

Licensing Sub-Committee Report

Item No:	
Date:	7 September 2017
Licensing Ref No:	17/06994/LIPN - New Premises Licence
Title of Report:	Basement And Ground Floor 19 New Quebec Street London W1H 7RY
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 June 2017		
Applicant:	Nic Rascle Ltd		
Premises:			
Premises address:	Basement And Ground Floor 19 New Quebec Street London W1H 7RY	Ward:	Bryanston and Dorset Square
		Cumulative Impact Area:	None
Premises description:	According to the application the premises will operate as a fishmonger.		
Premises licence history:	This is an application for a new premises licence and no history exists for the premises.		
Applicant submissions:	None submitted		
Plans	Plans of the premises are available upon request from the Licensing Authority and will be available at the Licensing Sub-Committee.		

1-B Proposed licensable activities and hours							
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	09:30
End:		23:00	23:00	23:00	23:00	23:00	22;30
Seasonal variations/ Non-standard timings:		None applied for.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:		09:30	09:30	09:30	09:30	09:30	09:30
End:		23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None applied for.					
Adult Entertainment:		Not applicable.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team (withdrawn)
Representative:	Mr Ian Watson
Received:	19 th July 2017
<p>The applicant has submitted floor plans of the Ground and Basement floors.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none">1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Tuesday to Sunday between 09.30 to 23.00 hours. <p>I wish to make the following representation</p> <ol style="list-style-type: none">1. 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 within the area. <p>The applicant has provided additional information with the application which is being considered but does not fully address the concerns of Environmental Health.</p> <p>Further comments:</p> <p>Proposed conditions.</p> <ul style="list-style-type: none">• The number of persons permitted in the Basement of the premises at any one time (excluding staff) shall not exceed 30 persons.• The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.• 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.• No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.	

- 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.
- 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.
- No deliveries to the premises shall take place between 22.00 hours and 08.00 hours on the following day.
- No licensable activities shall take place in the basement of the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Following the agreement of conditions, Environmental Health have withdrawn their representations.

Responsible Authority:	Metropolitan Police Service (Withdrawn)
Representative:	PC Toby Janes
Received:	21 st July 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder.

The conditions offered within the application do address some of our concerns. However we have concerns that this application may cause further policing problems in an already demanding area.

Further Comments:

As discussed Police propose the following conditions as I believe they will address our concerns in relation to crime and disorder.

1. 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 entire 31 day period.

2. 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.

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. All outside tables and chairs shall be rendered unusable by 2300 each day.

5. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a fish monger.

6. 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.

7. A Challenge 21 or 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.

8. The supply of alcohol at the premises shall only be to a person seated

9. 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. It must be completed within 24 hours of the incident and 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 faults in the CCTV system, searching equipment or scanning equipment (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.

As discussed on the phone I am happy to replace conditions 8 which reads : 'The supply of alcohol at the premises shall only be to a person seated' with 'The supply of alcohol at the premises shall only be ancillary to food'.

Police also request that you reduce the hours for the supply of alcohol to align with core hours as set out in Westminster Policy. So the supply of alcohol would start at 10:00 instead of your proposed 09:30 Monday to Saturday. On Sunday the hours should be amended to 10:00 – 22:30.

Following the agreement of conditions, the MET have withdrawn their representation.

2-B Other Persons

Received:	1 st July 2017
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SINCE I MOVED INTO THIS STREETY 7 YEARS AGO THE QUALITY OF LIFE HAS GONE DOWN EVERY YEAR WE HAVE HAD CONSTANT SCAFFOLDING AND BUILDING WORK WE NOW HAVE 7 RESTURANT/CAFES THE RUBBISH IS EVERY WHERE AND THE NOISE IS A DISGRACE ...NOW YOUR ALLOWING ANOTHER RESTURANT WHERE WE HAD A LIGHTING SHOPAT SOME STAGE THIS HAS TO STOP I HAD TERRIBLE TROUBLE WITH THE PLACE NEXT DOOR WHEN IT WAS A SHISHA BAR THE NOISE WAS UNBEAVABLEI STRONGLY OBJECT TO GIVING THESE PEOPLE A LICENSE I GET ENOUGH NOISE FROM PATRONS AT THE GRAZING GOAT.

3. Policy & Guidance

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 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.
Policy PB1 applies:	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. 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:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@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 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	23 rd June 2017
5	Representation – Environmental Health	19 th July 2017
6	Representation – Met Police	21 st July 2017
7	Representation – Resident	1 st July 2017

Applicant Supporting Documents

None submitted.

Premises History

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 consistent with the operating schedule

9. CCTV 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 days.
10. Staff shall be able to operate CCTV and provide a Police or authorised council officer copies of recent CCTV images or data.
11. Incident log will be kept at the premises recording incident of disorder, crime, complaint, refusal of sale of alcohol, and visit by emergency and relevant authority.
12. A Challenge 21 proof of age scheme shall be operated
13. 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.
14. Carry out risk assessment tailored for proposed premises operations.
15. Regular electrical checks will be carried out
16. Appropriate first aid equipment and materials available on the premises
17. Provision of training in evacuation procedures while premises is in use
18. Notices will be used in the area of smoking requesting patrons to respect local residents and keep the noise down.
19. Measures to be taken to ensure no disturbance to residents in the area.
20. Measures to prevent fish smell from causing a nuisance to residents.
21. Keep the public area clear of rubbish and boxes.
22. No commercial deliveries and/or collections including refuse and recyclable food waste, shall take place between 23:00 and 08:00 hours
23. A Challenge 21 proof of age scheme shall be operated
24. Train staff to ensure compliance with the law in relation of adults buying alcohol for children.
25. Alcoholic beverages will be kept in designated areas such as behind the counter fridge where children and clients have no access

26. Supply of alcohol will be made or authorised by a person who holds a personal licence.

Conditions proposed by the Environmental Health

27. The number of persons permitted in the Basement of the premises at any one time (excluding staff) shall not exceed 30 persons.
28. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.
29. 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.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. 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.
32. 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.
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

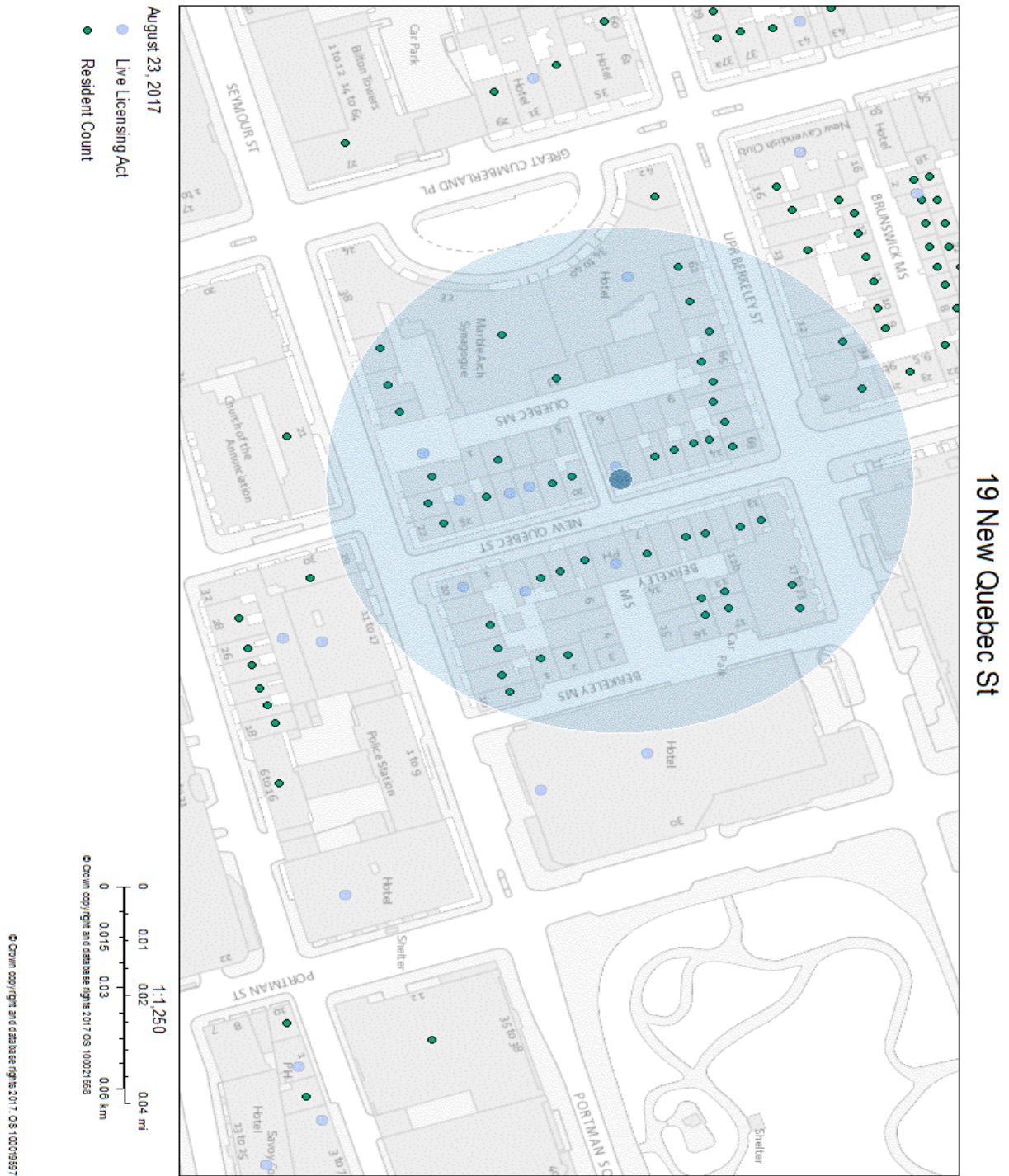
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.
40. No deliveries to the premises shall take place between 22.00 hours and 08.00 hours on the following day.
41. No licensable activities shall take place in the basement of the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Conditions proposed by the Police

42. 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 entire 31 day period.
43. 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.
44. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
45. All outside tables and chairs shall be rendered unusable by 2300 each day.
46. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a fish monger.
47. 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.
48. A Challenge 21 or 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.
49. The supply of alcohol at the premises shall only be ancillary to food
50. 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. It must be completed within 24 hours of the incident and 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 faults in the CCTV system, searching equipment or scanning equipment (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.

Residential Map and List of Premises in the Vicinity



Resident Count: 193