

Licensing Sub-Committee Report

Item No:

Date:

27 July 2023

Licensing Ref No:

23/02324/LIPN - New Premises Licence

Title of Report:

30 Buckingham Gate London

SW1E 6NN

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:

Emanuela Meloyan Senior Licensing Officer

Contact details

Telephone: 0114 551 3798

Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises					
Application Type:	New Premises Licence, Licensing Act 2003				
Application received date:	12 April 2023				
Applicant:	Caledonia Group Services L	imited			
Premises:	Caledonia Group Services				
Premises address:	30 Buckingham Gate London Ward: St James'				
	SW1E 6NN	Cumulative Impact Area:	None		
		Special Consideration Zone:	None		
Premises description:	According to the application an office space with the addi				
Premises licence history:	This is a new premises licence, and no premises history exists.				
Applicant submissions:	Caledonia Group Services is based within office premises in Victoria, which was constructed as office premises and has a reinforced concrete frame with brick and glazed panel infill, solid concrete floors and roof. There are two concrete stairs in enclosed concrete stairwells and a central lift shaft which houses two lift shafts. There are three kitchens where drinks and food can be prepared throughout the building and toilet and washing facilities on each floor. on the second floor is the meeting room area where the events are mainly going to take place.				
Applicant amendments:	During consultation the applicant has reduced the hours applied for from 00:00 Monday to Saturday to Westminster City Council core hours. The hours now being applied for are set out a 1-B below.				

1-B Proposed licensable activities and hours

Sale by retail of alcohol			On or off sales or both:			On	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non- standard timings:			one				

Hours pre	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	N/A	
End:	00:00	00:00	00:00	00:00	00:00	00:00		
Seasonal variations/ Non- standard timings:			one					

2. Representations

2-A Responsible Authorities				
Responsible	Environmental Health			
Authority:				
Representative:	Ayesha Bolton			
Received:	10 May 2023			

I refer to the application for a new Premises Licence for the above premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. To provide Supply of Alcohol On the premises only from Monday to Saturday from 11.00 to 00.00 hours.

I wish to make the following representation:

1. The provision and the hours requested for 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 may impact on Public Safety within the area.

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

Environmental Health have proposed conditions which have been agreed by the Applicant. The agreed conditions appear at Appendix 4

Responsible	Metropolitan Police Service		
Authority:			
Representative:	Dave Morgan		
Received:	27 April 2023 (withdrawn 18 May 2023)		

With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are **objecting** to this application on the basis that there is insufficient detail contained within the operating schedule in order to promote the Licensing Objectives, namely the Prevention of Crime and Disorder and the Protection of Children from Harm.

The applicant is seeking:

Sale by Retail of Alcohol (On Sales)

Monday to Saturday: 11:00 to 00:00

At present, the hours sought are beyond those of the Westminster Councils core hours policy and as stated above, there is not enough information contained within the application from to make an informed decision.

To move forward, it would beneficial to conduct a site visit in order to discuss this application and the conditions that will need to be attached the licence should it be granted.

As you can appreciate, the Police will be very busy next week with the upcoming Coronation but I will be free on either Wednesday 10th or Thursday 11th April. Can you please let me know your

availability on these days.

In the meantime, can you please send me further information on how the venue will operate and how the Licensing Objectives will be promoted. To assist you, I have attached a copy of the Westminster Council's Licensing Policy and a copy of the Model Conditions to this email.

Following the applicant's acceptance of the proposed conditions the Metropolitan Police representation was withdrawn on the 18 May 2023. The agreed conditions appear at Appendix 4

2-B Other Per	sons	
Name:		
Address and/or Residents Association:		
Received:	10 May 2023	
We live		and is close to the premises applying for a
	·	

license.

Our principal concern is related to noise. We've witnessed several office parties where the noise level from alcohol increases and makes being in any rooms at the rear of house (principally bedrooms) unbearable at times.

With those concerns in mind we are deeply troubled about the request for licencing to be from the hours of 11am to midnight and also to be on a Saturday from the same hours. It is not clear why an investment management company would want to sell alcohol (at all) but even then beyond normal licence hours nor on a Saturday. This is later than the two public houses in close proximity.

If the application hours were reduced to be more in keeping with normal business/office hours (Mon-Fri and perhaps to 9pm for an occasional event) then that would be fine. This would tie in with the serving of food at lunch and dinner but not a bar open til late.

Outside areas also exacerbate any noise and as the premises have outdoor spaces restricting the hours to normal times would be appropriate.

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:

- 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.
- 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.
- 5. The proposed hours when any music, including incidental music, will be played.
- 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.
- 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
- 15. 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.

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:

Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight

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

Policy PB1 applies

A. Applications outside the West End Cumulative Zone will generally be granted subject to:

- 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.
- 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 applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.
- 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.
- B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:
- 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
- 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.
- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
- The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
- 2. 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.
- 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.
- D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

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.

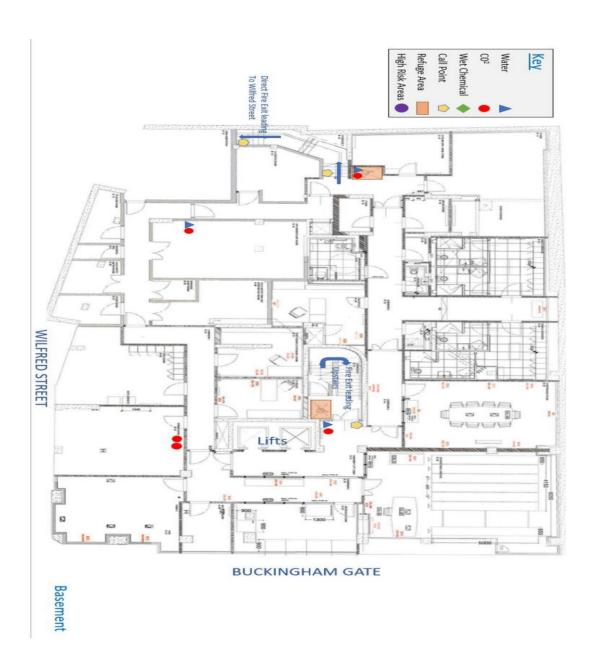
5. Appendices

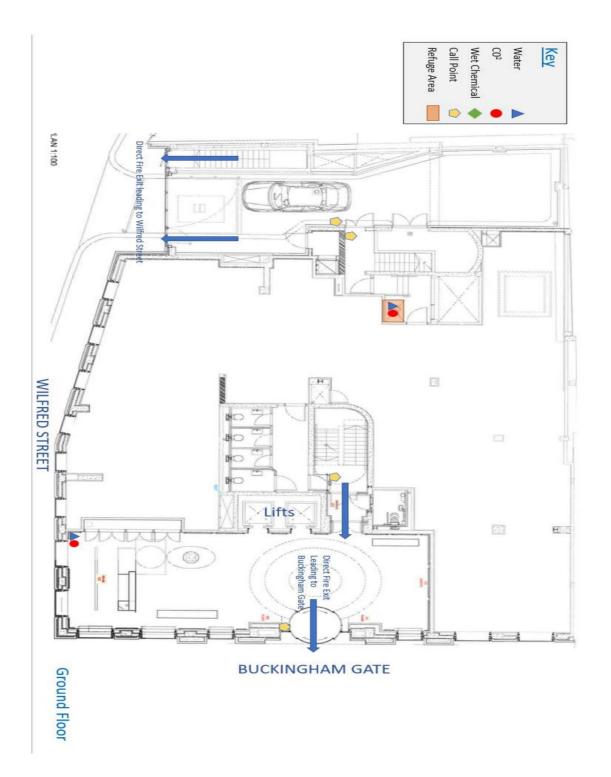
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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	Senior Licensing Officer
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	Email: emeloyan@westminster.gov.uk

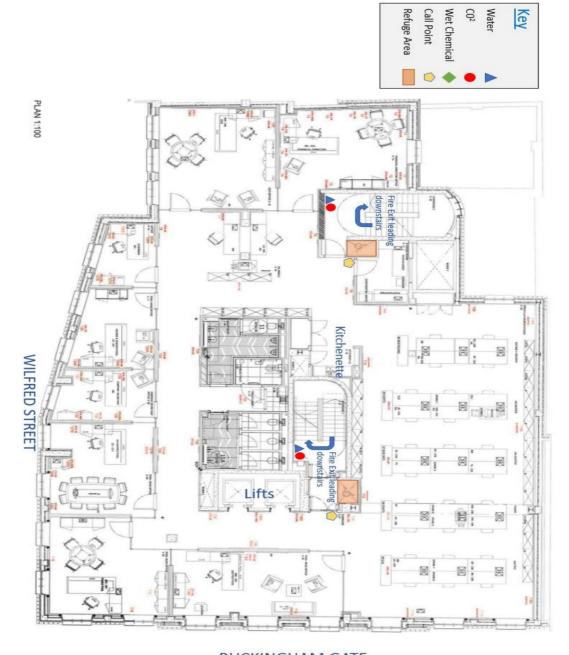
papers	If you have any queries about this report or wish to inspect one of the background papers please contact the report author.					
Backgro	Background Documents – Local Government (Access to Information) Act 1972					
1	Licensing Act 2003	Licensing Act 2003 N/A				
2	City of Westminster Statement of Licensing Policy	October 2021				
3	3 Amended Guidance issued under section 182 of the Licensing Act 2003 December 2022					
4	Environmental Health Service 10 May 2023					
5	Metropolitan Police Service 27 April 2023					
6	Interested Party representation (1) 10 May 2023					

Premises Plans Appendix 1



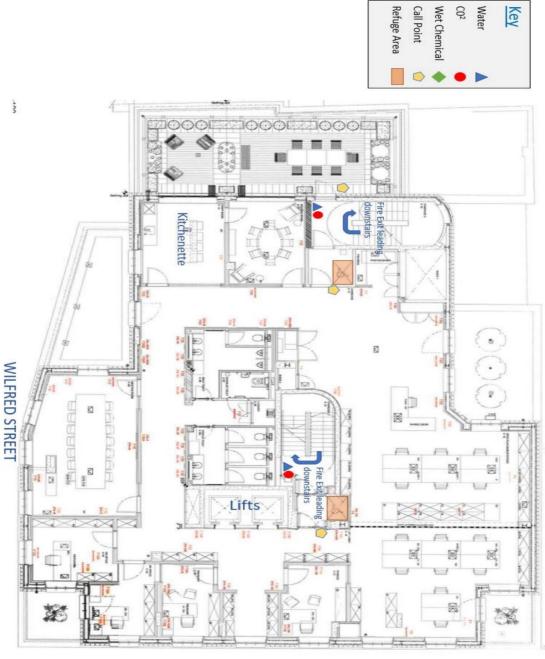


BUCKINGHAM GATE



BUCKINGHAM GATE

Third Floor



Water CO²

Key

BUCKINGHAM GATE

BUCKINGHAM GATE

Fifth Floor



Caledonia Group Services Limited Cayzer House 30 Buckingham Gate London SW1E 6NN United Kingdom

enquiries@caledonia.com www.caledonia.com

23 May 2023

c/o Ms Roxsana Haq Senior Licensing Officer Westminster City Council 15th Floor Westminster City Hall 64 Victoria Street London SW1E 60P

Dear

Re: 23/02324/LIPN - 30 Buckingham Gate, London SW1E 6NN

In the first instance, may I take this opportunity to sincerely apologise for any disturbances that our activities have caused to you and your family.

As an ethical employer, we value our local community and go to great lengths to ensure that our activities do not have a negative impact on our neighbours, and as such, our events are not accompanied by any form of music.

29 Buckingham Gate is the adjoining building between our property and the site currently being redeveloped at 25-28 Buckingham Gate and includes the rear part of the ground floor and the entire first floor of 30 Buckingham Gate. On occasion they have held events within their property and I wonder whether this could be source of the music. As owners of this property, I am happy to liaise with the tenant with regards to your complaint if this does appear to be the case.

To further clarify, the premises licence that we seek is to enable us to host charitable events and allow our investors to host lunch and dinner parties where alcohol may be served. Open bars are not permitted and was never our intention when submitting our application as alcohol will only be an accompaniment to food. I would also like to reassure you that our premises will not be accessible to the general public, but only to persons linked to our business activities including charitable events.

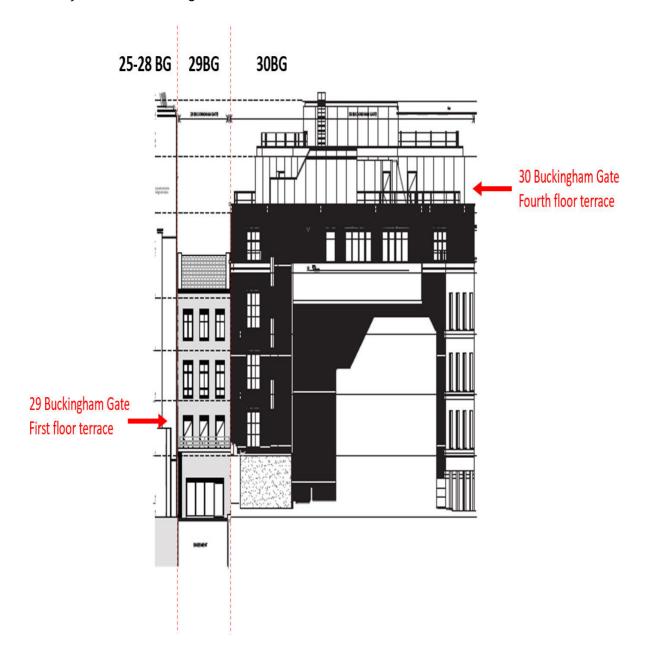
Following on with our consultation with the police, the hours of the application have already been changed to reflect the Council's Core Hour Policy which is Monday to Thursday 11:00 to 23:30 and Friday to Saturday 11:00 to 00:00 which will be confirmed to you by the approving body.

I hope that this satisfies all your concerns, but if you have any further questions or require additional information, please do not hesitate to contact me.

With kind regards,

Yours sincerely,







Caledonia Group Services Limited Cayzer House 30 Buckingham Gate London SW1E 6NN United Kingdom

enquiries@caledonia.com www.caledonia.com

18 July 2023

Licensing Sub-Committee

c/o Ms Roxsana Haq Senior Licensing Officer Westminster City Council 15th Floor Westminster City Hall 64 Victoria Street London SW1E 6QP

Dear Licensing Sub-Committee,

Re: 23/02324/LIPN - 30 Buckingham Gate, London SW1E 6NN

We would like to clarify that Caledonia invests in external companies that we have built very strong relationship with where they use our offices to host events in, the only other external events we host are charitable events. In some case we recharge the companies for events however in the past we have had request for alcohol to be served with food which we have had to gift and pay ourselves as we don't have a license to sale alcohol.

Any event that we may host will be strictly professional. We are not a 'party' company. Police advised us to include the fourth-floor terrace and basement to future proof us and although all events will be held on our second floor which has no external access but has the necessary catering kitchen which is required. We have now been advised to conform to the Council's Core Hours how events will be finished by 10pm which is when our office closes.

However, as you can see from the rear façade of our building 29 Buckingham Gate is the adjoining building between our property and the site currently being redeveloped at 25-28 Buckingham Gate and includes the rear part of the ground floor and the entire first floor of 30 Buckingham Gate. On occasion they have held events within their property, and which could be source of the music in concerns. As owners of this property, we are happy to liaise with the tenant with regards to the complaint if this does appear to be the case.

Following on with our consultation with the police, the hours of the application have already been changed to reflect the Council's Core Hour Policy which is Monday to Thursday 11:00 to 23:30 and Friday to Saturday 11:00 to 00:00 which will be confirmed to you by the approving body.

Yours sincerely,



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: 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+(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
- (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 proposed by the Metropolitan Police and agreed by the applicant to form part of the operating schedule.

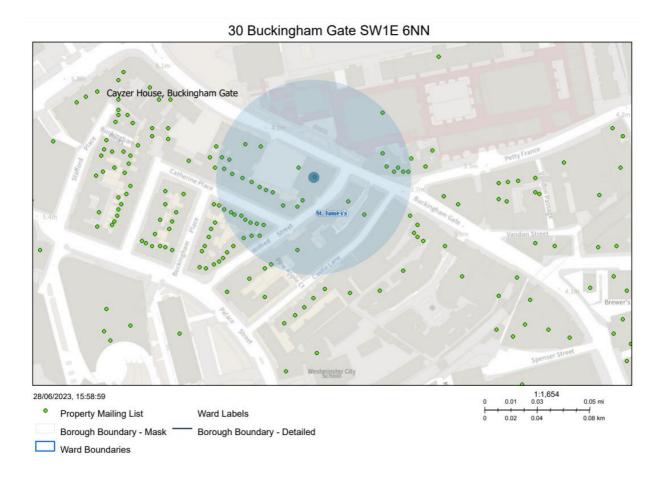
- 9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 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 for licensable activities. 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 Licence holder will ensure a full risk assessment is completed for all prebooked events organised by external clients. This risk assessment will be available to the licensing authority and Police upon request.
- 12. 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.
- 13. 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.
- 14. The licensable areas shall be restricted to the Basement, Second and Fourth floors only.
- 15. No licensable activity will take place on the Fourth floor terrace area after 21:00 hours.

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

- 16. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.
- 17. The supply of alcohol shall only be to
 - a) Directors and employees of the licence holder and its affiliated companies;
 - b) Persons attending a private pre-booked event, seminar or function
 - c) Any guests of the above.
 - A list of whom shall be kept on the premises at all times together with a record

also showing the names and dates of attendance of any guests introduced by members. All records shall be produced on demand for inspection by the police or an authorised officer of the Council.

- 18. 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.
- 19. 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.
- 20. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 21. 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.



Resident Count: 119

Licensed premises within 75m of 30 Buckingham Gate, London, SW1E 6NN						
Licence Number	Trading Name	Address	Premises Type	Time Period		
22/04917/LIPDPS	Colonies	25 Wilfred Street London SW1E 6PR	Public House	Monday to Thursday - 09:00 - 23:30; Friday to Saturday - 09:00 - 00:00		