

Licensing Sub-Committee Report

Item No:

Date:

24 August 2023

Licensing Ref No:

23/03514/LIPN - New Premises Licence

Title of Report:

The Pioneer Club
12 Cavendish Place

London W1G 9DJ

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:

Kevin Jackaman

Senior Licensing Officer

Contact details

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1.	Application					
1-A	Applicant and premis	ses				
Applic	ation Type:	New Premises Licence, Licensing Act 2003				
Applic	ation received date:	26 May 2023				
Applic	ant:	Cavendish Place Ltd				
Premis		The Pioneer Club				
Premis	ses address:	12 Cavendish Place London	Ward:	Marylebone		
		W1G 9DJ	Cumulative Impact Area:	None		
			Special Consideration Zone:	None		
Premis	ses description:	According to the application form the proposal is to create a new members club called The Pioneer Club and to operate the vast majority of the premises on all floors as an upmarket shared office/workspace with access only to members of the club or their bona fide guests				
Premises licence history: This is a new premises licence application, and no prehistory exists			d no premises			
Applic	ant submissions:	These premises when com Cavendish Place. Planning permission has be buildings which are both Grand The supply of alcohol every primary use of the premises deposited plans clearly sho space. Access to the works per day as there may be an membership who may need zones. The fourth floor is intended and their guests although the any of the workspace office. The ground floor also make restaurant space (hatched open to members, their guest public if they book a table in pre booked private function. There will be no "walk in" a	een granted to combrade 2 listed. where will be ancill is as a shared office ow floors 1 to 3 set of space for members in international element of the conduct business and also be supposed in black on the plantests and also to members and also t	ary to the /workspace. The out as office will be 24 hours ent to the ss in other time for members pplied alcohol in chelin starred) which will be mbers of the ns attending a		
		There is to be no access to the remainder of the building from the restaurant for members of the public who have booked a table. The lower ground floor area (unlicensed) also provides gym and fitness space for members. The basement provides a dedicated event space for use by members or for private pre booked functions although there will be no externally promoted events anywhere in the building.				

	The premises have been the subject of a pre application survey and advice 23/02173/PREAPM
Applicant amendments:	None

1-B Pr	Proposed licensable activities and hours								
Late Nigh	Late Night Refreshment: Indoors, outdoors or both Indoors						Indoors		
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun		
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00		
End:	End: 01:00 01:00 01:00 02:00 02:00 02:00 01:00					01:00			
	Seasonal variations/ Non- standard timings:								

Sale by retail of alcohol				On or off sales or both:			On only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	02:00	02:00	02:00	01:00
Seasonal v	variations/ N imings:	Non-					

Hours pre	Hours premises are open to the public								
Day:	Mon	Tues		Wed	Thur	Fri	Sat	Sun	
Start:	00:00	00:00)	00:00	00:00	00:00	00:00	00:00	
End:	00:00	00:0		00:00	00:00	00:00	00:00	00:00	
Seasonal variations/ Non- standard timings: Ground floor restaurant to open at 10:00 every day and close at 01:00 Sunday to Wednesday and 02:00 Thursday to Saturday				0					
Adult Entertainment:			Nor	ne					

2.	Representa	Representations				
2-A	Responsible Authorities					
Responsible Authority:		Metropolitan Police Service				
Representative:		Tom Stewart				
Receiv	ed:	19 June 2023				

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <u>The Pioneer Club, 12 Cavendish Place, London, W1G 9DJ.</u>

I have considered the information that has been provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.

The applicant is seeking the following licensable activities:

- Provision of Late night refreshment (Indoors) Sunday to Wednesday 23:00 to 01:00 and Thursday to Saturday 23:00 to 02:00.
- Supply of Alcohol (On premises) Sunday to Wednesday 10:00 to 01:00 and Thursday to Saturday 10:00 to 02:00.

Hours open to the public 24 hours with the exception of "Ground floor restaurant to open at 10:00 every day and close at 01:00 Sunday to Wednesday and 02:00 Thursday to Saturday".

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

The hours requested to supply alcohol may have the likely effect of undermining the licensing objective; The Prevention of Crime and Disorder. The hours requested fall outside the core hours set out within the Statement of Licensing Policy.

I would like to meet with the applicant and representative to discuss this application and proposed operation of the premises in more detail.

In particular, the police would like to know what the proposed capacity of the 'Bar' on the fourth floor is.

2-B Other Per	sons					
Name:						
Address and/or Res	sidents Association:					
Received:	18 June 2023					
We are instructed on	behalf of the L					
	Their principal concern is with the hours proposed by the Pioneer Club.					
	is a large development with event spaces, a restaurant, lounges and the bar with several balconies. There are currently no indications as to e proposed uses.					
The application is framed as a Private Member's Club but does not appear to provide qualifying requirements pursuant to Westminster's Club Policy QUC1. If framed as a Proprietary Club, then the application should be considered pursuant to Westminster's Policy PB1.						
There is a large restaurant on the Ground Floor, which whilst pre-booked, is open to the public and seeks hours considerably at odds with Policy.						
The Premises are on	the border of the West End Buffer Special Consideration Zone.					
The hours sought by	12 Cavendish Place are contrary to Policy HRS1.					

would request that all external balconies are cleared daily by 21:00 and that all

would not object to Core Hours.

windows and doors are closed by 21:30.

There do not appear to be any smoking conditions or suggestions in the application.

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.
- 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.
Policy PB1(A) applies	A. Applications outside the West End Cumulative 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 latenight 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.
	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 venueD. 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			
Appendi	ix 1	Premises plans		
Appendi	ix 2	Applicant supporting documents		
Appendi	ix 3	Premises history		
Append	ix 4	Proposed conditions		
Appendi	ix 5	Residential map and list of premises in the vicinity		

Report author:	Kevin Jackaman
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If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

papers pi	papers please contact the report author.						
Backgrou	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	July 2023					
4	Metropolitan Police Service representation	19 June 2023					
5	Interested Party representation	18 June 2023					

Premises Plans Appendix 1



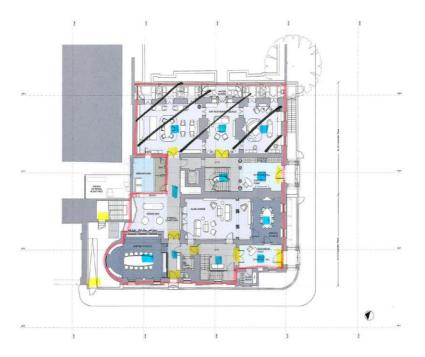






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LICENSES AREA

EXIT SIGN

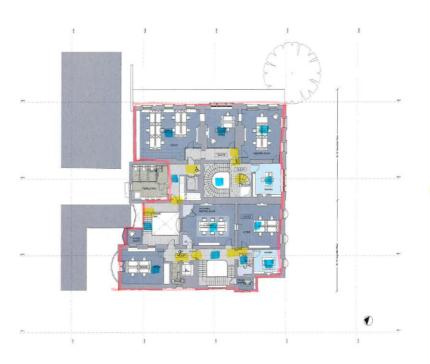
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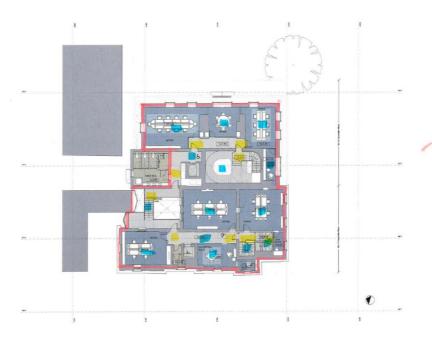
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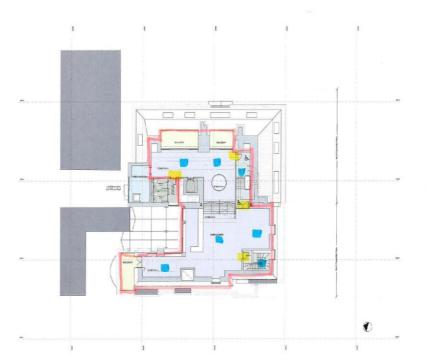
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Applicant Supporting Documents

Appendix 2

None

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.
- 9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions consistent with the operating schedule

- 10. The premises will install and maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, which enables frontal identification of every person entering in any light condition. The CCTV system will be in accordance with the advice of, and to the satisfaction of, a Metropolitan Police Crime Prevention Officer. All cameras shall continually record whilst the premises are open to the public and the recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or an authorised officer from Westminster City Council.
- 11. 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- 12. An incident log shall be kept at the premises, and made available on request to authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) any complaints received regarding crime and disorder;
 - (c) any incidents of disorder;
 - (d) any faults in the CCTV system;
 - (e) any refusal of the sale of alcohol;
 - (f) any visit by a relevant authority or emergency service.
- 13. In the area hatched black on the ground floor the supply of alcohol shall only be to members of the Pioneer Club and their guests or persons attending a private pre booked function or attending the premises as a pre booked guest of the restaurant where alcohol shall at all times be ancillary to a substantial table meal,
 - (i) in which customers are shown to their table or the customer will select a table themselves.
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

- 14. Apart from the area hatched black on the ground floor the remainder of the premises shall operate as a private members' club, where the supply of alcohol shall at all times be ancillary to the use of the spaces as office and shared workspace for the members and their bona fide guests.
- 15. Members of the public shall have no access to the premises at any time save for pre booked tables in the restaurant area hatched black on the ground floor, or as guests of the club members in the office/workspace areas for business purposes, or as a guest at a private pre booked function in the basement event space.

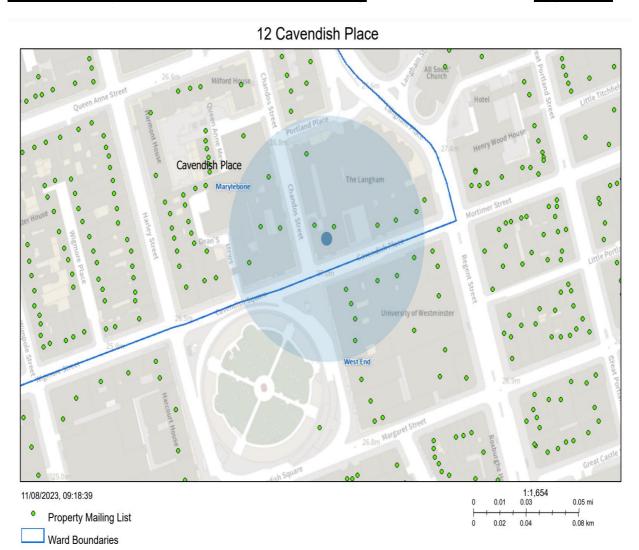
- 16. No deliveries to or collections from the premises shall take place between 23.00 and 07.00 hours on the following day.
- 17. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
- 18. Notices shall be prominently displayed at exists requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 19. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 21.00 when private pre-booked events are held and they must correctly display their SIA licence(s) when on duty so as to be visible.

The Metropolitan Police have proposed the following amended condition

- 20. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 21.00 when private pre-booked events are held and they must correctly display their SIA license(s) when on duty so as to be visible. At all other times the requirement for SIA licensed door supervisors shall be continually risk assessed. This risk assessment shall be made available upon request of the Police or authorised officer of Westminster City Council
- 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.
- 22. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
- 23. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 24. There shall be no externally promoted events.
- 25. The basement event space shall only be for the use of members and their bona fide guests or for a private pre booked function.

Conditions proposed by the Metropolitan Police Service

26. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.



Resident count: 0

Ward Labels

Licensed premises within 75m of 12 Cavendish Place, London, W1							
Licence Number	Trading Name	Address	Premises Type	Time Period			
		Ground Floor 6 Cavendish					
		Square		Monday to			
		London W1G		Sunday; 10:00 -			
19/12841/LIPN	No 6 Cavendish	0PD	Shop	23:00			
		11 - 13					
		Cavendish		Sunday; 12:00 -			
	King Edwards	Square		00:30 Monday			
	Hospital Fund	London W1G		to Saturday;			
18/04737/LIPDPS	For London	0AN	Office	08:00 - 01:30			

		5 Cavendish Place London W1G		Thursday; 10:00 - 01:00 Sunday; 12:00 - 00:00 Monday to Wednesday; 10:00 - 00:00 Friday to Saturday; 10:00
23/01653/LIPN	Not Recorded	0QA	Music Venue	- 02:00