



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	27 April 2023
Licensing Ref No:	23/00868/LIPN - New Premises Licence
Title of Report:	Development Site at Former Westcourt House Old Marylebone Road London
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Emanuela Meloyan Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	9 February 2023		
Applicant:	Whitbread Group Plc		
Premises address:	Development Site At Former Westcourt House Old Marylebone Road London	Ward:	Marylebone
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	<p>According to the application form the premises is currently a development site with the intention to create Premier Inn Hotel at the location.</p> <p>There will be a ground floor reception area, entrance and associated licensed food and beverage area.</p> <p>Bedrooms –will be located in the basement and on the ground floor through to the thirteenth floor.</p>		
Premises licence history:	This is a new premises licence application, and no premises history exists		
Applicant submissions:	<p>As part of the application form the applicant has provided supporting documents that appear at Appendix 2</p> <p>Additionally, the applicant has proposed 25 conditions that appear at Appendix 4</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		<p>Residents – 24 hours</p> <p>To extend the licensing hours on New Year's Eve: 10:00 to New Year's Day 23:00 (being 2nd January)</p>					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		Residents – 24 hours To extend the licensing hours on New Year's Eve: 10:00 to New Year's Day 23:00 (being 2nd January)					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:00	06:00	06:00	06:00	06:00	06:00	06:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:		The premises shall remain open 24 hours a day for hotel residents.					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ayesha Bolton
Received:	9 th March 2023
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the application, plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> To provide for the Regulated Entertainment of Films indoors only from Monday to Sunday between 10.00 to 23.00 hours. For hotel residents 24 hours a day. Non standard timings to extend the proposed hours on New Years Eve until New Years Day terminal hour is proposed 23:00 hours on 2nd January. To provide for the Supply of Alcohol both ON and Off the premises from Monday to Sunday between 10.00 to 23.00 hours. For hotel residents the sale of alcohol will be available 24 hours a day. Non standard timings to extend the proposed hours on New Years Eve until New Years Day terminal hour is proposed 23:00 hours on 2nd January. <p>I wish to make the following representation:</p> <ol style="list-style-type: none"> The hours requested for the Regulated Entertainment of Films will have the likely effect of causing an increase in Public Nuisance within the area. The hours requested for the Supply of Alcohol will have the likely effect of causing 	

an increase in Public Nuisance within the area and may impact on Public Safety.

The applicant has provided additional information with the application which is being addressed. Additional conditions will be proposed to address the licensing objectives.

Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Persons

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] Street
Received:	01.03.2023

With the 2-way systems introduced in Baker Street and Gloucester Place, which is causing non-stop traffic jams, pollution and in my opinion, more accidents, a licence for this establishment would create more traffic jams and more pollution - and probably more drunks on the road, who think they have right of way over a road, which is also used by motor vehicles.

Enough is enough please do NOT make the area worse than it is!

On the 19th of April Mr [REDACTED] was contacted by the case officer Emanuela Meloyan via email to provide additional information in respect to their representation.

3. Policy & Guidance

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

Policy HRS1 applies

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.

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:

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.
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.
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.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.

	<ol style="list-style-type: none"> 5. The proposed hours when any music, including incidental music, will be played. 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. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 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. 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. 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. 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. 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 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>Policy HOT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 4. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. <p>5. The application and operation of the venue meeting the definition of a Hotel as per Clause C.</p>

	<p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a Hotel as per Clause C. <p>C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.</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, marriage and civil partnership, 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

Report author:	Emanuela Meloyan Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: emeloyan@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	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health	09 March 2023
5	Interested Party representation (1)	01 March 2023

SHEPPARD ROBSON

77 Parkway Camden Town London NW1 7PU
 T: +44 (0)20 7064 7000 E: info@sheppardrobson.com

CLIENT
WHITBREAD
 WHITBREAD GROUP PLC

NOTES


T04 Site Location Plan

REV.	DATE	AMENDMENT
1	08/07/11	ISSUED FOR PLANNING
2	08/07/11	STAGE 2
3	20/07/11	SUBMITTING LIAISON

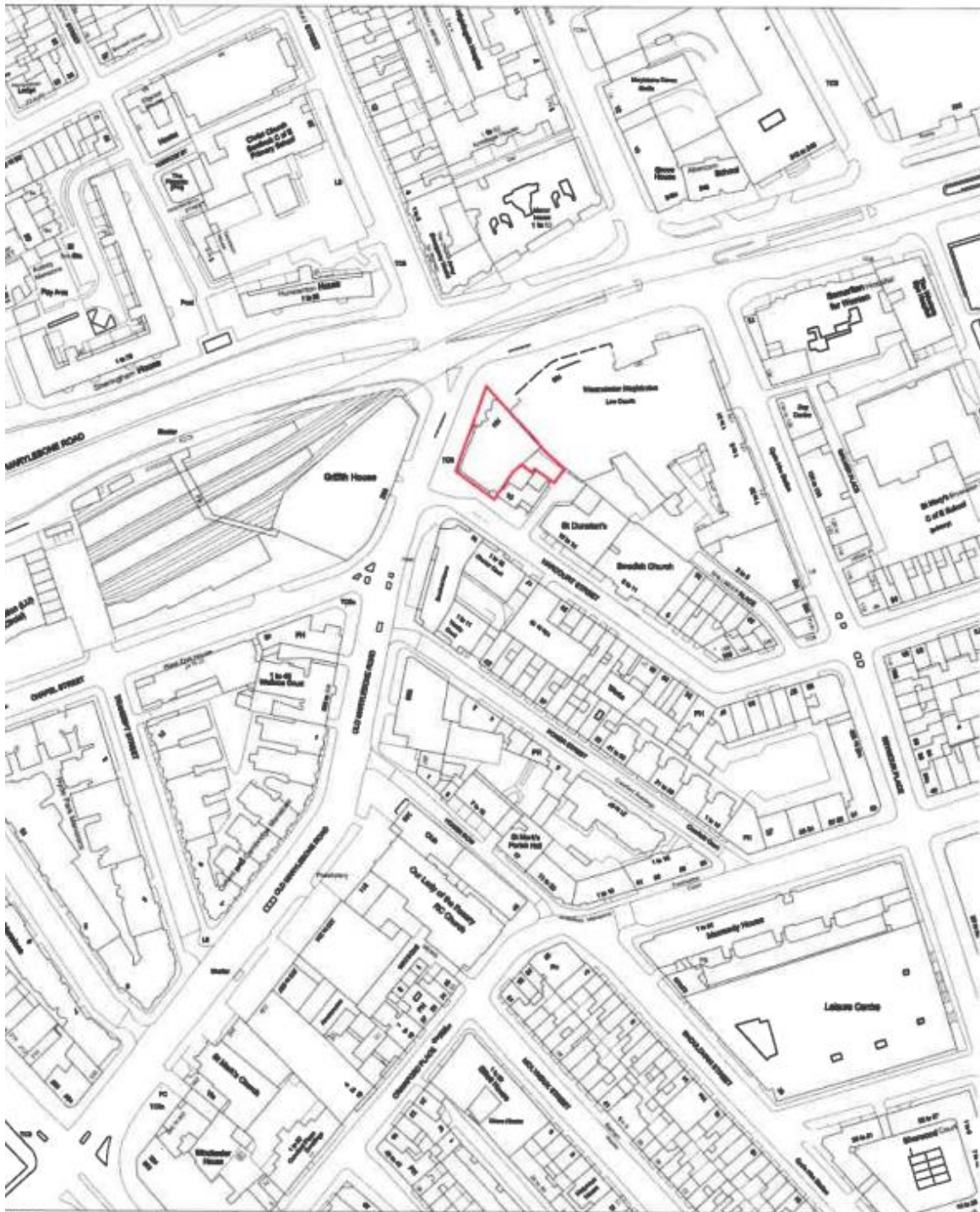
PROJECT T04 Old Marylebone Road

SCALE	DATE	ORIGINATOR	DESIGNER	AUTHOR
1:1000	01.05.2011	PH	PH	PH

STATUS
PLANNING

DRAWING NO.
SES 00 001

REV.
3

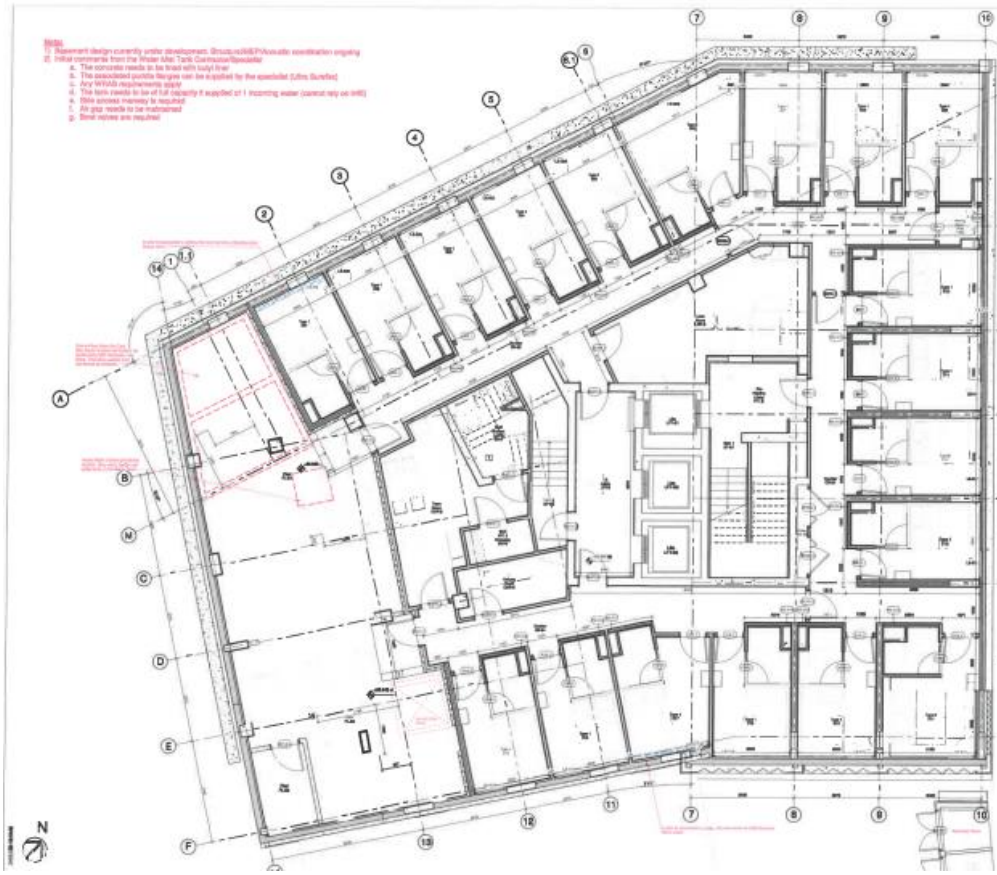


DISCLAIMER: This drawing is issued by Sheppard Robson as a service to the client and is not to be used for any other purpose without the written consent of Sheppard Robson.

THE CLIENT: The client is responsible for the accuracy of the information provided to Sheppard Robson and for the accuracy of the information provided to the relevant authorities.

THE DRAWING: This drawing is based on the information provided to Sheppard Robson and is not to be used for any other purpose without the written consent of Sheppard Robson.

THE SITE: The site is shown as a red-outlined polygon on the site location plan. The site is bounded by Old Marylebone Road to the north, Daphne Street to the east, and a street running north-south to the west.



- 1. Basement design currently under development. Structural/MEP/consultation ongoing
- 2. Initial construction from the lower floor. Trade Construction/Removal
- 3. The concrete needs to be laid with lagged floor
- 4. The suspended particle beams are to be installed by the specialist (Cobra Structures)
- 5. Any MFRS requirements apply
- 6. The tank needs to be laid off site if necessary if supplied at 1 hour rating water (currently on site)
- 7. Risk control measures to be required
- 8. An area needs to be enclosed
- 9. Wind screens are required

REVISIONS

NO.	DATE	DESCRIPTION
01	20/05/2020	Issue for information
02	20/05/2020	Issue for information
03	20/05/2020	Issue for information
04	20/05/2020	Issue for information
05	20/05/2020	Issue for information
06	20/05/2020	Issue for information
07	20/05/2020	Issue for information
08	20/05/2020	Issue for information
09	20/05/2020	Issue for information
10	20/05/2020	Issue for information
11	20/05/2020	Issue for information
12	20/05/2020	Issue for information
13	20/05/2020	Issue for information
14	20/05/2020	Issue for information
15	20/05/2020	Issue for information
16	20/05/2020	Issue for information
17	20/05/2020	Issue for information
18	20/05/2020	Issue for information
19	20/05/2020	Issue for information
20	20/05/2020	Issue for information

REVISIONS

NO.	DATE	DESCRIPTION
01	20/05/2020	Issue for information
02	20/05/2020	Issue for information
03	20/05/2020	Issue for information
04	20/05/2020	Issue for information
05	20/05/2020	Issue for information
06	20/05/2020	Issue for information
07	20/05/2020	Issue for information
08	20/05/2020	Issue for information
09	20/05/2020	Issue for information
10	20/05/2020	Issue for information
11	20/05/2020	Issue for information
12	20/05/2020	Issue for information
13	20/05/2020	Issue for information
14	20/05/2020	Issue for information
15	20/05/2020	Issue for information
16	20/05/2020	Issue for information
17	20/05/2020	Issue for information
18	20/05/2020	Issue for information
19	20/05/2020	Issue for information
20	20/05/2020	Issue for information

SR - 20/05/2020
INFORMATION



GA
 Gilbert-Ash

SHEPPARD ROBSON

17 Palace Green, Park Lane, W1J 8AT
 T: +44 (0)20 7735 3000
 F: +44 (0)20 7735 3001
 101 Old Marylebone Road
 W1U 3AA
 T: +44 (0)20 7735 3000
 F: +44 (0)20 7735 3001

Lower Ground Layout Plan

NO.	DATE	DESCRIPTION	BY
01	20/05/2020	Issue for information	0000
02	20/05/2020	Issue for information	0000
03	20/05/2020	Issue for information	0000
04	20/05/2020	Issue for information	0000
05	20/05/2020	Issue for information	0000
06	20/05/2020	Issue for information	0000
07	20/05/2020	Issue for information	0000
08	20/05/2020	Issue for information	0000
09	20/05/2020	Issue for information	0000
10	20/05/2020	Issue for information	0000
11	20/05/2020	Issue for information	0000
12	20/05/2020	Issue for information	0000
13	20/05/2020	Issue for information	0000
14	20/05/2020	Issue for information	0000
15	20/05/2020	Issue for information	0000
16	20/05/2020	Issue for information	0000
17	20/05/2020	Issue for information	0000
18	20/05/2020	Issue for information	0000
19	20/05/2020	Issue for information	0000
20	20/05/2020	Issue for information	0000



REVISIONS

NO.	DATE	DESCRIPTION
01	20/05/2020	Issue for information
02	20/05/2020	Issue for information
03	20/05/2020	Issue for information
04	20/05/2020	Issue for information
05	20/05/2020	Issue for information
06	20/05/2020	Issue for information
07	20/05/2020	Issue for information
08	20/05/2020	Issue for information
09	20/05/2020	Issue for information
10	20/05/2020	Issue for information
11	20/05/2020	Issue for information
12	20/05/2020	Issue for information
13	20/05/2020	Issue for information
14	20/05/2020	Issue for information
15	20/05/2020	Issue for information
16	20/05/2020	Issue for information
17	20/05/2020	Issue for information
18	20/05/2020	Issue for information
19	20/05/2020	Issue for information
20	20/05/2020	Issue for information

SR - 20/05/2020
INFORMATION



GA
 Gilbert-Ash

SHEPPARD ROBSON

17 Palace Green, Park Lane, W1J 8AT
 T: +44 (0)20 7735 3000
 F: +44 (0)20 7735 3001
 101 Old Marylebone Road
 W1U 3AA
 T: +44 (0)20 7735 3000
 F: +44 (0)20 7735 3001

Level 1 Layout Plan

NO.	DATE	DESCRIPTION	BY
01	20/05/2020	Issue for information	0000
02	20/05/2020	Issue for information	0000
03	20/05/2020	Issue for information	0000
04	20/05/2020	Issue for information	0000
05	20/05/2020	Issue for information	0000
06	20/05/2020	Issue for information	0000
07	20/05/2020	Issue for information	0000
08	20/05/2020	Issue for information	0000
09	20/05/2020	Issue for information	0000
10	20/05/2020	Issue for information	0000
11	20/05/2020	Issue for information	0000
12	20/05/2020	Issue for information	0000
13	20/05/2020	Issue for information	0000
14	20/05/2020	Issue for information	0000
15	20/05/2020	Issue for information	0000
16	20/05/2020	Issue for information	0000
17	20/05/2020	Issue for information	0000
18	20/05/2020	Issue for information	0000
19	20/05/2020	Issue for information	0000
20	20/05/2020	Issue for information	0000



SHEPPARD ROBSON
 171 Old Maryborough Road
 SHEPPARD, ONTARIO L4X 1L3
 TEL: (905) 709-7300
 FAX: (905) 709-7301
 WWW: www.srsheppard.com

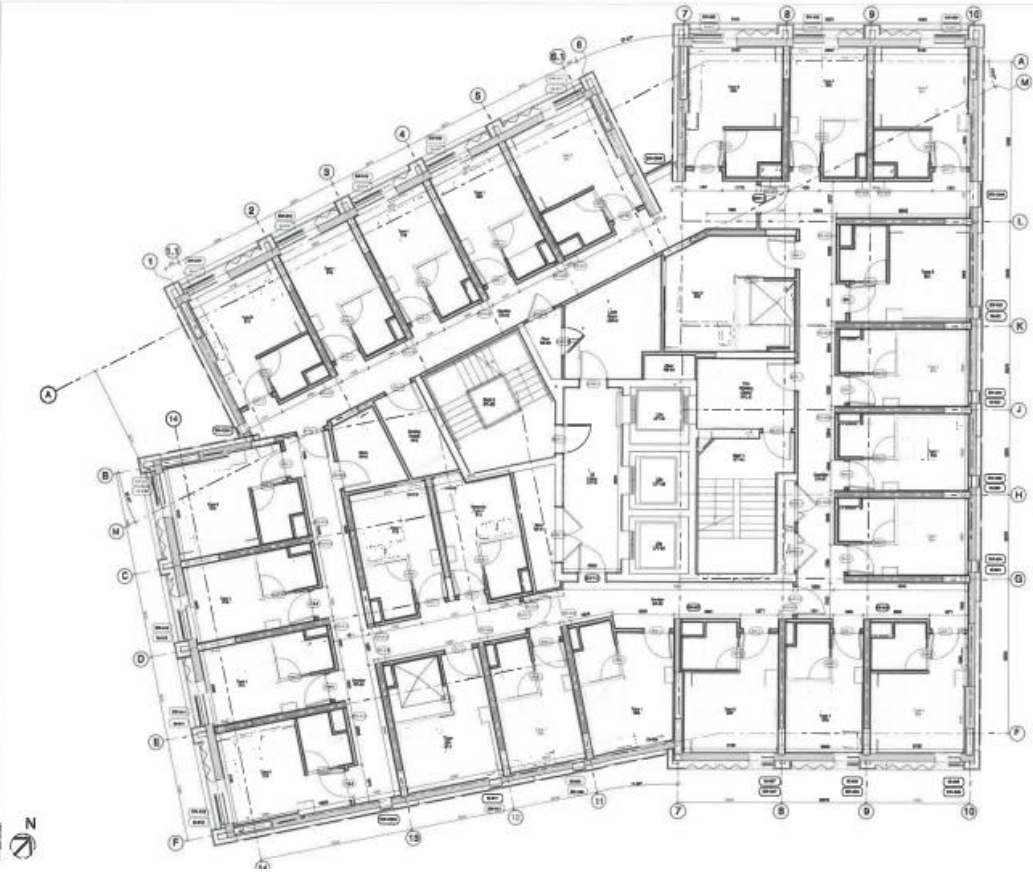
SR - 20/05/2020
INFORMATION

GA
 Gilbert-Ash

SHEPPARD ROBSON
 171 Old Maryborough Road
 SHEPPARD, ONTARIO L4X 1L3
 TEL: (905) 709-7300
 FAX: (905) 709-7301
 WWW: www.srsheppard.com

Level 5 Layout Plan

DATE: 20/05/2020
 BY: Information
 DRAWN BY: GA
 CHECKED BY: GA
 DATE: 20/05/2020
 BY: Information
 DRAWN BY: GA
 CHECKED BY: GA



SHEPPARD ROBSON
 171 Old Maryborough Road
 SHEPPARD, ONTARIO L4X 1L3
 TEL: (905) 709-7300
 FAX: (905) 709-7301
 WWW: www.srsheppard.com

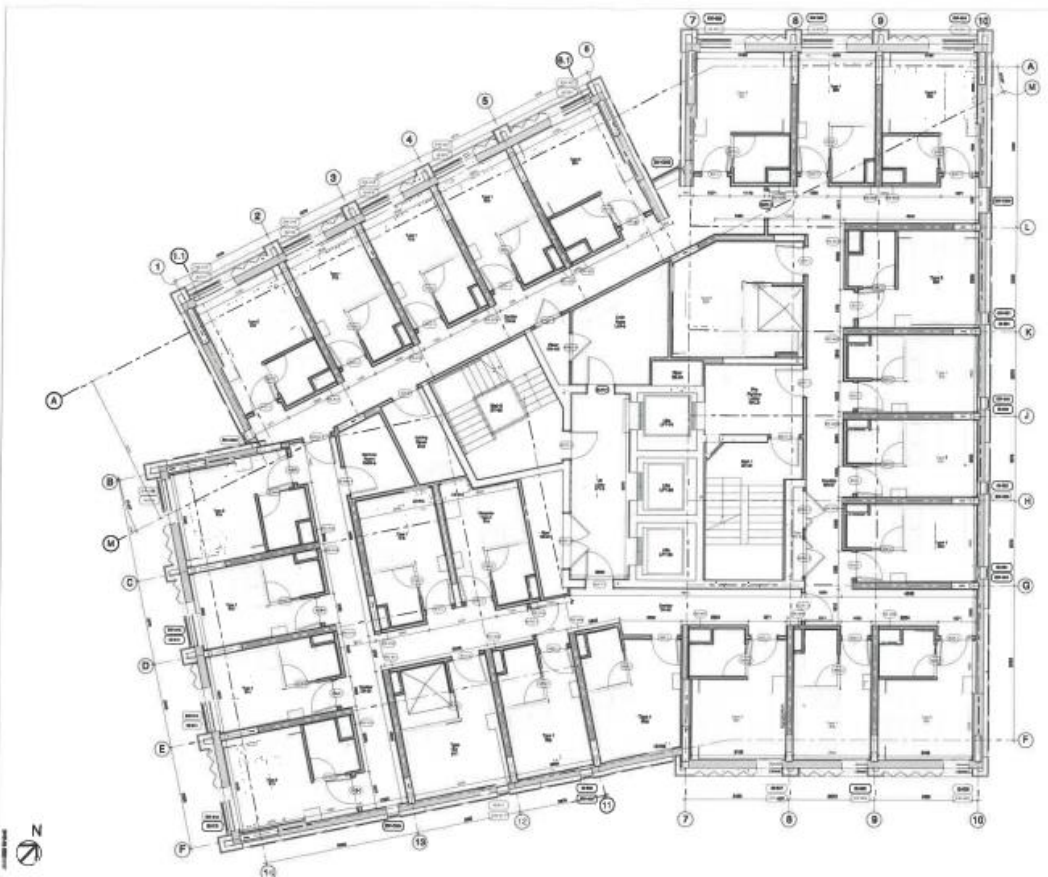
SR - 20/05/2020
INFORMATION

GA
 Gilbert-Ash

SHEPPARD ROBSON
 171 Old Maryborough Road
 SHEPPARD, ONTARIO L4X 1L3
 TEL: (905) 709-7300
 FAX: (905) 709-7301
 WWW: www.srsheppard.com

Level 6 Layout Plan

DATE: 20/05/2020
 BY: Information
 DRAWN BY: GA
 CHECKED BY: GA
 DATE: 20/05/2020
 BY: Information
 DRAWN BY: GA
 CHECKED BY: GA



REVISIONS

NO.	DATE	DESCRIPTION
1	20/05/20	Issue for construction

WALLS CONSTRUCTION BY ROOM

NO.	WALL	CONSTRUCTION
1	01	External Brick
2	02	Internal Brick
3	03	Internal Concrete
4	04	Internal Masonry
5	05	Internal Plasterboard
6	06	Internal Gypsum Board
7	07	Internal Plaster
8	08	Internal Plasterboard
9	09	Internal Plaster
10	10	Internal Plasterboard

SR - 29/05/2020
INFORMATION

PROJECT
101 Old Marylebone Road

GA
Gilbert-Ash

SHEPPARD ROBSON

117 Parkway, London, E20 3JH
t: +44 (0)20 7946 6000
f: +44 (0)20 7946 6001
e: info@sheppard-robson.com

Level 9 Layout Plan

NO.	DESCRIPTION	NO.	NO.
02	Information	0000	
01	01	0000	
01	01	01	0000



REVISIONS

NO.	DATE	DESCRIPTION
1	20/05/20	Issue for construction

WALLS CONSTRUCTION BY ROOM

NO.	WALL	CONSTRUCTION
1	01	External Brick
2	02	Internal Brick
3	03	Internal Concrete
4	04	Internal Masonry
5	05	Internal Plasterboard
6	06	Internal Gypsum Board
7	07	Internal Plaster
8	08	Internal Plasterboard
9	09	Internal Plaster
10	10	Internal Plasterboard

SR - 29/05/2020
INFORMATION

PROJECT
101 Old Marylebone Road

GA
Gilbert-Ash

SHEPPARD ROBSON

117 Parkway, London, E20 3JH
t: +44 (0)20 7946 6000
f: +44 (0)20 7946 6001
e: info@sheppard-robson.com

Level 10 Layout Plan

NO.	DESCRIPTION	NO.	NO.
02	Information	0000	
01	01	0000	
01	01	01	0000

IN THE MATTER OF:

**A PROPOSED DEVELOPMENT SITE/HUB BY PREMIER INN, FORMER WESTCOURT HOUSE,
191 OLD MARYLEBONE ROAD**

HEARING: 27TH APRIL 2023

WHITBREAD GROUP PLC

APPLICANT

WRITTEN SUBMISSION ON BEHALF OF THE APPLICANT

Introduction

1. This is an application for a new Premises Licence pursuant to Section 17 of the Licensing Act 2003 for a proposed Premier Inn at the above location.
2. A hearing is required as representations have been received and not resolved.
3. The applicant is Whitbread Group Plc which operates some 800 licensed premises in England, Wales and Scotland. These comprise principally hotel premises with associated food and beverage operations. Premier Inn welcome over 20 million guests per year and have over 78,000 rooms. Whitbread Group plc currently operates Premier Inns within the Westminster City Council Licensing area and across London.
4. The proposed development at Old Marylebone Road represents a significant inward investment by Whitbread and will lead to the creation of some 100 career positions.
5. Whitbread are responsible and experienced operators of licensed premises (the majority in town or city centre locations) with robust systems in place for the exercise of due diligence to ensure their premises are properly and responsibly run in accordance with the law and to ensure the avoidance of the commission

of regulatory offences and the possibility of public nuisance and/or crime and disorder in particular.

6. The nearest residents likely to be affected by the proposed development will be those residents who are staying in the proposed accommodation itself. The amenity of their customers and particularly hotel residents is a paramount concern and priority.
7. As a development site, these premises have yet to be developed but upon completion and before opening, a Designated Premises Supervisor will be appointed, a Senior Manager of the premises with appropriate qualifications and all staff will be trained as part of Whitbread's national development programme.
8. What is proposed here is a Hub by Premier Inn hotel and the site will be served by a single food and beverage area as shown on the plans deposited and is relative modest and providing over 294 bedrooms.
9. The applicant requests licensable activities of sale of alcohol for consumption on and off the premises which are more restrictive than the "core hours" and the hours requested are in fact as follows:
 - Sale of alcohol by retail food consumption on and off the premises, Monday to Sunday – 10:00 to 23:00, 7 days a week, to non-residents.
 - Sale of alcohol 24 hours a day to residents.

Representations

10. The hearing is required because there have been representations. A representation was received from the Environmental Health Officer and discussions are ongoing relating to conditions requested.

11. In addition, there is one outstanding representation from a single resident.

The Licensing Objectives.

12. Central to the statutory regime are the four licensing objectives which are the only relevant areas for consideration in licensing applications. They are as follows:

- Prevention of crime and disorder.
- Public safety
- Prevention of public nuisance.
- Protection of children from harm.

The Guidance

13. Under Section 182, the Secretary of State is required to issue Guidance to Licensing Authorities on the discharge of their functions under the Act. Section 4(3) requires Licensing Authorities to have regard to the Guidance.

14. Paragraph 1.17 states each application must be considered on its own merits. This is essential to avoid the imposition of disproportionate overly burdensome conditions on premises where there is no need for such condition. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

15. Guidance paragraph 2.21 stipulates "beyond the immediate surrounding of the premises these are matters for the personal responsibility of individuals under law and an individual engaged in anti-social behaviour is accountable for their own right. However, it would be perfectly reasonable for the Licensing Authority to impose a condition following relevant representations to require Licence Holder or club to place signs on exists around the building encouraging patrons to be quiet until they leave the area and to respect the right of people living nearby to a peaceful night."

16. Failure to comply with any condition attached to a Licence or Certificate is a criminal offence, which on conviction, is punishable by an unlimited fine or up to 6 months imprisonment. The Courts have made it clear that it is particularly

important that the conditions which are imprecise or difficult for a licence holder to observe should be avoided (paragraph 10(2)).

17. The Licensing Authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied that as a result of a hearing (unless all parties agree that a hearing is not necessary) that it is appropriate to impose conditions that promote one or more of the four licensing objectives (10.8).
18. It is possible that in some cases no additional conditions are appropriate to promote the licensing objectives (10.9).
19. The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. **Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing Authorities and Responsible Authorities should be alive to the indirect costs that can arise because of conditions.... Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives** (our emphasis) (10.10)
20. The determination of the Licensing Committee must be evidence based on what is before them (9.42 and Daniel Thwaites Plc v Wirral Borough MC (2008) EWHC 838).

The Application Process

21. Section 17 sets out the procedure for making a Premises Licence Application and Section 18 sets out the provisions for determination of that application where representations have been made by the Responsible Authorities or other persons.
22. Section 18 provides that where an application for a new Licence is properly made, following receipt of relevant representations, the Licensing Authority must

hold a hearing following which it may, if it thinks it is necessary, take one or more of the steps set out in Section 18(4) as follows:

(a) to grant the Licence subject to:

- (i) the conditions mentioned in sub-section 2(a) modified to the extent the Authority considers appropriate for the promotion of the licensing objections; and
- (ii) any condition must under Section 19, 20 or 21 be included on the Licence.

(b) to exclude from the scope of the Licence any of the licensing activities to which the application relates.

(c) To refuse to specify a person on the Licence as Premises Supervisor.

(d) To reject the application.

Conditions

23. The general principles which govern the imposition of conditions upon Premises Licences may be summarised under 4 heads :-

- (1) A condition may only be attached to a Licence if it is appropriate for the promotion of one or more of the licensing objections.
- (2) A condition must not duplicate other statutory provisions.
- (3) The conditions must be proportionate.
- (4) In order to give rise to criminal liability a condition must be framed so as to give precision and clarity for definition in the prescribed Act.

24. The residential representation received appears to centre on a perceived concern that the premises will lead to a potentially detrimental effect on the residential amenity of those in the vicinity. No evidence is offered or is available to support any of these assertions.

25. Although the single resident who has opposed the application has anxieties it is the view of the Applicant that these anxieties are substantially unfounded (borne out by their experience of the many similar developments which they operate) but in any event are mitigated by conditions offered within the application and the additional conditions.

Westminster City Council Licensing Policy

26. Westminster City Council has a detailed Licensing Policy and consideration has been given to this and the detail in preparing the application.

27. These premises do not fall within in a "stress area" and it is submitted that the application submitted is in line with the Licensing Policy in its terms and parameters.

28. In summary:

- a. The applicant is a well-known and highly respected operator of Hotel style premises. They operate family friendly hotels.
- b. The amenity of their own residents is of paramount importance and the management of the premises will be designed to ensure minimum impact upon those residents and indeed any other residents within the neighbourhood.
- c. No evidence is or can be put forward specific to this proposed development that problems and disturbance will occur. The Applicant is acutely aware of their responsibility and always seek to have good relationships with their neighbours and neighbouring premises.
- d. No evidence is or can be advanced or is otherwise available that Whitbread are not a responsible operator or that they do not have in place effective and credible due diligence policies to ensure the proper management of their hotel premises in particular the other premises operated by Whitbread Plc within the Westminster City Council Licensing area without particular issue.
- e. In addition, there will be careers created with new full and part time careers, with the opportunity to progress through the Whitbread Academy.

- f. The style of business to be operated are family friendly and will be a positive addition to the area is such that it will improve the offer to customers within the area and will not impact adversely.
- g. Attached to this document is a copy of various documents which are images of existing similar hotels operated being Hub by Premier Inn.

John Gaunt & Partners

April 2023

IN THE MATTER OF:

A PROPOSED DEVELOPMENT SITE/HUB BY PREMIER INN, 191 OLD MARYLEBONE ROAD

HEARING: 27TH APRIL 2023

WHITBREAD GROUP PLC

APPLICANT

APPLICANT'S DOCUMENTS

1.







Your wake-up call...

Just
£7



This includes:

- All you can eat from our continental breakfast
- All you can eat from our casual breakfast
- Unlimited drinks

Continental Breakfast

- | | | |
|--|---|--|
| <p>Cereals</p> <ul style="list-style-type: none"> Porridge (200ml per bowl) Granola (200ml per bowl) <p>A Selection of Yoghurts</p> <p><small>The products available are dependent on what is available in the store.</small></p> <p>Fruits</p> <p>& Selection of Whole Fruits</p> <p>Fresh Fruit Salad*</p> | <p>Bakery</p> <ul style="list-style-type: none"> Sourdough Muffin (200ml) Blueberry Muffin (200ml) Croissant (200ml) Pain au Chocolat (100ml) <p>Toast</p> <ul style="list-style-type: none"> Chocolat from White (100ml) or Dark (100ml) Bread (200ml) | <p>Preserve, Spreads & Jams</p> <ul style="list-style-type: none"> Hazelnut Chocolate Spread (200ml) Marmalade (200ml) Honey (200ml) Jam (200ml) Marmite (200ml) Maple Syrup (200ml) Peanut Butter (200ml) Mucho (200ml) Schmear (200ml) |
|--|---|--|

Cooked Breakfast

- | | | | |
|---|--|---|--|
| <ul style="list-style-type: none"> Waffles (200ml) Pork Sausage (200ml) GARDEN GOURMET™ Sensational™ Vegan Sausage (200ml) | <ul style="list-style-type: none"> Baked Beans (200ml per serving) Scrambled Egg (200ml) | <ul style="list-style-type: none"> Black Coffee (200ml) Coffee with Skim Milk (200ml) Tea (200ml) Orange Juice (200ml) Apple Juice (200ml) Hot Dairy (200ml) Smoothies (200ml) Hot Chocolate (200ml) Hot Chocolate (200ml) | <ul style="list-style-type: none"> Orange Juice (200ml) |
|---|--|---|--|

Unlimited drinks

*All of our breakfasts include a choice of hot or cold drinks. All our products are made with the finest ingredients and are prepared to the highest standards. We are committed to providing a high quality breakfast experience for all our customers. All our products are made with the finest ingredients and are prepared to the highest standards. We are committed to providing a high quality breakfast experience for all our customers. All our products are made with the finest ingredients and are prepared to the highest standards. We are committed to providing a high quality breakfast experience for all our customers.



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.

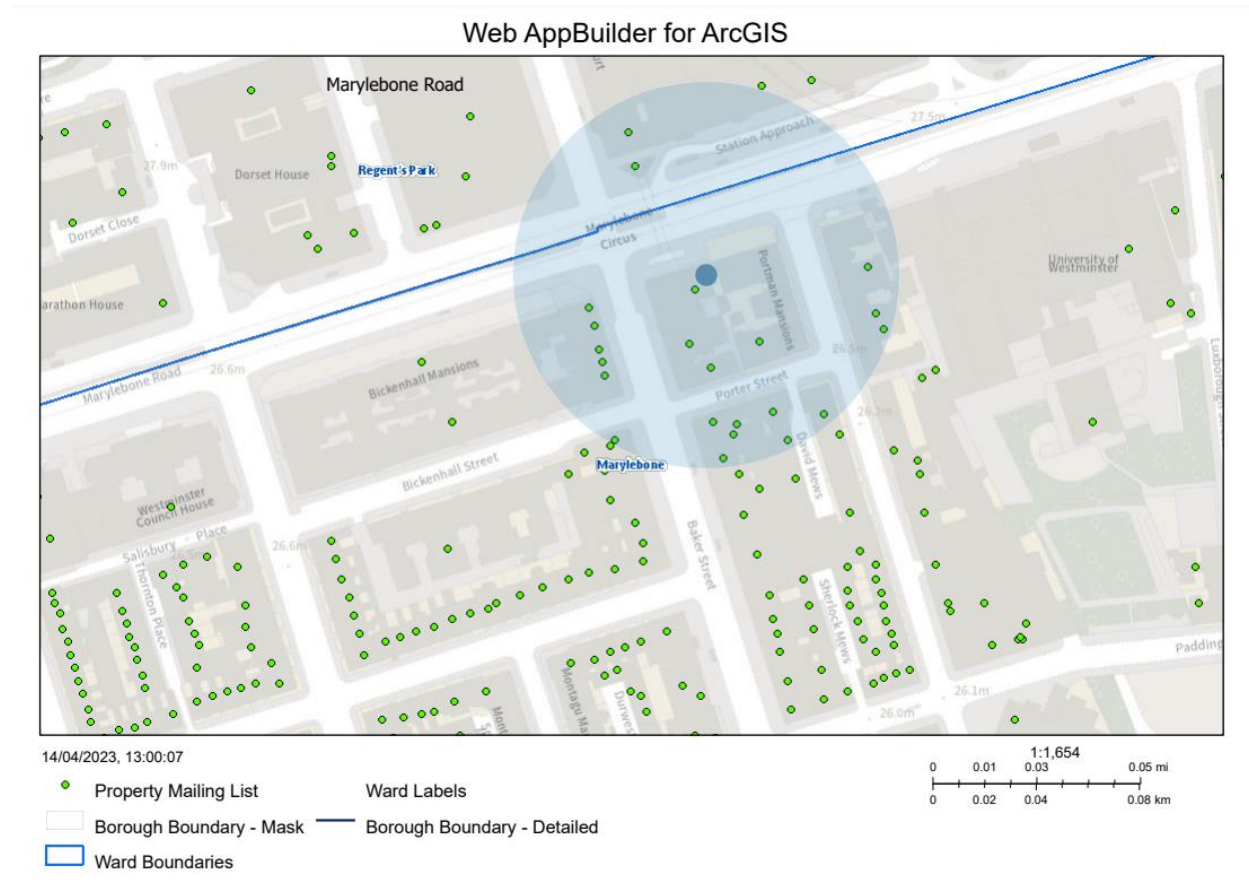
8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 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 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.
10. 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.
11. 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.
12. 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.
13. The management of the premises will liaise with police on issues of local concern or disorder.
14. 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.
15. 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.
16. 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.
17. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
18. 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.
19. To comply with the reasonable requirements of the fire officer from time to time.
20. The premises will have adequate safety and fire fighting equipment, and such equipment will be maintained in good operational order.
21. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
22. Toughened glasses will be used in the premises where appropriate.

23. Fire Exits and means of escape shall be kept clear and in good operational condition.
24. 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.
25. 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.
26. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
27. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
28. 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.
29. 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.
30. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
31. 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.
32. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
33. 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.



Resident Count: 121

Licensed premises within 75m of Basement and Ground Floor, 10 Golden Square, London, W1F 9JA				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/07315/LIPVM	Globe Public House	The Globe 43-47 Marylebone Road London NW1 5JY	Public Notice	Monday – 07:00 – 00:30 - Sunday – 07:00 – 00:00
19/01953/LIPCH	CHIK'N Limited	134 Baker Street London W1U 6UB	Restaurant	Monday to Sunday – 07:00 – 00:00
22/04983/LIPCH	Itsu	Ground Floor 132 Baker Street London W1U 6UA	Restaurant	Monday to Sunday – 07:00 – 22:30
20/02102/LIPD	KFC	128 Baker Street London W1U 6TZ	Restaurant	Monday to Sunday – 23:00 – 00:00

21/06237/LIPVM	Pizza Express	133 Baker Street London W1U 6SF	Restaurant	Monday to Saturday – 10:00 – 00:30 - Sunday – 12:00 – 00:00
22/04617/LIPDPS	The Metropolitan Bar	7 Station Approach Marylebone Road London NW1 5LD	Public House	Monday to Saturday – 09:00 – 00:30 - Sunday – 09:00 – 00:00
14/07362/LIPN	The Pie Shop	Ground Floor 5 Station Approach Marylebone Road London NW1 5LD	Shop	Monday to Saturday – 07:00 – 00:00 - Sunday – 09:00 – 22:30
16/06146/LIPT	McDonald's	122 Baker Street London W1U 6TX	Restaurant	Monday to Sunday – 23:00 – 00:00
22/01952/LIPN	Shawarma N More	123 Baker Street London W1U 6RZ	Takeaway	Monday to Thursday – 10:00 – 23:30; Friday to Saturday – 10:00 – 00:00; Sunday – 12:00 – 22:30
22/11965/LIPDPS	Bills	119 - 121 Baker Street London W1U 6RY	Restaurant	Monday to Thursday – 08:00 – 23:30; Friday to Saturday – 08:00 – 00:00; Sunday – 09:00 – 22:30