

APPENDIX 1

WCC LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 25 March 2021

Membership: Councillor Karen Scarborough (Chairman) Councillor Louise Hyams
and Councillor Maggie Carman

APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 40 EASTBOURNE TERRACE, LONDON W2 6LG [20/11835/LIPN]

SUMMARY

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as Hotel Accommodation with Associated Food and Beverage Facilities. On original submission of the application, the hours applied for Opening hours to the public were Monday to Thursday 06:00 to 00:00, Friday to Saturday 06:00 to 00:30 and Sunday 06:00 to 23:00. However, these have now been amended so that the start time each day commences from 07:00 hours Monday to Sunday. The Committee was disappointed to note that the Applicant had failed to engage properly with residents regarding the application process as there seemed to be too many areas of contention which resulted in a very lengthy hearing.

Applicant

Whitbread Group Plc

Summary Decision

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To Grant Permission for Films (Indoors)

Monday to Thursday: 10:00 to 23:30 hours

Friday to Saturday: 10:00 to 00:00 hours

Sunday: 12:00 to 22:30 hours.

Seasonal Timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day/1st January.

The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

2. To Grant Permission for Late Night Refreshment (Indoors)

Monday to Thursday 23:00 to 23:30 hours

Friday to Saturday 23:00 to 00:00 hours

Sunday Not Applicable

Seasonal Timings: 23:00 New Year's Eve to 05:00 1st January.

3. **To Grant Permission for the Sale by Retail of Alcohol On and Off the Premises**

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

Seasonal Timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day /1st January.

The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

4. **To grant permission for the Hours the Premises are Open to the Public**

Monday to Thursday: 07:00 to 00:00 hours
Friday to Saturday: 07:00 to 00:30 hours
Sunday: 07:00 to 23:00 hours.

The Premises shall remain open 24 hours a day for hotel residents.

From 06:00 New Year's Eve to 00:30 1st January.

5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

7. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
8. Sales of alcohol for consumption 'Off' the premises which are to be taken away from the hotel (i.e., not to be consumed by residents within the hotel) shall only be in sealed containers.
9. Sales of alcohol to non-residents for consumption 'Off' the premises shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.
10. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
11. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures to include safety, evacuation and use of emergency equipment as required.
12. There shall be a zero-tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
13. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
14. The management of the premises will liaise with police on issues of local concern or disorder.

15. The premises shall install and maintain a CCTV system as per the minimum requirements of 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 at 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 proper request of Police or authorised Officers during the preceding 31-day period.
16. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. The staff member must be able to provide a Police or authority Council Officer copies of recent CCTV images or data with the absolute minimum of delay when properly requested.
17. There shall be no striptease or nudity in the public licensed area and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
18. No advertisements of any kind that advertise or promotes the establishment premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.
19. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
20. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times when the premises are open to non-residents.
21. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
22. 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) any faults in the CCTV
 - (f) any visit by a relevant authority or emergency service.
23. The licence holder shall comply with the reasonable requirements of the fire officer from time to time.
24. The premises will have adequate safety and fire-fighting equipment, and such equipment will be maintained in good operational order.

25. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
26. Toughened glasses will be used in the premises where appropriate.
27. Fire Exits and means of escape shall be kept clear and in good operational condition.
28. The certificates listed below shall be made available to an authorised officer upon request;
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system
 - d. Any ceiling inspection
29. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
30. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
31. 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.
32. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
33. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
34. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 07.00 on the following day unless done during the Council's own collection times for the street as shown on the Council's website.
37. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.
38. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. If there are minor changes during the course of construction new plans shall be submitted to the licensing authority when requesting removal of this condition.

39. 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.
40. 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.
41. The layout of the ground floor licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence plan.
42. 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. This condition shall not apply to customers remaining within the demise of an external seating area, provided by the premises.
43. The number of persons permitted in the premises on the ground floor at any one-time (excluding staff) shall not exceed (X) persons (to be determined on clearance of 'works' condition but it shall not be more than 280 persons).
44. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
45. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre-booked function or resident in the hotel.
46. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
47. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
48. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
49. 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.
50. At all times the licence holder shall ensure that smoking by Patrons and staff shall only be permitted by the Eastbourne Terrace frontage and restricted to a designated area between the two entrances along the terrace frontage to be agreed with the Council's Environmental Health Officer.
51. The licence holder shall effectively manage the use of Chilworth Mews being the Mews located behind the premises to ensure that Patrons do not congregate so as to cause a nuisance to the residents of Chilworth Mews.
52. Any doors and windows to the ground floor rear of the premises facing Chilworth Mews shall not be opened or used except in the case of an emergency. Any doors

to the ground floor of the premises facing Chilworth Mews shall only be used for the following purposes:

- (a) Patrons staying overnight at the premises with a valid blue or white badge only using one of the four DDA car parking spaces.
 - (b) Staff Cyclists using one of the 28 day long stay cycle spaces.
 - (c) In the case of an emergency
53. Notwithstanding the above the licence holder shall ensure that a notice is displayed at all times on any doors exiting Chilworth Mews requesting staff to leave quietly and to avoid the use of mobile phones.
54. Taxis collecting and the picking up of Patrons from the premises shall do so from a designated waiting area to be agreed with the Councils Environmental Health Officer which shall exclude Chilworth Mews for the avoidance of doubt.
55. The licence holder shall ensure that Coaches are not permitted to enter the rear of the premises by using Chilworth Mews at any time.
56. There shall be no admittance or new entry to the premises after 23:00 hours.

INFORMATIVE:

The licence holder is strongly encouraged to form and promote a live WhatsApp group with residents and businesses in order to facilitate regular meetings to discuss issues directly affecting them regarding the running and management of the Premises including any issues specifically connected to public nuisance.

If problems are experienced, then an application for a Review of the Premises Licence can be made.

This is the Summary Decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent to all parties as soon as possible. The date for appealing the decision will not start until the full reasoned decision has been sent to the Parties.

**Licensing Sub-Committee
25 March 2021**