

Licensing Sub-Committee Report

Item No:	
Date:	16 March 2018
Licensing Ref No:	18/01050/LIPN - New Premises Licence
Title of Report:	147 Ebury Street London SW1W 9QN
Report of:	Director of Public Protection and Licensing
Wards involved:	Churchill
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	31 January 2018		
Applicant:	London Grace Ltd		
Premises:	147 Ebury Street		
Premises address:	147 Ebury Street London SW1W 9QN	Ward:	Churchill
		Cumulative Impact Area:	No
Premises description:	According to the application the premises consists of a basement and ground floor. The premises will operate as a nail bar/salon.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	<p>The applicant already operates 5 other similar premises in Putney, Clapham, Canary Wharf, Camden Passage and Leicester Square and has a licence for premises at 7 Seymour Place W1H 5BA for premises that are not yet open. The applicant proposes to operate both the ground floor and the basement of the premises as an up-market Nail Bar/Salon but seeks a Premises Licence to permit the sale of alcohol (wines, sparkling wines, cocktails and spirits with mixers) to customers. (Light meals such as afternoon teas along with tea, coffee and juices will also be available).</p> <p>The application does not include any form of regulated entertainment nor does it include late night refreshment.</p> <p>Customers are almost exclusively ladies and the premises will cater for both individuals and group bookings.</p>		
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 sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	21:30	21:30	21:30	22:30	22:30	20:30	16:30
Seasonal variations/ Non-standard timings:			Christmas Eve and New Year's Eve 09:00 until 23:00 hours. Christmas Day and New Year's Day – closed.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	22:00	22:00	22:00	23:00	23:00	23:00	17:00
Seasonal variations/ Non-standard timings:			Christmas Eve and New Year's Eve 09:00 until 23:00 hours. Christmas Day and New Year's Day – closed.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team (Withdrawn)
Representative:	Mr Maxwell Koduah
Received:	22 February 2018

I make a representation to above application on grounds of Public Nuisance & Public Safety as there is insufficient undertakings/conditions within the operating schedule to uphold the Licencing objectives.

Attached is proposed conditions, in addition to those contained within the operating schedule, that address the concerns of Environmental Health. I am minded to withdraw my representation if my proposed conditions are accepted.

Please feel free to contact me if you wish to discuss the proposed conditions further.

Further correspondence from Environmental Health to the Applicant:

Thank you for the detailed response. Attached is an amended EH conditions. These are in response to your comments and as far as possible, eliminates duplications.

In the main:

Conditions 1, 2, 3, 4, 6, 7, 8 & 13 have been dropped as similar or stricter versions have already been offered within the operating schedule. **The proposed conditions can be found in Annex 3 of the report.**

Since you have already agreed to the remainder of my conditions, please be advised that Environmental Health representation is withdrawn.

Following the correspondence (and the agreement of proposed conditions) between the Applicant and Environmental Health, EH have withdrawn their representation.

Responsible Authority:	Metropolitan Police Service (Withdrawn)
Representative:	PC Caroline Cockshull
Received:	27 February 2018

With reference to the above, 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.

I will be in touch shortly to discuss this application in more detail.

Further correspondence from the Police to the Applicant:

Dear Mr Day

Following on from my earlier email, I have listed below the conditions the Metropolitan Police would want to see on the Licence. In some cases you have already proposed similar conditions and where this is the case I have re-worded them in line with the Model Conditions. **The agreed conditions can be found in Annex 3 of the report.**

If these conditions are accepted, then the Metropolitan Police will withdraw their objection. If you have any queries, please do not hesitate to contact me.

Further correspondence from the Police to the Applicant:

Thank you for your email & agreement to the requested conditions.

I can confirm that we are happy for the changes in wording to both the Challenge 21 & CCTV conditions as detailed below and therefore the Metropolitan Police withdraw their objection.

Following the correspondence (and the agreement of proposed conditions) between the Applicant and the Police, the Police have withdrawn their representation.

2-B Other Persons	
Received:	07 February 2018
<p>We write to formally object to this application, as we are already disturbed and have to face with non social behaviour outside our property on a daily basis because of the pub and the bar a few doors away from us. Granting the permission to serve alcohol in these premises will only make things worse. At the moment, drunk people are throwing garbage at our door, urinating at our doorstep, parking their vehicles in front of our property (blocking access to my off street parking), and most of all screaming out loud in the street.</p> <p>We would be grateful if you could take this objection into consideration.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(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.</p> <p>(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.</p>

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

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

Report author:	Miss Shannon Pring Senior Licensing Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@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	09 th February 2018
5	Environmental Health Consultation Team (Withdrawn)	22 nd February 2018
6	Metropolitan Police Service (Withdrawn)	22 nd February 2018
7	Representation	07 February 2018

There are no additional documents provided by the Applicant.

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.

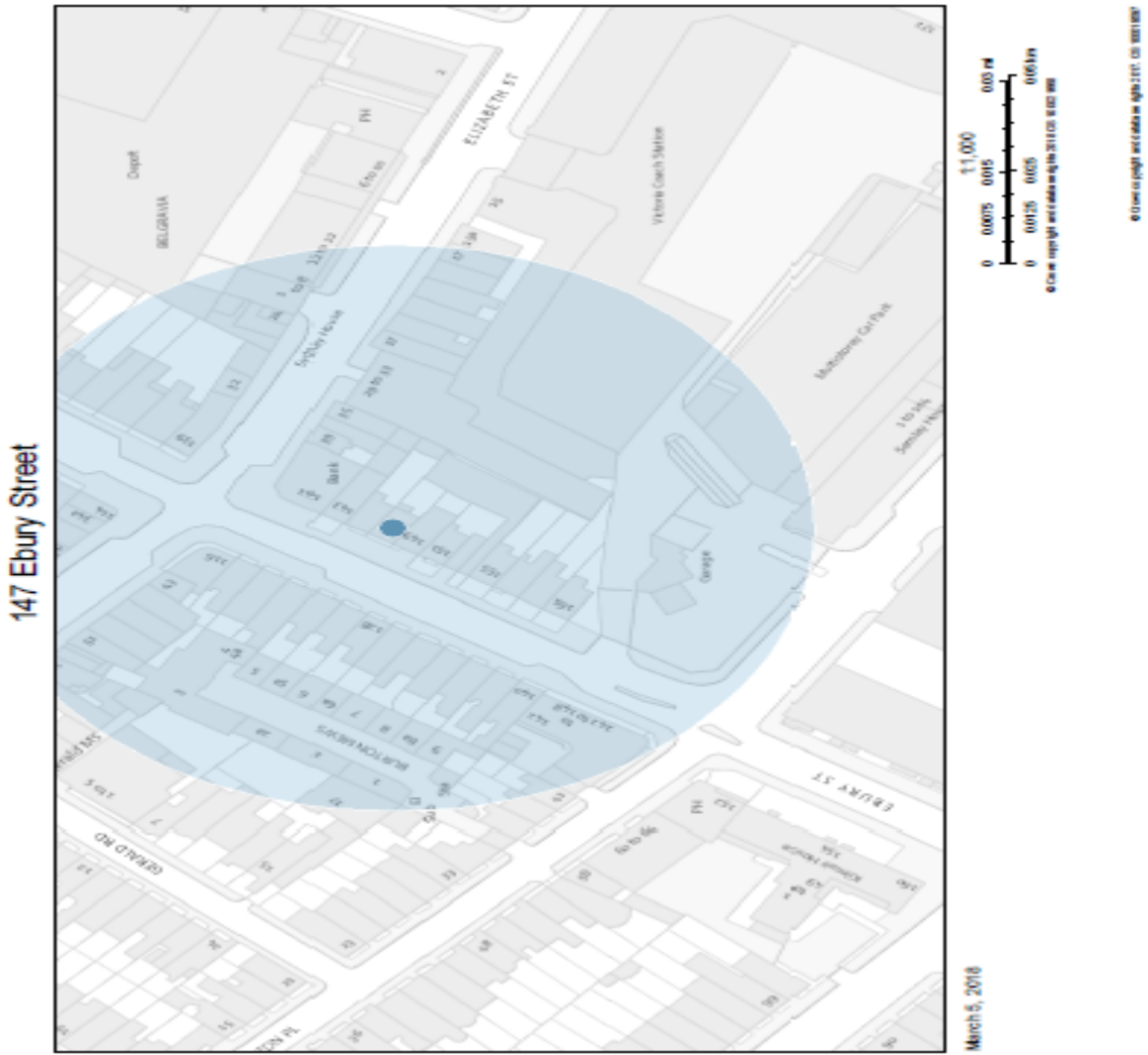
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price 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 and agreed by the Applicant, the Police and Environmental Health

9. No beers or ciders shall be stocked, sold or supplied.
10. Alcohol shall only be sold or supplied to customers who are receiving nail or other cosmetic beauty treatments and to no more than one other person accompanying each such customer.
11. The capacity of the premises shall be restricted to a maximum of 40 customers.
12. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
13. The premises will operate a Challenge 25 policy whereby any person who appears to be under the age of 25 will be required to produce a photographic proof of age in one or other of the forms specified by the mandatory conditions, before being sold or supplied with alcohol. Notices advertising the policy shall be displayed at the entrance to the premises and at the servery.
14. All staff involved in the sale or supply of alcohol shall receive training regarding the law relating to the sale of alcohol to children and persons who are drunk, before they commence their duties. Refresher training shall take place at least once every 12 months. A written record of staff training shall be kept on the premises and made available for inspection by police and other authorised officers on request.
15. A digital CCTV system shall be installed, operated and maintained at all times that the premises is open for licensable activities and during all times when customers remain on the premises, so as to comply with the minimum requirements of the Westminster Police Licensing Team and in any event the following criteria:
 - a) The recording equipment will be stored in a secure area with access restricted to authorised staff;
 - b) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) with the absolute minimum of delay and in any event, within 24 hours of any request;
 - c) One camera will show a close-up of the entrance to and fire escape from the premises, to capture a clear, full length image of anyone entering, sufficient to enable frontal identification of every person entering in any light condition;
 - d) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;
 - e) The system will provide full coverage of the interior of the premises (other than lavatories) accessible to the public and the immediate outside area;
 - f) The system shall continually record in real time and recordings will be date and time stamped;
 - g) At all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage immediately on request and to supply a copy of footage to Police to assist with the immediate investigation of an offence (subject to the Data Protection Act 1998).
16. Any instance of crime and disorder shall be reported to the police.
17. Customers shall not be permitted to bring their own alcoholic drinks into the premises.

18. 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.
19. A direct telephone number for the manager or supervisor at the premises shall be publicly available at all times the premises is open.
20. No waste and recyclable materials (including bottles) shall be moved, removed from or placed in outside areas between 23:00 and 08:00 on the following day.
21. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours the following day.
22. Patrons leaving the premises temporarily (e.g. to smoke) shall not be permitted to take drinks or glasses with them.
23. 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.
24. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Nail and other Cosmetic Beauty Treatments, and to no more than one other person accompanying each such patron.
25. There shall be no self-service of alcohol.
26. 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.
27. 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
28. 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
29. 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 Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

30. 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.
31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 08:00 on the following day.
32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
33. The supply of alcohol in the basement shall be to no more than fifteen persons at one any one time.
34. The supply of alcohol at the premises shall be to seated persons.
35. No licensable activities shall take place at 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.



Resident count: 111

DISTANCE	OBJECTID	Licence Number	Trading Name	Address	Premises Type	Time Period
13.5654078	65450	14/06821/LIPT	Il Convivio	143 Ebury Street London SW1W 9QN	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
36.55285905	32050	15/07341/LIPDPS	Peggy Porschen Cakes	Basement And Ground Floor 116 Ebury Street London SW1W 9QH	Cafe	Monday to Sunday; 08:00 - 21:00
44.4129658	64905	07/00598/WCCMAP	Ebury Wine Bar	139 Ebury Street London SW1W 9QU	Wine bar	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 22:30
49.54452728	45772	12/02070/LIPDPS	Shell Victoria	Shell Service Station 163 Ebury Street London SW1W 9QN	Petrol filling station	Monday to Saturday; 07:00 - 23:00 Sunday; 08:00 - 22:00
54.72767322	65348	17/02407/LIPN	Mister Lasagna	23 Elizabeth Street London SW1W 9RP	Cafe within another property	Monday to Saturday; 07:00 - 23:00 Sunday; 07:00 - 22:30

55.80076806	64844	14/06024/LIPDPS	Oliveto Restaurant	49 Elizabeth Street London SW1W 9PP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
56.97173139	6024	09/04704/LIPRW	Tom Tom Coffee House	114 Ebury Street London SW1W 9QD	Shop	Monday to Sunday; 08:00 - 21:00
59.82599202	32777	06/12030/WCCMAP	Friar Inn Fish Restaurant	Ground Floor 21 Elizabeth Street London SW1W 9RP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
72.899842	65344	09/03109/LIPRW	Victoria Grocers	17 Elizabeth Street London SW1W 9RP	Shop	Monday to Sunday; 07:00 - 23:00
72.899842	65347	17/02089/LIPVM	Dominique Ansel Bakery (17-21)	17 Elizabeth Street London SW1W 9RP	Restaurant	Monday to Saturday; 10:00 - 23:00 Sunday; 12:00 - 22:30
74.05445264	48110	15/03484/LIPVM	Belgravia Traders Association	Elizabeth Street London	Miscellaneous	Tuesday to Thursday; 18:00 - 23:00 Saturday to Sunday; 11:00 - 18:00