

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 15 March 2018 |
| Licensing Ref No: | 18/00645/LIPN - New Premises Licence |
| Title of Report: | The Lansdowne Club 9 Fitzmaurice Place London W1J 5JD |
| 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 Nick Nelson Senior Licensing Officer |
| Contact details | Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|----------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 19 January 2018 | | |
| Applicant: | Fitzmaurice House Limited | | |
| Premises: | The Lansdowne Club | | |
| Premises address: | 9 Fitzmaurice Place London W1J 5JD | Ward: | West End |
| | | Cumulative Impact Area: | None |
| Premises description: | A private members' club established in 1935 permitting licensable activities from 07:00 – 01:00. | | |
| Premises licence history: | The premises has held a Club Premises Certificate since 2005. | | |
| Applicant submissions: | <p>According to the application, The Lansdowne Club is a private members' club established in 1935. The proposal is to continue to operate as a members' club, with the same hours and activities and as currently permitted, but under a premises licence so as to permit private functions for non-members to take place at the premises.</p> <p>The advice follows and is consistent with pre-application advice from Westminster City Council's Environmental Health Consultation Team (ref: 17/14433/PREAPM).</p> <p>The appended plans are those currently attached to the Club Premises Certificate and have been confirmed as acceptable for the purposes of this application by the Environmental Health Consultation Team.</p> <p>The applicant has proposed 14 conditions (please refer to Appendix 4) in order to promote the licensing objectives.</p> | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|--|------------|----------------------------------|------------|------------|------------|
| Performance of plays: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | <p>All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.</p> <p>From the end of permitted hours on New Year's Eve until</p> | | | | | |

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| | the start of permitted hours on New Year's Day. |
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|---|------------|-------------|---|----------------------------------|------------|------------|------------|
| Exhibition of films: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | | All licensable activities to be permitted 24 hours a day for residents and their bona fide guests. | | | | |
| | | | From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. | | | | |

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|---|------------|-------------|---|----------------------------------|------------|------------|------------|
| Indoor Sporting Events: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | | All licensable activities to be permitted 24 hours a day for residents and their bona fide guests. | | | | |
| | | | From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. | | | | |

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|---|------------|-------------|---|----------------------------------|------------|------------|------------|
| Live Music: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | | All licensable activities to be permitted 24 hours a day for residents and their bona fide guests. | | | | |
| | | | From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. | | | | |

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|---|------------|-------------|---|----------------------------------|------------|------------|------------|
| Recorded Music: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | | All licensable activities to be permitted 24 hours a day for residents and their bona fide guests. | | | | |
| | | | From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. | | | | |

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|---|------------|---|------------|----------------------------------|------------|------------|------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | All licensable activities to be permitted 24 hours a day for residents and their bona fide guests. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. | | | | | |

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|---|------------|---|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | All licensable activities to be permitted 24 hours a day for residents and their bona fide guests. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. | | | | | |

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|---|------------|---|------------|-------------|------------|------------|------------|
| Hours premises are open to the public | | | | | | | |
| 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 |
| Seasonal variations/ Non-standard timings: | | Premises may remain open 24 hours a day for residents and their bona fide guests. | | | | | |
| Adult Entertainment: | | None. | | | | | |

2. Representations

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| 2-A Responsible Authorities | |
| Responsible Authority: | Environmental Health |
| Representative: | Mr Dave Nevitt |
| Received: | 16 February 2018 |
| Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety. | |
| Responsible Authority: | Metropolitan Police |
| Representative: | PC Caroline Cockshull |

Received: 14 February 2018

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

It is our belief that if granted the application would undermine the Licensing Objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

We would like the following additional conditions attached to the Licence:

1. Patrons permitted to temporarily leave & re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
2. The provision of alcohol is to be ancillary to food between 0700hrs & 1000hrs.
3. A legible list of members & their guests who have attended will be kept at reception for 31 days & shall be available by inspection by any of the relevant authorities. No person shall be admitted to membership of the premises without an interval of at least 48 hours between nomination or application for membership & admission. Members shall be able to identify their bona fide guests by name at all times.
4. The provision of SIA registered door supervisors for private pre booked events shall be subject to a written risk assessment, which shall be available for inspection by any of the relevant authorities upon request.

If the above conditions are agreed to then the Metropolitan Police will withdraw their objection.

3. Policy & Guidance

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

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| Policy HRS1 applies | (i) Applications for hours within the core hours 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 will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified. |
| 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. |
| Policy MD1 applies | It is the Licensing Authority's policy that applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1. |

4. Appendices

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| Appendix 1 | Premises plans – available at Licensing Sub-Committee |
| Appendix 2 | Applicant supporting documents - None |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

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| Report author: | Mr Nick Nelson Senior Licensing Officer |
| Contact: | Telephone: 020 7641 3431 Email: nnelson@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 | Application form | 19 January 2018 |
| 5 | Representation – Police | 14 February 2018 |
| 6 | Representation – Environmental Health | 16 February 2018 |

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--|--|------------------------|------------------------------------|
| 05/07041/LICCV Club premises certificate conversion & variation application | To convert the licence under the Licensing Act 2003 | 27.09.2005 | Granted by Licensing Sub-Committee |
| 13/06709/LICV Club premises certificate variation application | To vary the Club Premises Certificate to extend the area for licensable activities | 25.10.2013 | Granted under delegated authority |
| 18/00645/LIPN New premises licence application | Current application | | |

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 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. Licensable activities shall only be available to members of the Lansdowne Club, their bona fide guests or those attending a pre-booked private function.

10. 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.
11. 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.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. All windows and external doors shall be kept closed after or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. 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.
18. 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.
19. A Challenge 21 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.
20. 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.

21. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
22. No licensable activities shall take place at the premises until the club premises certificate licence has been surrendered and is incapable of resurrection.

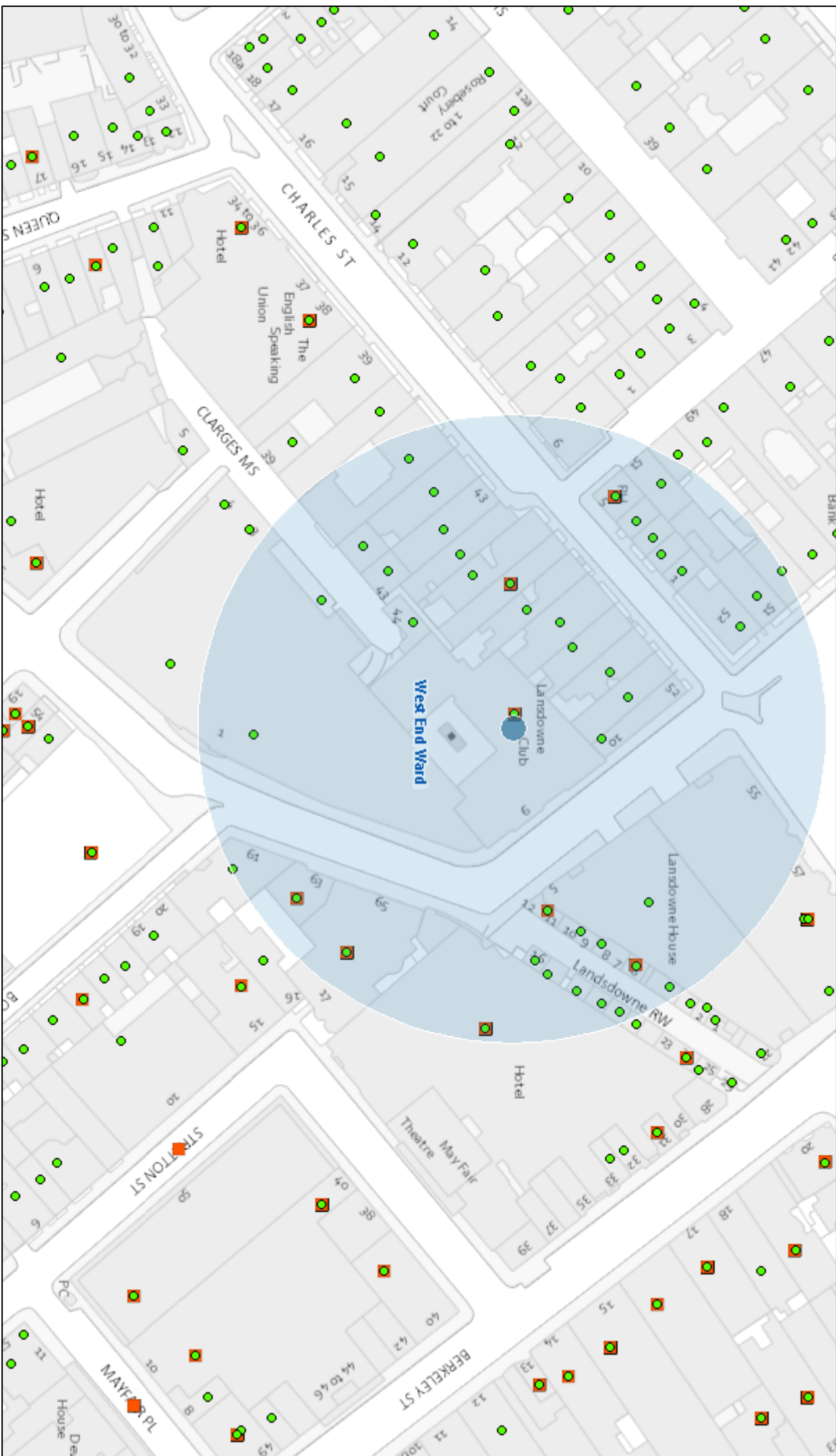
Conditions proposed by the Environmental Health

None.

Conditions proposed by the Police

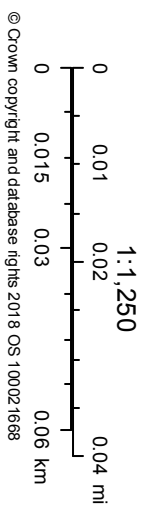
23. Patrons permitted to temporarily leave & re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. The provision of alcohol is to be ancillary to food between 0700hrs & 1000hrs.
25. A legible list of members & their guests who have attended will be kept at reception for 31 days & shall be available by inspection by any of the relevant authorities. No person shall be admitted to membership of the premises without an interval of at least 48 hours between nomination or application for membership & admission. Members shall be able to identify their bona fide guests by name at all times.
26. The provision of SIA registered door supervisors for private pre booked events shall be subject to a written risk assessment, which shall be available for inspection by any of the relevant authorities upon request.

The Lansdowne Club



March 7, 2018

- Detailed Boundary
- Property Mailing List
- Ward Boundaries
- Ward Labels



1:1,250

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| Distance | Licence Number | Trading Name | Address |
|----------|-----------------|---|---|
| 3.41291 | 13/06709/LICV | The Lansdowne Club | Ground Floor 9 Fitzmaurice Place London W1J 5JD |
| 34.40722 | 17/00408/LIPDPS | Mark's Club | Basement To Fifth Floor 46 Charles Street London W1J 5EJ |
| 44.38228 | 13/10147/LIPN | Enoteca Guildhall | Basement And Ground Floor 11- 12 Lansdowne Row London W1J 6DY |
| 60.49359 | 16/04858/LIPDPS | Footman | Running Footman 5 Charles Street London W1J 5DF |
| 66.70337 | 16/06257/LIPV | Radisson Edwardian The Mayfair Hotel | 17 Stratton Street London W1J 8LT |
| 71.91312 | 17/04255/LIPVM | Palm Beach Casino | 30 Berkeley Street London W1J 8EH |