



City of Westminster

## Licensing Sub-Committee Report

Item No:

15 July 2021

Licensing Ref No:

21/01846/LIPN - New Premises Licence

Title of Report:

Storey's Gate Cafe  
Storeys Gate Lodge  
Birdcage Walk  
London  
SW1H 9JH

Report of:

Director of Public Protection and Licensing

Wards involved:

St James's

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott  
Senior Licensing Officer

Contact details

Telephone: 07866 019698  
Email: [kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 March 2021		
<b>Applicant:</b>	Ecsi Ltd		
<b>Premises:</b>	Storey's Gate Cafe		
<b>Premises address:</b>	Storeys Gate Lodge Birdcage Walk London SW1H 9JH	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a café.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	20:00	20:00	20:00	20:00	20:00	20:00	20:00
<b>Seasonal variations/ Non-standard timings:</b>	During the winter season our trading hours are reduced, earliest closing time is 16:00. Alcohol sales will cease 30 minutes before the cafe closes.						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>	During the winter season trading hours are reduced to 10:00 to 16:00						
<b>Adult Entertainment:</b>	None						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	22 <sup>nd</sup> March 2021 (Withdrawn 7 <sup>th</sup> April 2021)
<p>Application for a New Premises Licence 21/01846/LIPN Storeys Gate Lodge, Birdcage Walk, London, SW1H 9JH</p> <p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application</p> <p>It is for these reasons that we are objecting to the application.</p> <p><b>Conditions agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 7<sup>th</sup> April 2021. The agreed conditions can be found at Appendix 4.</b></p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	8 <sup>th</sup> April 2021 (Withdrawn 20 <sup>th</sup> April 2021)
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted a floor plan of the premises.</p> <p>This representation is based on the operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"><li>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 20.00 hours and Sunday between 12.00 to 20.00 hours. Seasonal variation hours reduced from 16.00 hours.</li></ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"><li>1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.</li></ol> <p>The applicant has provided additional information with the application which is being addressed. Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p><b>Conditions agreed between the applicant and the Environmental Health Service. As a result, the Environmental Health Service as a responsible authority withdrew their representation on 20<sup>th</sup> April 2021. The agreed conditions can be found at Appendix 4.</b></p>	

**2-B Other Persons**

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]

**Received:** 24<sup>th</sup> March 2021

I have asked members of the [REDACTED], of which I am secretary, for their comments on this application.

While one person was for it, as they said it would be a nice place to have a glass of wine on a summer evening, several were against. These objections were on the grounds of having yet another outlet for alcohol so near a residential area. We already have many pubs around us which do create noise and mess. The location of what will be an outdoor drinking area on Birdcage Walk will create disturbance for those houses on the Old Queen Street and Queen Anne's Gate which back onto the park. Those using the bar will also wend their way home through our streets to access St James Park Underground Station.

In conclusion, we think the cafe works very well as a tea/coffee and lunch spot for those using the park but have reservations about its use as a drinking destination.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]

**Received:** 30<sup>th</sup> March 2021

Dear Team,

We object strongly to this application.

We are residents/owners whose property at [REDACTED] backs on to Birdcage Walk in close proximity to these premises.

We have already been affected by antisocial behaviour into the evening when individuals who are inebriated, often young people, gather in groups, come to the park, are loud and play music at top volume, and who make obscene comments and are aggressive if asked to be quiet.

We have had bottles, and even barricades set out for events, thrown into the street opposite our house on occasions. Such antisocial behaviour can only be exacerbated by adding alcohol sales in or at the edge of the park. It will encourage public disorder.

We and our premises would be less secure from crime as a result of this, as are then residential buildings which are not occupied at night.

There are already many establishments within a radius of a mile so there can be absolutely no need for more licensed premises. There is already a pub and wine bar in Storey's Gate and a pub at the park end of Dartmouth Street. There are pubs in Whitehall and around Victoria. There are also many licensed restaurants. This would definitely be a case of over provision.

Furthermore St James's Park is an area for quiet recreation, relaxation and peaceful enjoyment. This will destroy that.

As well as us, the wildlife which move around the park after dark will no doubt be disturbed.

We request that this application be refused.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"><li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li><li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li><li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li><li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li><li>5. The proposed hours when any music, including incidental music, will be played.</li><li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li><li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li><li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li><li>9. The capacity of the premises.</li><li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li><li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li><li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li><li>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</li><li>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding</li></ol>
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	<p>Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b></p> <p>Monday to Thursday: 9am to 11.30pm.        Friday and Saturday: 9am to 12am.        Sunday: 9am to 10.30pm.        Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<b>Policy RTN1 applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### **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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### **5. Appendices**

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

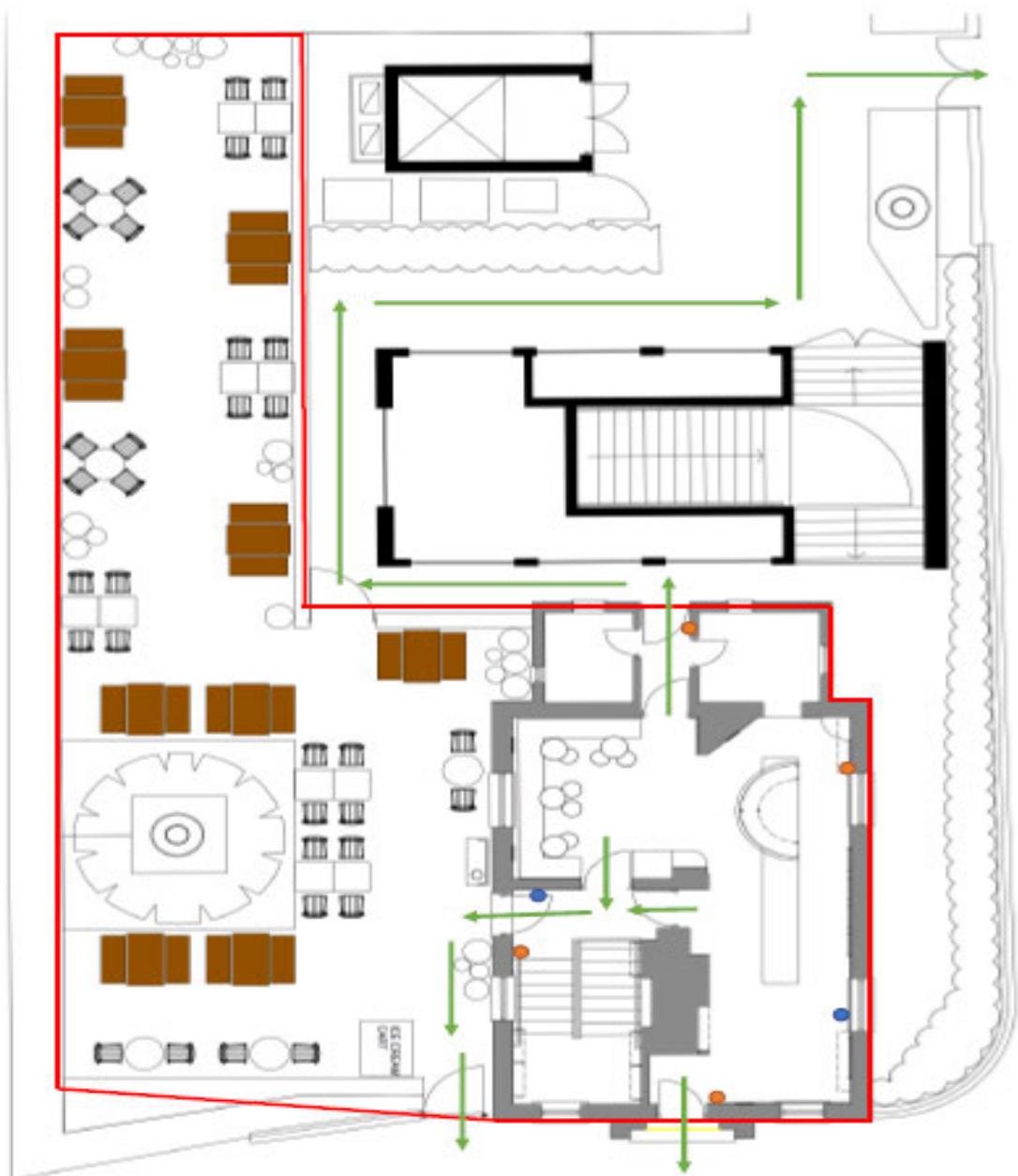
<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

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 <sup>th</sup> January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service ( <u>Withdrawn 7<sup>th</sup> April 2021</u> )	22 <sup>nd</sup> March 2021
5	Environmental Health Service ( <u>Withdrawn 20<sup>th</sup> April 2021</u> )	8 <sup>th</sup> April 2021
6	Representation 1	24 <sup>th</sup> March 2021
7	Representation 2	30 <sup>th</sup> March 2021

Storeys Gate Café – St James Park



Fire  
escape  
route

- Fire extinguisher
- Manual Call Point

**Applicant Supporting Documents**

None

**Appendix 2**

### **Premises History**

### **Appendix 3**

There is no licence or appeal history for the premises.

## **Appendix 4**

### **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. Customers will be allowed to purchase a maximum of 4 alcoholic beverages per person in lidded/sealed containers, no glass.

**Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the operating schedule.**

10. Alcohol consumed outside the kiosk but within the licensed area shall only be consumed by persons seated at tables.

**Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule.**

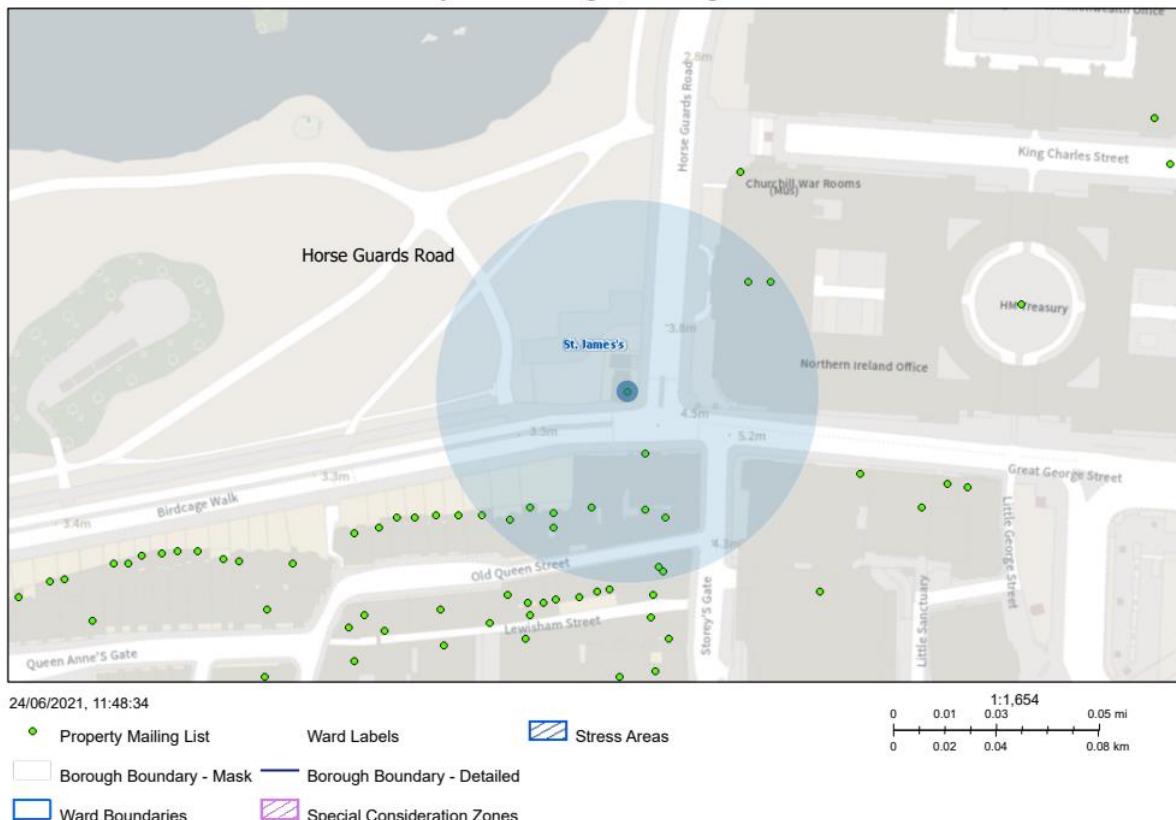
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance(s). 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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
14. No drinks shall be served in glass containers at any time.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
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 super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises,
18. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
19. There shall be no self service of alcohol on the premises,
20. 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.
21. 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.
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
22. Upon the direction of a Police Officer, on the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease trading for that day.
23. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.

## Residential Map and List of Premises in the Vicinity

## Appendix 5

Storeys Gate Lodge, Birdcage Walk



Resident Count = 5

Licensed premises within 75 metres of 47-48 Newman Street				
Licence Number	Trading Name	Address	Premises Type	Time Period
06/05460/WCCMAP	Institution Of Mechanical Engineers	1 Birdcage Walk London SW1H 9JJ	Office	Sunday; 11:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00
20/11698/LIPDPS	H M Treasury	1 Horse Guards Road London SW1A 2HQ	HQs and Institutional Offices	Monday to Sunday; 07:00 - 05:00