

Licensing Sub-Committee Report

Item No:	
Date:	16 th June 2017
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Licensing Ref No:	17/03544/LIPV - Premises Licence Variation
Title of Report:	Royal Standard Cocktail Bar & Restaurant 8 Sale Place London W2 1PH
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
5	
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance
	Senior Licensing Officer
.	—
Contact details	Telephone: 020 7641 2751

Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises					
Application Type:	Variation of a Premises L	icence, Licensing	Act 2003		
Application received date:	4 April 2017				
Applicant:	Compton Properties Inves	stments Limited			
Premises:	Royal Standard Cocktail E	Bar & Restaurant			
Premises address:	8 Sale Place London	Ward:	Hyde Park		
	W2 1PH	Cumulative Impact Area:	None.		
Premises description:	The premises is currently restaurant.	operation as a ba	ir and		
Variation description:	The premises consists of a ground floor and basement area. The basement is not currently licensed and so the applicant has applied to include the basement within the current premises licence.				
	The applicant has also made alterations to the ground floor and these changes are reflected in the plans attached at Appendix 1.				
	The name of the premises is to change from Rob Roy Public House to Royal Standard Cocktail Bar & Restaurant.				
Premises licence history:	The premises has been licensed since September 2005.				
Applicant submissions:	None Submitted				

1-B Current and proposed licensable activities, areas and hours							
Late night re	freshm	ent					
	Cur	rent urs	Proposed L Hours		Licen	Licensable Area	
	Start:	End:	Start:	End:	Curre	nt:	Proposed:
Monday	23:00	23:30					
Tuesday	23:00	23:30	No Cha	ange.	Groun	nd Floor.	Ground Floor and
Wednesday	23:00	23:30					Basement.
Thursday	23:00	23:30					
Friday	23:00	23:30					
Saturday	23:00	23:30					
Sunday							
Seasonal	Curr	Current:				Proposed	•
variations/ Non-standartimings:	d See	See conditions at Appendix 4				No Chang	е.

Sale by Reta	Sale by Retail of Alcohol							
On or off sale	es		Curren	Current :			Proposed:	
			Both				Botl	า
	Cur	rent	Prop	osed	Licen	sable A	rea	
	Но	urs	Ho	urs				
	Start:	End:	Start:	End:	Curre	nt:		Proposed:
Monday	10:00	23:00						
Tuesday	10:00	23:00	No Cha	ange.	Groun	Ground Floor.		Ground Floor and
Wednesday	10:00	23:00						Basement.
Thursday	10:00	23:00						
Friday	10:00	23:00						
Saturday	10:00	23:00						
Sunday	12:00	22:30						
Seasonal	Curi	rent:				Propo	sed	:
variations/								
Non-standar	d Off s	Off sales of alcohol to cease at				No Ch	ang	e.
timings:	22:0	22:00 hours Monday to Sunday.						
		See conditions at Appendix 4.						
	See	conditio	ons at Ap	ppendix	4.			

Hours premises are open to the public							
	Cur		Proposed Hours		Premises Area		
	Start:	End:	Start:	End:	Curre	nt:	Proposed:
Monday	10:00	23:30					
Tuesday	10:00	23:30	No Change.		Groun	Ground Floor.	Ground Floor and
Wednesday	10:00	23:30					Basement.
Thursday	10:00	23:30					
Friday	10:00	23:30					
Saturday	10:00	23:30					
Sunday	12:00	23:00					
Seasonal	Curi	rent:				Proposed	•
variations/				•			
Non-standard timings:	d See	condition	ons at Ap	pendix	4.	No Chang	e.

1-C Layout alteration

- 1. Basement area of the premises to be included within the Licensable Area.
- 2. Seating layout on Ground Floor to be altered.

1-D Conditions being varied, added or removed				
Condition		Proposed variation		
No Change.		No Change.		
Adult entertainment:	Current posit	ion:	Proposed position:	
	Not applicable)	Not applicable.	

2. Representations

2-A Responsible Authorities					
Responsible	Metropolitan Police Service				
Authority:					
Representative:	PC Reaz Guerra				
Received:	24 th April 2017				

I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

There is insufficient detail contained within the operating schedule to promote the Licensing Objectives.

It is for this reason that we are objecting to the application.

Following further discussions with the applicant and the agreement of conditions (appendix 4) the Police have withdrawn their representation.

Responsible	Environmental Health Consultation Team			
Authority:				
Representative:	Ms Rebecca St.Rose			
Received:	27 th April 2017			

I refer to the application for variation of the Premises Licence for the above named premises. The applicant has submitted basement and ground floor plans, Drawing No. 901/81 Rev A, dated Feb 2017.

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

The applicant is seeking to:

- 1. Extend the licensable area to include the basement.
- 2. Substitute the deposited plans to the plans submitted which reflect the alterations that have been made to the premises.
- 3. Change the name of the premises from 'Rob Roy Public House' to Royal Standard Cocktail Bar & Restaurant.

The applicant has confirmed that there is no change to the licensable activities or the hours on the current premises licence 13/09708/LIPDPS.

I wish to make the following representation:

- An extension to the licensable area to include the basement will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.
- 2. No representation
- 3. No representation

2-B Other Persons	
Name:	Mr Randy Wiseman
Address and/or Residents Association:	13 St Michaels Street London W21QT
Received: 8 th April 2017	

No issues including the basement in the licensed area.

The owners have done a great job of refurbishing the Rob Roy and I wish them well in turning the Standard into a success.

Name:		Mr Gavin Henderson CBE	
Address and/or R	esidents	24 Sale Pale	
Association:		London	
		W2 1PU	
Received:	29 th April 2017		
Received:	29 th April 2017	T W 2 11 0	

From Professor Gavin Henderson CBE:-

Dear Madam, Dear Sir,

I write to object to permission being given for this application for a variation/extension of licence.

I have lived opposite the above property for over twenty years, having been attracted to what was essentially a quiet, residential neighbourhood. The previous management of what was The Rob Roy public house made every effort to contain noise and respect the residents of the street - as does the other public house, The Royal Exchange. This is not the case with the new owners, who vigorously encourage their clientele to drink and smoke on the outside pavement till late at night.

For this operation to be extended, adding a basement music/drinking club style function (which would appear to be the intention as described in the application) plus Sunday opening - 12.00 to 23.30 - what is already becoming a serious nuisance will be further exacerbated. Rumours are circulating in the area about drug dealing, but this I have to say is simply rumour. Nonetheless it emerges from the atmosphere now prevalent

around these premises. The building is lit with lurid red light and has bouncers on the door on Friday and Saturdays significantly the busiest nights - surely inappropriate in a residential area.

Many residents of Sale Place are older, or are families with young children - inconsistent with the development of a noisy night life of the kind being proposed with this application.

Name:		Ms Catherine May
Address and/or Ro Association:	esidents	16 Star Street London W2 1QD
Received:	10 th April 2017	

I am very concerned that the character of our quiet, residential neighbourhood, will be negatively affected by the proposed changes to this business which, if successful, would bring much greater numbers of people to our local streets. If these large groups are consuming alcohol, and participating in the various entertainments that the bar proposes to offer, it is likely that they will be extremely noisy and there is a strong possibility that there will be anti-social behaviour.

Our streets are small and most buildings are residential, many occupied by families. The neighbourhood could be very badly impacted by large crowds attending the premises.

At its most extreme there is the clear, evidence-based, possibility that those visiting the bar who have consumed too much alcohol are likely to commit vandalism, litter our streets, urinate/defecate in the street, become aggressive and commit violent crimes. I urge the council to consider this application very carefully and reject it on the grounds that it will impact negatively on the local community.

Name:		Mr Sean Jordan
Address and/or Re Association:	esidents	80 Star St London W2 1QG
Received:	19 th April 2017	

I see customer seated capacity will increase by 70. This gives rise to potential increase in noise in what is, essentially, a quiet residential street. What guarantees can be given to neighbours when:

- 1. Events are held
- 2. Suppression of noise from either live or recorded transmissions.
- 3. Exit noise at closing time.
- 4. Monitoring of noise due to increased activity on the street such as smoking and drinking.

As I close neighbour I had many years of disturbance from the previous owners which

were documented by both Noise Control and Licensing. I do not wish to return to that situation.

Name:		Mr John Zamit
Address and/or Residents Association:		South East Bayswater Residents Association
Received:	30 th April 2017	

SEBRA objects to this applications on grounds of potential increase in noise nuisance etc in area which is primarily residential.

We are also concerned as possibility of increase in crime and disorder as pub sales area substantially increasing.

We note change of name of premises although we would have preferred it to have been called just the 'Royal Standard Public House' as this was original name of premises

We would want condition that ground and basement area laid out substantially with tables and chairs etc to avoid large areas for 'vertical drinking' and tables / chairs or benches on outside areas of pub...

We would ask for conditions on hours of deliveries and also on collection of refuse and recycling materials so as to protect residential are from undue noise in late evening and during the night.

Assume police will ask for latest CCTV conditions and EH noise etc conditions

Not clear on 'off sales' position before 22.00 (present condition on licence) but would wish standard conditions re Challenge 25, no beer/ cider sold over 5.5% etc

Trust food will be available during 'trading hours'.

We are happy to meet applicant and trust conditions could be agreed so that matter does not need to go to a licensing hearing.

3. **Policy & Guidance**

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

apply: **Policy HRS1 applies** (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. 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

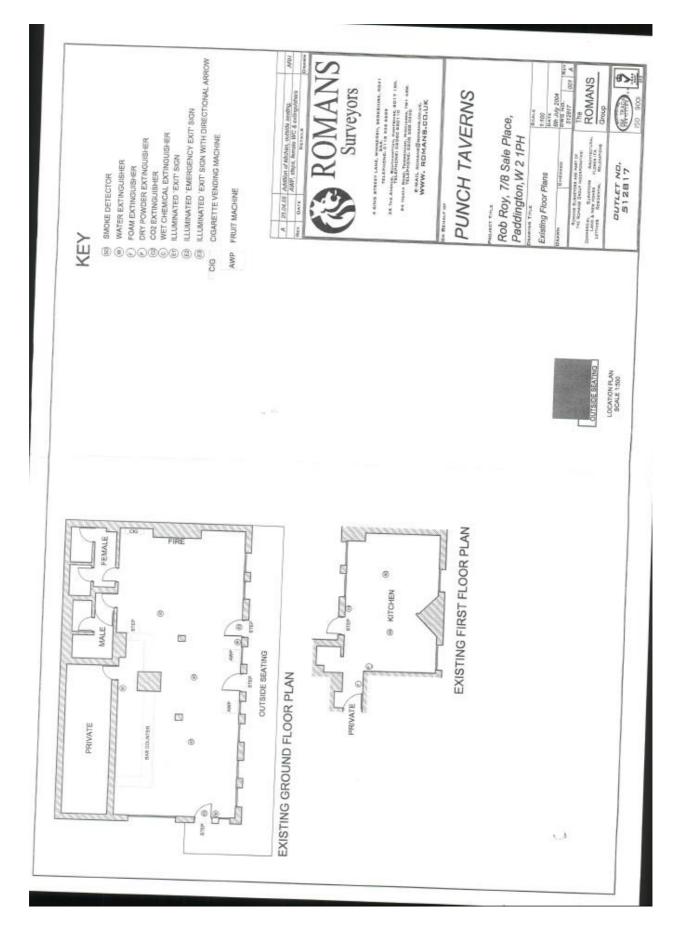
Report author:	Miss Heidi Lawrance		
	Senior Licensing Officer		
Contact:	Telephone: 020 7641 2751		
	Email: hlawrance@westminster.gov.uk		

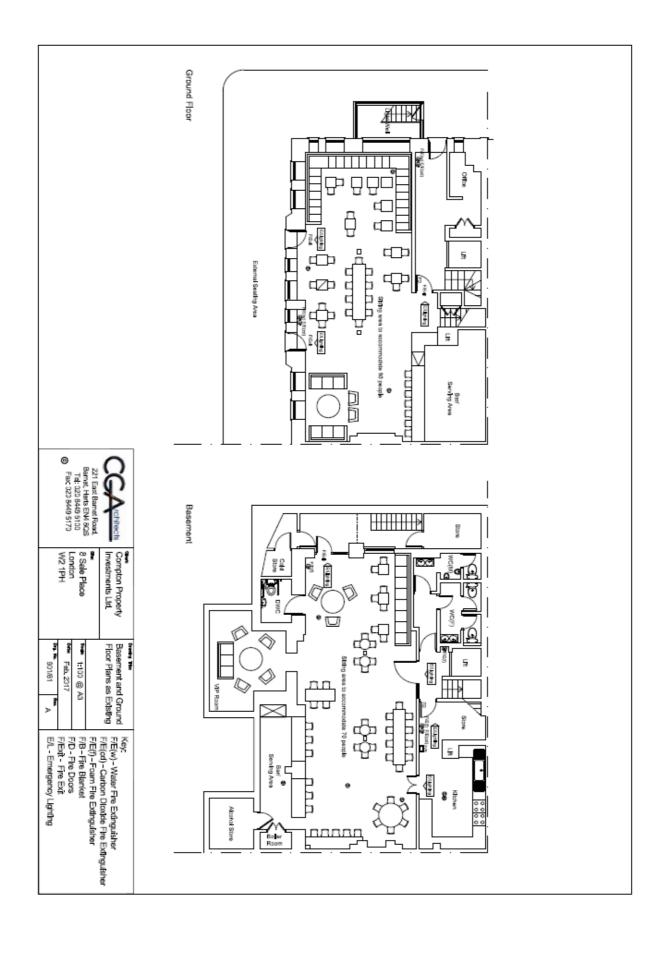
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972 1 N/A Licensing Act 2003 7th January 2016 2 City of Westminster Statement of Licensing Policy 3 Amended Guidance issued under section 182 of March 2015 the Licensing Act 2003 4th April 2017 Application Form 4 24th April 2017 Representation – MET Police Service 5 27th April 2017 6 Representation – Environmental Health 8th April 2017 29th April 2017 7 Representation – Randy Wiseman 8 Representation – Gavin Henderson 10th April 2017 Representation – Catherine May 9 19th April 2017 Representation - Sean Jordon 10 30th April 2017 25th April 2017 11 Representation - SEBRA 12 Representation – Mary Walsh

Appendix 1

Premises Plans – Current





Applicant Supporting Documents

Not supplied.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/06562/WCCMAP	New Premises Application.	28.09.2005	Granted by Licensing Sub Committee
10/05629/LIPDPS	Application To Vary Designated Premises Supervisor.	20.10.2010	Granted under Delegated Authority
13/08657/LIPT	Transfer Application.	16.12.2013	Granted under Delegated Authority
13/09708/LIPDPS	Application To Vary Designated Premises Supervisor.	16.12.2013	Granted under Delegated Authority

Application	Details of Application	Date Determined	Decision
17/01568/LITENP	Temporary Event Notice	10.05.2017	Notice Granted

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application to vary a 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

- 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;
 - 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 subparagraph 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. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (c) On Good Friday, 12:00 to 22:30;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30;
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

- 11. Children shall be accompanied by an adult at all times.
- 12. A sound limiter will be fitted to the sound system.

Annex 3 – Conditions attached after a hearing by the licensing authority

- 13. Children under 14 should be off the premises (first floor) by 21:00 and by 21:30 when taking a meal.
- 14. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
 - (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
 - (c) to a canteen or mess.

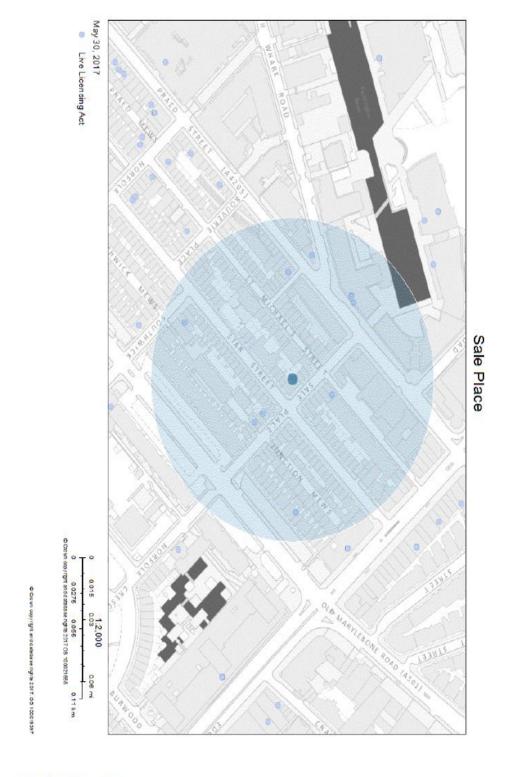
This condition does not prevent payment being made by credit card, provided the customer is presented with an itemised bill showing the details of alcoholic drinks purchased.

- 15. There shall be no off sales after 22:00
- 16. Tables and chairs located outside the premises shall be rendered unusable after 22:30.

Proposed Police Conditions – agreed by the applicant

- 17. 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.
- 18. 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.
- 19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 21. A Challenge 21 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.
- 22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) 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.
- 23. The premises licence holder shall ensure that any patrons drinking and/or 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.
- 24. Whenever licensable activities are taking place with the basement (as defined on Plans XXX), there shall be a member of staff present within basement area.



Resident Count:894