



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	30 th June 2016
Licensing Ref No:	16/03314/LIPV - Premises Licence Variation
Title of Report:	Starbucks Orion House 5 Upper St Martin's Lane London
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 March 2016		
Applicant:	Starbucks Coffee Company (UK) Ltd		
Premises:	Starbucks		
Premises address:	Orion House 5 Upper St Martin's Lane London WC2H 9EA	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	A coffee shop.		
Variation description:	To permit the supply of alcohol without food for consumption on the premises until 20:00 on any day by waiter/waitress service to consumers seated in the hatched area, as shown on the plans and to extend the terminal hour for the supply of alcohol until 21:30 every day. Adding additional conditions.		
Premises licence history:	Granted a premises licence at Licensing Sub Committee on 3 rd September 2015.		
Applicant submissions:	None		
Preliminary Note	Police and EH initially objected to the application but agreement was reached on 2 conditions listed at appendix 4.		

1-B Current and proposed licensable activities, areas and hours

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On			On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	16:00	21:00	16:00	21:30	See plan	Amended to reflect new hatched area related to new condition.
Tuesday	16:00	21:00	16:00	21:30		
Wednesday	16:00	21:00	16:00	21:30		
Thursday	16:00	21:00	16:00	21:30		
Friday	16:00	21:00	16:00	21:30		
Saturday	16:00	21:00	16:00	21:30		
Sunday	16:00	21:00	16:00	21:30		
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None			None		
	None			None		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	06:30	23:00	No Change		Whole Premises	No change
Tuesday	06:30	23:00				
Wednesday	06:30	23:00				
Thursday	06:30	23:00				
Friday	06:30	23:00				
Saturday	06:30	23:00				
Sunday	07:30	23:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				None	
	None				None	

1-C Layout alteration
Hatched area related to proposed conditions.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
27. Notwithstanding Condition 16, alcohol may be supplied to customers without food provided that; <ul style="list-style-type: none"> a. Such supply shall only be to persons seated and served by waiter/waitress b. Such supply shall cease at 20:00 c. Such supply shall be limited to 20 customers on the ground floor to be seated in the areas hatched black and shown the plan number. 	Amend condition 16.	
28. The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.		
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-B Other Persons			
Name:		Mr Gary Hayes	
Address and/or Residents Association:		59 Sandringham London	
Status:	Valid	In support or opposed:	Opposed
Received:	16 th April 2016		
<p>The result of Orion house having this extra facility has made the noise worse and especially mornings. Drinking in a dedicated coffee bar is an unusual precedent and should be opposed. The compaction of waste and bottle crusher was requested.</p> <p>The reduction of waste collection and pollution are key to Westminster meeting its targets.</p> <p>Contacted after submission.</p> <p><u>Updated 25th May 2016 after email from Mr Rowe - Licensing Services.</u></p> <p>Thank you for your email. The deliveries and collections from Orion House are excessive.</p> <p>If the facility uses a compactor for Orion House and bottle crusher in line with West End stress area policy, I will withdraw my objection.</p> <p><u>Updated 8th June 2016 after further email from Mr Rowe - Licensing Services.</u></p> <p>Many thanks for their response. Having visited the premises I believe we have enough alcohol serving premises in the area and have the following objections supported by the statement of licensing policy:</p> <p>The clients tend to be family groups and students which will encourage youth drinking. It is not a restaurant and therefore the serving of alcohol with food as a side is of secondary value and will encourage vertical drinking leading to abusive behaviour in a cumulative impact area by setting a precedent for other coffee shops 2.4.20.</p> <p>2.4.21 should restrict the sale of alcohol to 8pm and this application fails on this point. I would ask you to consider the trend that this would create with other drinks being ignored and less provision of alternatives to alcohol as a result.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 Applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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. Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 Applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy HRS 2	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
Policy RNT 2	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

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

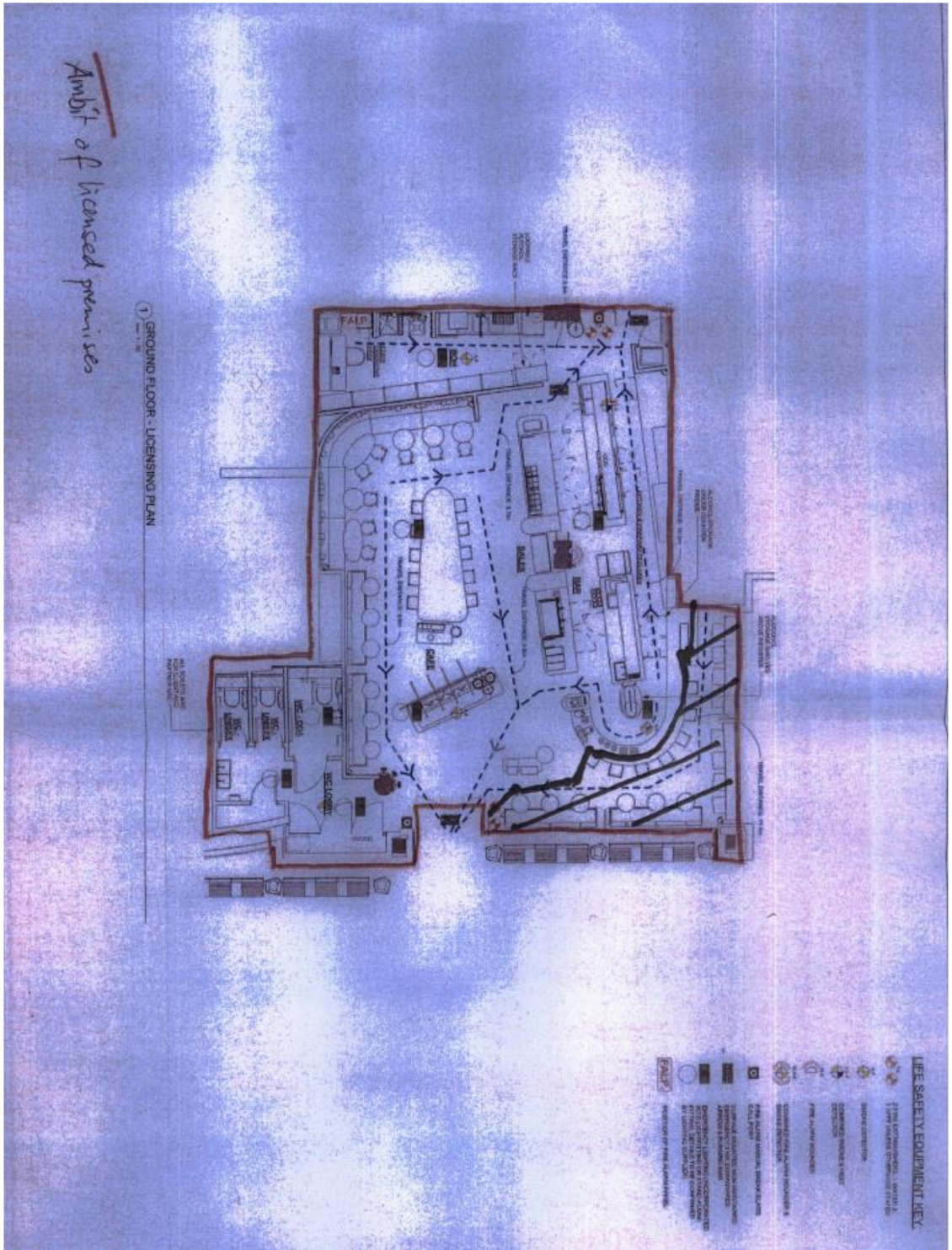
Report author:	David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

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	January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Police withdraw rep	May 2015
5	EH Withdraw rep	May 2015
6	Resident maintains rep	June
7	Emails between Police, EH and Applicant	May 2015

Plans



Applicant Submissions
None

Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
15/05778/LIPN	New Premises	03.09.2015	Granted by LS.C.

There is no appeal history

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

When determining an application for a variation of a 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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: On Current Licence -

Mandatory:

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.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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 ejection of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. seizures of drugs or offensive weapons
 - f. any faults in the CCTV system
 - g. any visit by a relevant authority or emergency service.
15. All bottled beers to be opened and decanted into drinking vessels by members of staff at the point of supply.
16. The premises shall only operate as a cafe:
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) 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,
 - (iv) which do not provide any take away service of alcohol
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) 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.
17. During the period when licensable activities are undertaken, the number of persons permitted at the premises at any one time shall not exceed 60 persons (including staff).
18. Save for in any permitted external area, 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.
19. All outside tables and chairs shall be removed or rendered unusable after 23.00.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:00 hours and 08:00 hours on the following day.
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 hours and 08:00 hours on the following day.

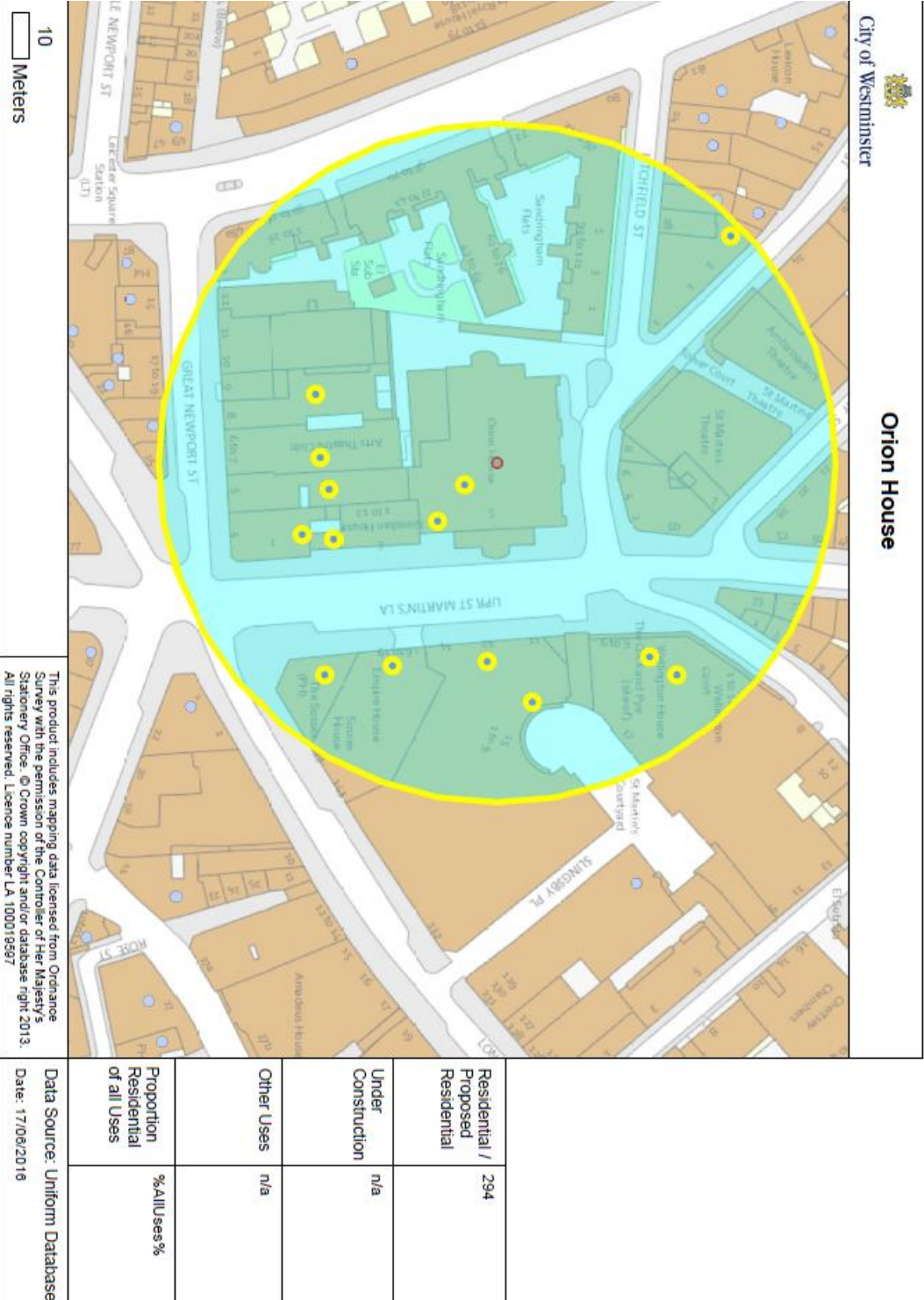
23. No deliveries to the premises shall take place between 21.00 and 08.00 on the following day.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. 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.
26. *The consumption of alcohol on the premises shall cease at 22:00.*

Proposed by applicants

27. *Nowithstanding Condition 16, alcohol may be supplied to customers without food provided that;*
 - A *Such supply shall only be to persons seated and served by waiter/waitress*
 - B *Such supply shall cease at 20:00*
 - C *Such supply shall be limited to 20 customers on the ground floor to be seated in the areas hatched black and shown the plan number.*
28. *The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.*

Proposed by Environmental Health and agreed with the Police and applicant.

27. The supply of alcohol shall be ancillary to the premises operating as a coffee shop.
28. There shall be no self-service of alcohol.



Premises within 75 metres of: Orion House			
Licence number	Name of Premises	Premises Address	Opening Hours
13/07951/LIPDPS	White Space	5 Great Newport Street London WC2H 7JA	Monday to Saturday 09:00 - 00:30 Sunday 10:00 - 23:00
14/10096/LIPT	Subway	2 Upper St Martin's Lane London WC2H 9NY	Monday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00
14/01992/LIPDPS	Salvador & Amanda	8 Great Newport Street London WC2H 7JA	Sunday 09:00 - 01:00 Monday 09:00 - 01:30 Tuesday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30
16/04435/LIPCH	The Sussex	Ground Floor 20 Upper St Martin's Lane London WC2H 9DL	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
14/07209/LIPV	The Arts Theatre	The Arts Theatre 6-7 Great Newport Street London WC2H 7JB	Monday to Sunday 09:00 - 00:00
16/02007/LIPVM	The Ivy	1 - 7 West Street London WC2H 9NG	Sunday 08:00 - 01:00 Monday to Saturday 08:00 - 01:30
15/05778/LIPN	Starbucks	Orion House 5 Upper St Martin's Lane London WC2H 9EA	Monday to Saturday 06:30 - 23:00 Sunday 07:30 - 23:00
16/01122/LIPDPS	Jamie's Italian	Basement And Ground Floor 11 Upper St Martin's Lane London WC2H 9FB	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00
15/09004/LIPVM	Dishoom	12 Upper St Martin's Lane London WC2H 9FB	Friday to Saturday 08:00 - 00:00 Sunday to Thursday 08:00 - 23:30
15/06995/LIPD	The Convenience Store	Ground Floor 8 Upper St Martin's Lane London WC2H 9DL	Monday to Sunday 00:00 - 00:00
10/04237/LIPCH	Cantina Laredo	10 Upper St Martin's Lane London WC2H 9FB	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00
16/00630/LIPDPS	Scarlet's	1 Upper St Martin's Lane London WC2H 9NY	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
15/06983/LIPDPS	Tredwell's	4A Upper St Martin's Lane London WC2H 9NY	Sunday 08:00 - 00:30 Sundays before Bank Holidays 08:00 - 00:30 Monday to Saturday 08:00 - 02:00
15/10718/LIPVM	Stringfellows	16-19 Upper St Martin's Lane London WC2H 9EF	Sunday 09:00 - 23:00 Monday to Saturday 10:00 - 06:00