

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 8 February 2018 |
| Licensing Ref No: | 17/13639/LIPN - New Premises Licence |
| Title of Report: | Wework Lower ground to seventh floor 119 Marylebone Road London NW1 5PU |
| 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 Daisy Gadd Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|-----------------------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 17 November 2017 | | |
| Applicant: | 119 Marylebone Road Tenant Limited | | |
| Premises: | Wework | | |
| Premises address: | Lower ground to seventh floor 119 Marylebone Road London NW1 5PU | Ward: | Bryanston And Dorset Square |
| | | Cumulative Impact Area: | None |
| Premises description: | According to the application, the premises will operate as an office space with provision for refreshment facilities to designated office users and their bona fide guests. | | |
| Premises licence history: | This is a new premises licence and therefore no history exists. | | |
| Applicant submissions: | None | | |
| Plans: | Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | On |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 12:00 | 12:00 | 12:00 | 12:00 | 12:00 | 12:00 | 12:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |

| Opening hours of the premises | | | | | | | |
|---|------------|--|------------|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| End: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| Important information: | | These premises are not open to the public. | | | | | |
| Seasonal variations/ Non-standard timings: | | None | | | | | |
| Adult Entertainment: | | None | | | | | |

2. Representations

| 2-A Responsible Authorities | |
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| Responsible Authority: | Metropolitan Police Service (withdrawn) |
| Representative: | PC Sandy Russell |
| Received: | 30 November 2017 |
| <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. Although the venue is situated outside of Westminster's Cumulative Impact Area; it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>Below are the propose police conditions, please consider them and let me know as soon as possible if your client would be willing to agree to them. Your client's agreement may enable us to withdraw our representation.</p> <ol style="list-style-type: none">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. Outside of the hours authorised for the sale of alcohol the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol.4. 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.5. 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:<ol style="list-style-type: none">(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, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

6. The supply of alcohol shall only be to the WeWork group of companies and their employees or their bona fide guests.
7. The licensable activities provided at the premises shall be ancillary to the main function of the premises as offices
8. 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.
9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
10. SIA accredited staff will be provided when the premises are authorised to sell alcohol.

I look forward to hearing from you.

Following the agreement of the above mentioned conditions, except condition 3 which has been removed by the Metropolitan Police Service, this representation has been withdrawn.

2-B Other Persons

Received: 25 November 2017

The location of these premises applying for a license is adjacent to a quite residential street and therefore a totally inappropriate place to site a drinking establishment open until very late at night.

There is no shortage of nearby public houses, an hotel opposite, plus the late night bar in Marylebone station, the popular Globe public house by Baker Street station etc so the public is well served with places to drink.

I live in a house metres from this address as do other families with small children. I do not want the disruption associated with late night departures, taxis being hailed, raised voices, people spilling out onto the pavements etc.

The building was used as offices and should continue to be so in the future. The application to provide a drinking establishment is doubtless driven by the newly refurbish London Business School and is a blatant opportunistic venture to make money at expense of the local residents and I urge you to reject this application.

3. Policy & Guidance

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| 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 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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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| Appendix 1 | Applicant supporting documents |
| Appendix 2 | Premises history |
| Appendix 3 | Proposed conditions |
| Appendix 4 | Residential map and list of premises in the vicinity |

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| Report author: | Miss Daisy Gadd |
| Contact: | Telephone: 020 7641 2737 Email: dgadd@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

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|----------|---|------------------------------|
| 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 | April 2017 |
| 4 | Representation Metropolitan Police Service | 30 November 2017 |
| 5 | Representation resident | 25 November 2017 |

Applicant Supporting Documents

Appendix 1

None submitted

Premises History

Appendix 2

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. Outside of the hours authorised for the sale of alcohol and whilst the premises are open, the licence holder shall ensure that all alcohol within the premises which is dispensed by the licence holder is secured so as to prevent access to alcohol by both members and staff.
- 10. SIA staff are provided to patrol all areas of the premises and to ensure good order is maintained at all times in the working environment.

Conditions proposed by the Police and agreed with the applicant and so as to be incorporated within the operating schedule

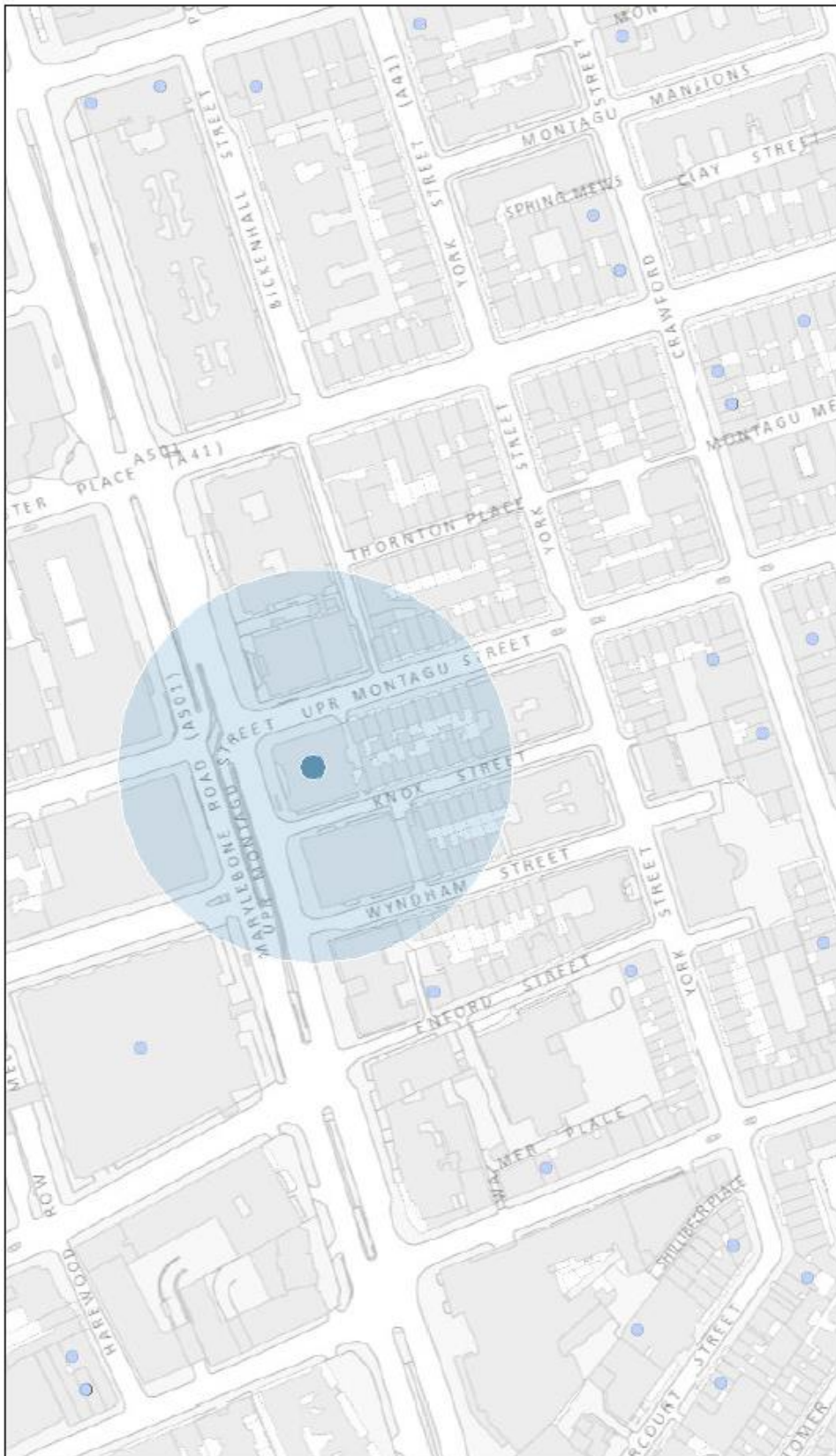
- 11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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 entire 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. 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.

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. 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 incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. The supply of alcohol shall only be to the WeWork group of companies and their employees or their bona fide guests.
16. The licensable activities provided at the premises shall be ancillary to the main function of the premises as offices.
17. 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.
18. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
19. SIA accredited staff will be provided when the premises are authorised to sell alcohol.

Conditions proposed by the Environmental Health and agreed with the applicant and so as to be incorporated within the operating schedule

20. No licensable activities shall take place at the premises until the premises has 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.

WeWork 119 Marylebone Road



January 30, 2018
● Live Licensing Act

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Resident count = 134