

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

15 June 2023

23/01397/LIPN - New Premises Licence

Garden Court Hotel 30-31 Kensington Gardens Square London W2 4BG

Director of Public Protection and Licensing

Bayswater

City of Westminster Statement of Licensing Policy

None

Roxsana Haq Senior Licensing Officer

Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

1.	Application					
1-A	Applicant and premises					
Applic	ation Type:	New Premises Licence, Licensing Act 2003				
Applic	ation received date:	8 March 2023				
Applic	ant:	Judiform Limited				
Premis	Ses:	Garden Court Hotel				
Premis	ses address:	30-31 Kensington Gardens Square	Ward:	Bayswater		
		London W2 4BG	Cumulative Impact Area:	None.		
			Special Consideration Zone:	None.		
Premises description:		The premises operates as hotel which comprises of 40 bedrooms and a breakfast room.				
Premis	ses licence history:	This application is for a new premises licence, and therefore no premises licence history exists.				
Applic	Applicant submissions:As part of the application process the applicant has en mediation with the two amenity societies who have ma representations against this application. Emails from the applicant can be seen at Appendix 2.		nave made			
Applic	ant amendments:	endments: None.				

1-B	Proposed licensable activities and hours							
Sale by retail of alcoholOn or off sales or both:On sales						On sales		
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun	
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00	
End:	End: 23:00 23:00 23:00 23:00 00:00 00:00 23:00							
Seasonal variations/ Non-standard timings:				N/A				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	11:59	11:59	11:59	11:59	11:59	11:59	11:59
Seasonal v	Seasonal variations/ Non-standard timings:						
Adult Entertainment:			None.				

2.	Representations				
2-A	Responsib	Responsible Authorities			
Respon Author		Metropolitan Police Service (withdrawn 25 April 2023)			
Representative:		PC Steve Muldoon			
Received:		19 April 2023			
Re: 23/01397/LIPN – 30-31 Kensington Gardens Square		- 30-31 Kensington Gardens Square			

I refer to the above-mentioned application for a new premises licence.

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representations:

The proposal made is likely to undermine the following licensing objectives:

• The Prevention of Crime and Disorder

I have contacted the applicant to discuss this application and arrange a site visit.

Following the agreement of conditions with the applicant, the Metropolitan Police withdrew their representation on 25 April 2023.

Responsible Authority:	Environmental Health Service (withdrawn 24 April 2023)
Representative:	Kudzaishe Mondhlani
Received:	27 March 2023

I refer to the application for a New Premises Licence.

The applicant has submitted floor plans of the premises. This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

To permit the sale by retail of alcohol "On" the premises Monday to Thursday between 12:00 and 23:00 hours, Friday to Saturday between 12:00 and 01:00 hours and Sundays between 12:00 and 23:00 hours.

I wish to make the following representation:

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 granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety in the area.

The applicant has provided information which will be assessed upon a site visit and EH conditions will be proposed to uphold the licensing objectives.

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

Following the agreement of conditions with the applicant, the Environmental Health Service withdrew their representation on 24 April 2023.

2-B	Other Per	sons				
Name:						
Address and/or Residents Association:						
Status:		Valid	In support or opposed:	Opposed		
Receive		01 April 2023				
nuisance if hotel w The hote two very	e, disturbanc as to be ope I is situated attractive ga	e, noise etc to the adja en for general public to in a highly residential a arden squares.	rea, with a number of family u	ding area, particularly nits, mostly around		
consume	alcohol in t	he premises.	ublic, except hotel guests, can			
be clarifi		to where sale and cons	umption of alcohol will be, so c	an this point please		
		pplied for sale of alcoho c 23.00, like the rest of	ol are too long on Friday & Sat the week.	urday and these		
25 condi	tion, alcohol		er conditions, such as adequate taken outside the premises, nours of 20.00 & 08.00.			
		to make further comme on about the application	ents /proposals/conditions in du n.	ue course when we		
As alway the appli		s content for our contac	t details, including mobile num	ber, to be passed to		
on suitat			the applicant and trust agreem earing will not be necessary.	ent can be reached		
Name:						
Address	and/or Re	sidents Association:				
Status:		Valid	In support or opposed:	Opposed		
Receive		03 April 2023				
Dear Sir	Dear Sir / Madam,					
I am writing on behalf of the second						
Best wis	Best wishes,					

3. Policy & Guida	Policy & Guidance				
The following policies within the City of Westminster Statement of Licensing Policy apply:					
Hotels Policy HOT1 applies	 A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to: 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 operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The sale by retail of alcohol, regulated entertainment and latenight refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 6. The application and operation of the venue meeting the definition of a Hotel as per Clause C. 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. 				
Hours 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. C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are: 4. Hotels Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 				

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.

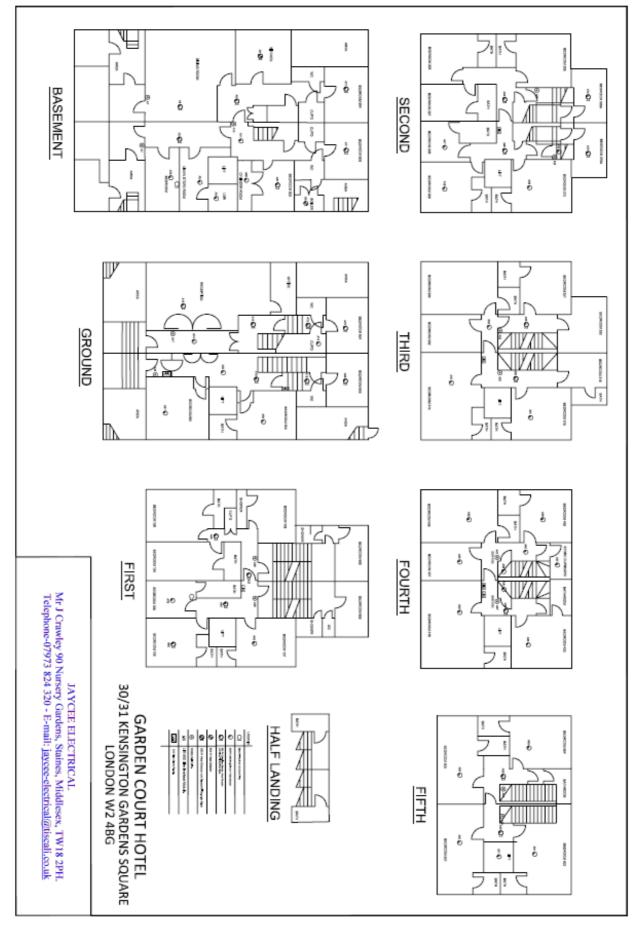
5.	Appendi	ces
Append	ix 1	Premises plans
Append	ix 2	Applicant supporting documents
Append	ix 3	Premises history
Append	ix 4	Proposed conditions
Append	ix 5	Residential map and list of premises in the vicinity

Report author:	Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500
	Email: rhaq@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 October 2021 Policy 3 Amended Guidance issued under section 182 of December 2022 the Licensing Act 2003 4 Metropolitan Police Service representation 19 April 2023 (withdrawn 25 April 2023) 5 Environmental Health representation 27 March 2023 (withdrawn 24 April 2023) 6 **Interested Party 1** 01 April 2023 7 Interested Party 2 03 April

Premises Plans

Appendix 1



Applicant Supporting Documents

From: j

To: Meloyan, Emanuela: WCC; Chairman

Cc: MULDOON, STEVE: WCC; Mondhlani, Kudzaishe: WCC

Subject: RE: Mediation - 23/01397/LIPN 30-31 Kensington Gardens Square London W2 4BG

Dear Emanuela,

I have just left a voicemail for you.

I'm not sure who you are now asking me to contact as you appear to have copied and pasted comments made by the second second but there is no contact number or email address. As you are aware I previously emailed there be any additional concerns. I have not received any response.

I'm happy to agree to the delivery / refuse collection hours.

As far as I am aware the other concerns have been addressed by Environmental Health and the Police.

Kind regards Jayesh

Jayesh H Popat Owner / MD

ARIANYA HOTELS

www.caringhotel.co.uk Arianya Limited Registered No 07227495 Judiform Limited Registered No 01925789

From: Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk> Sent: 22 May 2023 15:20

To:

Cc: MULDOON, STEVE: WCC <SMULDOON1@westminster.gov.uk>; Mondhlani, Kudzaishe: WCC <kmondhlani@westminster.gov.uk>

Subject: Mediation - 23/01397/LIPN 30-31 Kensington Gardens Square London W2 4BG

Hello John,

I have shared your contact number to the applicant who then responded via email and you were CCed in the email.

Mr Popat please discuss the concerns outlined by the below email:

Please see below from

I am sure we can reach agreement with applicant but need some clarification on a few items Hours - We note Hours agreed by EH but , would only agree Core Hours for everyone. To ask for deliveries and refuse & recycling collections to finish by no later than 20.00, considers very reasonable in a predominantly residential square.

Have plans been deposited showing red line around area of drinking and where alcohol served from and stored, in lockable cabinets or fridges I presume?

Maybe Environmental Health or Police can assist on last point

Happy for applicant to contact me, so we can reach agreement without need for a hearing. Look forward to hearing from you.

All the best

Thank you Regards, Emanuela Meloyan Senior Licensing Officer Licensing Service Public Protection and Licensing Westminster City Council 15th Floor City Hall 64 Victoria Street London, SW1E 6QP © 07814 986596 © 0114 551 3798 (Payment Enquiries) © 0207 641 6500 (Call Centre) © emeloyan@westminster.gov.uk

Westminster.gov.uk

From:

Sent: 11 May 2023 11:58

To: Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>; Chairman

Subject: RE: Share contact - 23/01397/LIPN 30-31 Kensington Gardens Square London W2 4BG

Thank you Emanuela, I hope all is well with you too and thank you for sharing contact details.

Dear

I understand that the concerns you raised were shared by Westminster Environmental Health and by the Police. Following detailed discussions we have accepted additional conditions proposed by both bodies to satisfy

their requirements and they have therefore withdrawn their objections. Please scroll down and see attached email for further details.

If you have any further concerns please let me know and I will be happy to discuss at a mutually convenient time.

Kind regards Jayesh

Jayesh H Popat Owner / MD ARIANYA HOTELS 30-31 Kensington Gardens Square London W2 4BG Mob: +44 (0)7767 833188 Tel : +44 (0)20 7229 2553 Fax : +44 (0)20 7727 2749 Email : www.gardencourthotel.co.uk www.caringhotel.co.uk Arianya Limited Registered No 07227495 Judiform Limited Registered No 01925789 From: Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk> Sent: 09 May 2023 18:17

To:

Cc: Chairman k>

Subject: Share contact - 23/01397/LIPN 30-31 Kensington Gardens Square London W2 4BG

Good afternoon, Hope you are well.

I would like to share the contact details of one of the objectors who advised me that they are happy to discuss their concerns directly. I have also CCed them in the email for transparency of your discussion.

Thank you		

Regards, Emanuela Meloyan Senior Licensing Officer Licensing Service

Public Protection and Licensing Westminster City Council 15th Floor City Hall 64 Victoria Street London, SW1E 6QP

07814 986596

0114 551 3798 (Payment Enquiries)

- 0207 641 6500 (Call Centre)
- emeloyan@westminster.gov.uk

Westminster.gov.uk

From:

Sent: 25 April 2023 13:12 To: MULDOON, STEVE: WCC <SMULDOON1@westminster.gov.uk>;

Cc: p228880@met.police.uk; Mondhlani, Kudzaishe: WCC <kmondhlani@westminster.gov.uk>; Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk> Subject: RE: 23/01397/LIPN

Hi Steve,

Further to our telephone conversation I confirm that your conditions, with MC03 amended as per your email below, are acceptable to us. Kind regards Jayesh

Jayesh H Popat Owner / MD

ARIANYA HOTELS

30-31 Kensington Gardens Square London W2 4BG Mob: +44 (0)7767 833188 Tel : +44 (0)20 7229 2553 Fax : +44 (0)20 7727 2749 Email : Hi

I can suggest as an alternative that -

The premises licence holder shall ensure that the management team and all relevant staff as agreed with the Police Licensing Team, at the premises complete the nationally recognised counter terrorism training product referred to as ACT eLearning package & responsible sale of alcohol training within 3 months of the licence being granted.

Thanks Steve

Pc Steve Muldoon | Licensing Officer | Westminster Licensing Team Westminster City Council 15th Floor - 64 Victoria Street SW1E 6QP Phone - 07442419872 Email – Steve.Muldoon@met.police.uk Licensing Team mailbox - AWMailbox.Licensing@met.police.uk

Premises History

Appendix 3

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: $\frac{1}{2}$ 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+(DxV)

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
- 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.

None.

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

- 9. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) 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.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 10. 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.
- 11. The premises licence holder shall ensure that the management team and all relevant staff as agreed with the Police Licensing Team, at the premises complete the nationally recognised counter terrorism training product referred to as ACT eLearning package & responsible sale of alcohol training within 3 months of the licence being granted.
- 12. 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.
- 13. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue,
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 14. Alcohol sales are restricted to residents of the hotel and their bona fide guests.

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

- Sale of alcohol "On" the premises "to guests" of residents Monday to Thursday: 12:00 to 23.00 hours.
 Friday and Saturday: 12:00 to 00:00 hours.
 Sunday: 12:00 to 23:00 hours.
- 16. The licensable activities authorised by this licence and provided at the premises shall be ancillary to main use of the premises as a hotel.
- 17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall always be available for inspection at the premises by the Police or an authorised officer of the Council whilst the premises are open.
- 18. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- 19. 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.
- 20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 21. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
- 22. 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.
- 23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
- 24. No deliveries of alcohol to the premises shall take place between 23.00 and 08.00 hours on the following day.
- 25. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 26. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 27. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall not be permitted to take drinks or glass containers with them.

Residential Map and List of Premises in the Vicinity

Appendix 5



Garden Court Hotel, 30-31 Kensington Gardens Square London W2 4BG

Resident Count 332

There are no licensed premises within 75 metres of Garden Court Hotel, 30-31 Kensington Gardens Square London W2 4BG.