

Licensing Sub-Committee Report

Item No:	
Date:	30 August 2018
Licensing Ref No:	18/07618/LIPN - New Premises Licence
Title of Report:	Second Floor 1 Heddon Street London W1B 4BD
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:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	20 June 2018		
Applicant:	The Crown Estate Commissioners		
Premises:			
Premises address:	Second Floor 1 Heddon Street London W1B 4BD	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The application form describes the premises as a space for private pre-booked functions and events.		
Premises licence history:	This is an application for a new premises licence and therefore no premises history exists.		
Applicant submissions:	None.		

1-B Proposed licensable activities and hours							
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	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		None.					

Sale by retail of alcohol				On or off sales or both:			On the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	11:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service (<i>withdrawn</i>)
Representative:	Ian Watson
Received:	18 th July 2018
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The premises is located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>The applicant has submitted floor plans of the premises.</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' the premises Monday to Thursday 10.00 to 23.30 hours Friday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. 2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours Friday and Saturday between 23.00 and 00.00 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 within the West End CI Area. 2. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area. <p>The applicant has provided additional information with the application which is being addressed.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p><i>Following the applicant's agreement of the conditions proposed at Annex 4, Environmental Health have withdrawn their representation.</i></p>	
Responsible Authority:	Licensing Authority
Representative:	Daisy Gadd
Received:	20 th July 2018
<p>Further to the Licensing Authority's original representation, I write in relation to the application submitted for a New Premises Licence for Second Floor, 1 Heddon Street, to provide further submissions on behalf of the Licensing Authority.</p> <p>As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p>	

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks to permit the following licensable activities:

Late Night Refreshment

- Monday to Thursday: 23:00 to 23:30
- Friday to Saturday: 23:00 to 00:00

Supply of Alcohol (On)

- Monday to Thursday: 10:00 to 23:30
- Friday to Saturday: 10:00 to 00:00
- Sunday: 12:00 to 22:30

The application is seeking to licence a space for private pre-booked functions and events.

The premises is situated within the West End Cumulative Impact Area and as such a number of policy must be considered, namely CIP1 and PB2.

The applicant has proposed a condition whereby the supply of alcohol at the premises shall only be to a person attending a private pre-booked function or event at the premises. The Licensing Authority requires the following information to fully consider the likely impact on the Licensing Objectives:

- 1) How can these events be booked, and how far in advance do customers need to book for an event? What is the latest time in which an event can be booked?
- 2) Who can attend these events? What is the maximum capacity of an event?
- 3) How will the premises manage the egress of customers after a pre-booked event to mitigate any risk to the licensing objectives?

This application falls within policy PB2, as outlined in the Council's Statement of Licensing Policy 2016. Paragraph 2.5.23 of the policy states that "the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances." It will be for the applicant to demonstrate at the Licensing Sub-Committee any exceptional circumstances that would allow to depart from policy.

Further discussions will be held with the applicant and any further submissions will be forwarded on for Members consideration.

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> <p>For premises for the supply of alcohol for consumption on the premises:</p> <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight</p> <p>Other Sundays: Midday to 22:30</p>
Policy CIP1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

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	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

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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	April 2018
4	Representation – Environmental Health (<i>Withdrawn</i>)	18 th July 2018
5	Representation – Licensing Authority	20 th July 2018

Premises Plans



Applicant Supporting Documents

None.

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

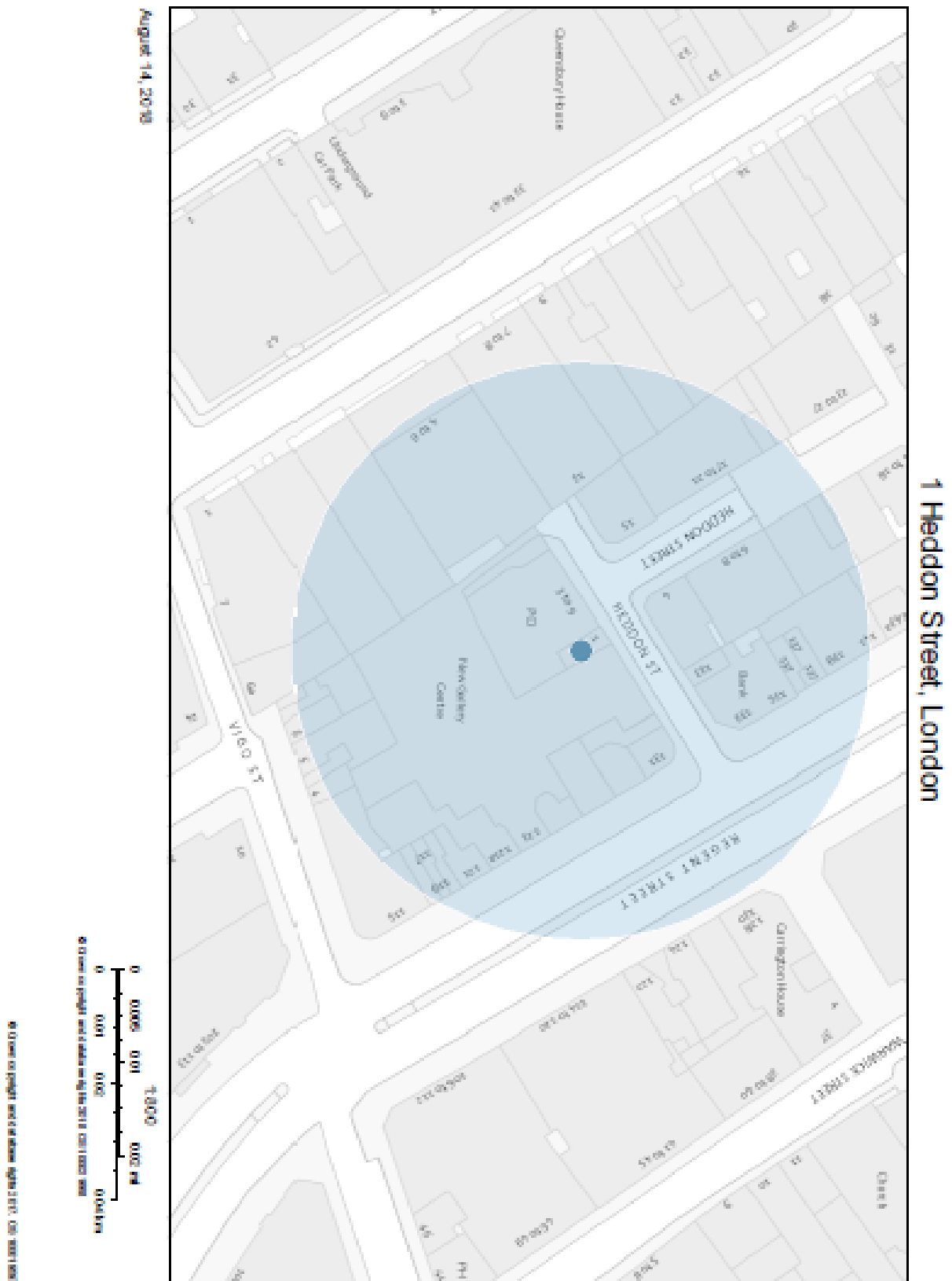
9. The supply of alcohol at the premises shall only be to a person attending a private pre-booked function or event at the premises.

10. Substantial food shall be available at all times that alcohol is supplied at the premises.
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. The premises will ensure health and safety risk assessments are undertaken and all staff shall be trained therein.
14. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
15. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.

Conditions proposed by the Environmental Health and agreed by the applicant to form part of the operating schedule

16. The provision of licensable activities shall at all times be ancillary to the premises being managed by The Crown Estate.
17. The number of persons permitted in the second floor function space at any one time (excluding staff) shall not exceed 60 persons.
18. There shall be no sales of hot food or hot drink off the premises after 23.00 hours.
19. 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.
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.

Residential Map and List of Premises in the Vicinity



Resident count: 0

Premises within 50 metres of: Ground and First Floor, 1 Heddon Street			
Ref	Name of Premises	Premises Address	Licensed Hours
18/00716/LIPDPS	Heddon Street Kitchen	3-9 Heddon Street London W1B 4BE	Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00
18/00260/LIPDPS	Aubaine	4 Heddon Street London W1B 4BS	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30 Sundays before Bank Holidays; 07:00 - 00:00
17/11014/LIPT	Strawberry Moons	15-17 Heddon Street London W1B 4BF	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 03:30
17/02143/LIPN	Strawberry Moon (Shadow)	15-17 Heddon Street London W1B 4BF	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
17/09838/LIPCH	Sakagura	Basement And Ground Floor Sterling House 8 Heddon Street London W1B 4BU	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/03601/LIPDPS	Piccolino	Basement And Ground Floor 19-21 Heddon Street London W1B 4BG	Monday to Wednesday; 10:00 - 00:30 Thursday to Saturday; 10:00 - 01:30 Sunday; 10:00 - 00:00
17/08528/LIPDPS	Not Recorded	10 Heddon Street London W1B 4BY	Monday to Thursday; 07:30 - 00:00 Friday; 07:30 - 01:00 Saturday; 09:00 - 01:00 Sunday; 09:00 - 23:30