 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
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# Ascott Mayfair London, 49 Hill Street, London, W1J 5NB



Residential / Proposed Residential	169
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

9

Meters

**Premises within 75 metres of: Ascott Mayfair London, 49 Hill Street, London, W1J 5NB**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
19743	The Naval Club	38 Hill Street London W1J 5NS	Monday to Sunday 00:00 - 00:00
19664	The University Women's Club	2 Audley Square London W1K 1DB	Monday to Saturday 11:00 - 23:30 Sunday 12:00 - 15:30 Sunday 19:00 - 23:00
5132	The Ascott Mayfair	First Floor 49 Hill Street London W1J 5NB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00