

# Licensing Sub-Committee Report

Item No:	
Date:	5 October 2017
Licensing Ref No:	17/08902/LIPN - New Premises Licence
Title of Report:	Host Coffee 31 Henrietta Street London WC2E 8NA
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:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 August 2017		
<b>Applicant:</b>	Host Coffee London LLP		
<b>Premises:</b>	Host Coffee		
<b>Premises address:</b>	31 Henrietta Street London WC2E 8NA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application, the premises will operate as a Coffee Shop and Café.		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore no history exists for the premises.		
<b>Applicant submissions:</b>	See Appendix 1		

1-B Proposed licensable activities and hours							
Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	08:30	10:00
<b>End:</b>	21:00	21:00	21:00	22:00	22:00	22:00	19:00
<b>Seasonal variations/ Non-standard timings:</b>			None applied for.				

The applicant has withdrawn Recorded Music from the application as the intention is to only have background music at the premises.

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	21:00	21:00	21:00	22:00	22:00	22:00	19:00
<b>Seasonal variations/ Non-standard timings:</b>			None applied for.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	08:30	10:00
End:	21:00	21:00	21:00	22:00	22:00	22:00	19:00
Seasonal variations/ Non-standard timings:		None applied for.					
Adult Entertainment:		Not applicable.					

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	5 <sup>th</sup> September 2017
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> </ul> <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>It should first be noted that we welcome the consideration that has been made in the submission of this application and how the applicants will address the licensing objectives.</p> <p>The Licensing Authority remains concerned the granting of this this application will lead to additional people consuming alcohol in the C.I.A . All applicants within the C.I.A must demonstrate that if granted, they will not add to the cumulative impact.</p> <p>The premises wishes to offer alcohol only as ancillary to the premises operating as café and served by a waiter/waitress seated at bar or counter. We would like to understand better the type of food that would usually be sold with the alcohol, we can currently only see an explanation of bread and oils whilst waiting for food to be delivered. We believe that there is scope to amend the below condition to assist the applicants to demonstrate better the proposed operation style.</p>	

*The premises shall only operate as a restaurant*  
*(i) in which customers are shown to their table,*  
*(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 using non disposable crockery,*  
*(iv) which do not provide any take away service of food or drink for immediate consumption,*  
*(v) which do not provide any take away service of food or drink after 23.00, and*  
*(vi) 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.*

*Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.*

Please accept this as formal objection but we look forward to working with you in the near future to address the concerns listed above.

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	25 <sup>th</sup> August 2017

I refer to the application for a New Premises Licence number for the above premises located in the West End Cumulative Impact area.

This representation is based on plans of basement and ground floor by Brimelow McSweeney ref. 1322-0100 submitted with the operating schedule.

**The applicant is seeking the following licensable activities:**

1. Supply of Alcohol for consumption "On" & "Off" the premises at the following times:  
Monday to Wednesday: 11:00 - 21:00 hours  
Thursday to Saturday: 11:00 – 22:00 hours  
Sunday: 11:00 – 19:00 hours
2. Playing of recorded music "Indoors" at the following times:  
Monday to Wednesday: 07:30 - 21:00 hours  
Thursday to Friday: 07:00 – 22:00 hours  
Saturday: 08:30 – 22:00 hours  
Sunday: 10:00 – 19:00 hours

**I wish to make the following representations:**

1. The supply of alcohol and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End

Cumulative Impact area.

2. The hours requested to play recorded music may have the likely effect of increasing Public Nuisance within the West End Cumulative Impact area

Conditions have been offered in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The granting of the new premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the West End Cumulative Impact area.

<b>Responsible Authority:</b>	Metropolitan Police Service
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<b>Representative:</b>	PC Michael Day
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<b>Received:</b>	4 <sup>th</sup> September 2017
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With reference to the above application, I wish to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated inside the **West End Cumulative Impact Area**, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area which I will be looking into further.

We will be in touch shortly to discuss this application in more detail.

In the meantime if you have any further questions, please do not hesitate to contact me.

2-B Other Persons	
<b>Name:</b>	Resident 1
<b>Received:</b>	25 <sup>th</sup> August 2017
<p>I write to make a relevant representation in respect of this application on the grounds of 'prevention of public nuisance'.</p> <p>I live at Henrietta Street. My flat is therefore in very close proximity to the applicant premises. I am primarily concerned that the sale of alcohol, particularly under the conditions proposed by the applicant, and the terminal hour applied for will be detrimental in terms of public nuisance.</p> <p>I made a representation in respect of the recent application for a new premises licence for the premises, which was rejected as being invalid. I note that this application is wider in scope in that it seeks off sales. Any permission for off sales would need to be conditioned so that alcohol will not be consumed outside the premises. I also note that despite the representations from the responsible authorities referring to paras 2.4.17 and 2.4.22 of the City Council's Statement of Licensing Policy, the applicant still seeks a terminal hour well beyond 8pm and without any meaningful conditions tying the sale of alcohol to being ancillary to a meal.</p> <p>I am particularly concerned about the 'creep' of licensed premises in Henrietta Street, having attended a hearing for no32 Henrietta Street only a few weeks ago. I am aware of problems on Maiden Lane, a street of similar length to Henrietta Street, and am very keen to ensure that similar problems do not begin to arise on Henrietta Street. This goes directly to the issue of 'cumulative impact'.</p> <ol style="list-style-type: none"> <li>1. The premises could still operate as a bar under the licence applied for, even if this is not the applicant's intention.</li> <li>2. Sale of alcohol may lead to customers drinking outside in the close proximity of my flat. My doorway is an unfortunately convenient potential resting point for drinkers and an existing resting point for smokers. I would need to be reassured that customers would neither smoke nor drink in this area.</li> <li>3. The application as it stands is contrary to the Council's Statement of Licensing Policy CIP1 and PB2, which both indicate a refusal of an application unless the applicant can demonstrate 'genuinely exceptional circumstances.' This is my preferred outcome.</li> <li>4. If the Sub-Committee nevertheless considers that the application falls within paras 2.4.17 to 2.4.22 of the Policy, then I request that the terminal hour for licensable activities and the closing time be 8pm, in line with those sections of the Policy. It is noted that the police and Environmental Health have previously requested an 8pm terminal hour too, on the same basis.</li> <li>5. Smokers should be directed to the right hand side of the premises as you face away from the premises, away from my doorway.</li> <li>6. There should be no tables and chairs outside.</li> </ol>	

7. The application includes sale of alcohol for consumption 'off' the premises. Any permission for off sales would need to be conditioned so that alcohol will not be consumed outside the premises and I would need to be reassured of the applicant's ability to prevent this happening.

8. Music is stated to be at 'conversational levels'. This would not require permission for the licensable activity of 'recorded music', and this should be withdrawn.

9. 'On' sales of alcohol is stated to be 'only with the provision of food'. This is quite vague. It does not, in my opinion, prevent the premises operating as a bar, although I note that a condition has now been proposed that the operation of the premises for the sale of alcohol shall be ancillary to the function of the premises as a café.

I would be grateful if you would acknowledge the receipt of this email so that I know my objections to this application have been logged.

I confirm that I would like to attend the hearing if I am able, and I look forward to notification in due course.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	(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.
<b>Policy CIA1 applies:</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

## 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	8 <sup>th</sup> August 2017
<b>5</b>	Representation – Licensing Authority	5 <sup>th</sup> September 2017
<b>6</b>	Representation – Environmental Health	25 <sup>th</sup> August 2017
<b>7</b>	Representation – MET Police	4 <sup>th</sup> September 2017
<b>8</b>	Representation – Linda Camplin	25 <sup>th</sup> August 2017



**Applicant Supporting Documents**

None submitted.

## **Premises History**

There is no licence or appeal history for the premises.

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

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  
$$P = D + (D \times V)$$
  
Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Conditions consistent with the operating schedule**

9. No off sales of alcohol before 11.00 hours and on sales before 12.00 hours. This will be clearly signed and all staff trained in the policy.
10. All off sales of alcohol will be in sealed containers; we will provide Host stamped bags free of charge.
11. On sales of alcohol will be with the provision of food only, served by staff at table.
12. Operation of Challenge 25, with staff trained and log of refusals kept.
13. On sales of alcohol will be with the provision of food only; we will provide bread, oil and nuts free of charge while the customer is waiting for the food order. There will be no drinking outside of the premises, no provision for tables and chairs outside the premises.
14. A comprehensive cctv system will be in place, in accordance with the metropolitan Polices minimum requirements. Staff who can operate the system shall be on premises at all times and able to provide police footage will minimal delay.
15. Sale of Alcohol shall be ancillary to the function of the premises as a cafe. On sale supply shall only be given by staff while patrons are seated at tables. Substantial food and non intoxicating beverages shall be readily available on premises.
16. No draught beers or lagers to be sold on premises.
17. There shall always be a personal licence holder on site for alcohol sales. No self service. All off sales must be served in sealed containers.
18. No patrons shall be able to take alcohol outside even temporarily.
19. The premises shall operate challenge 25 and only accept recognised identification cards.
20. An incident log shall be kept detailing any: Crime, ejections, complaints, cctv faults, etc.
21. Bottle bins shall be sealed and out of reach of the public; rubbish will be disposed at the allotted hours to not become a nuisance. All cleaning chemicals shall be clearly labelled and kept away from public.
22. There will be a zero policy for drug use on the premises. This will include a drug awareness policy and training for staff in recognising the signs of drug misuse.
23. Non alcoholic drinks will be provided to discourage drink driving.
24. Lighting and clear signs will inform guests of any steep steps; fire exit will be clearly signed and a fire prevention and action policy will be adhered to.

25. Hot drinks will be prepared away from customers to minimise exposure to burns. The counter will be of sufficient height to discourage the public from approaching machinery; knives and cleaning chemicals will be kept away from the public.
26. The toilet will be reserved for the use of bona fide patrons and staff only. Capacity will be restricted to 25 including staff. Prominent signs will be displayed asking patrons to be respectful and quiet when leaving.
27. Music will be played at a low conversational volume not through a powerful amplification system.
28. Smell nuisance will be controlled through the minimising of food heating ie. toasties.
29. On sales will terminate at 19.00hours Sunday. 20:00 Monday to Wednesday. 21.00 hours Thursday to Saturday so as not to impinge on the CIA. A contact telephone number will be given to residents.
30. Food for takeaway will be provided in closed containers or bags to discourage eating directly outside the premises.
31. Rubbish will only be put out at designated time.
32. The area directly outside the premises will be kept clean and tidy.
33. A refusals book will be kept.
34. Children will only be allowed in if accompanied by an adult and, in any case, not after 1800.
35. There will be no advertisements for adult entertainment on the premises.

#### **Conditions proposed by the Licensing Authority**

36. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (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 using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) 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.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

**Conditions proposed by Environmental Health**

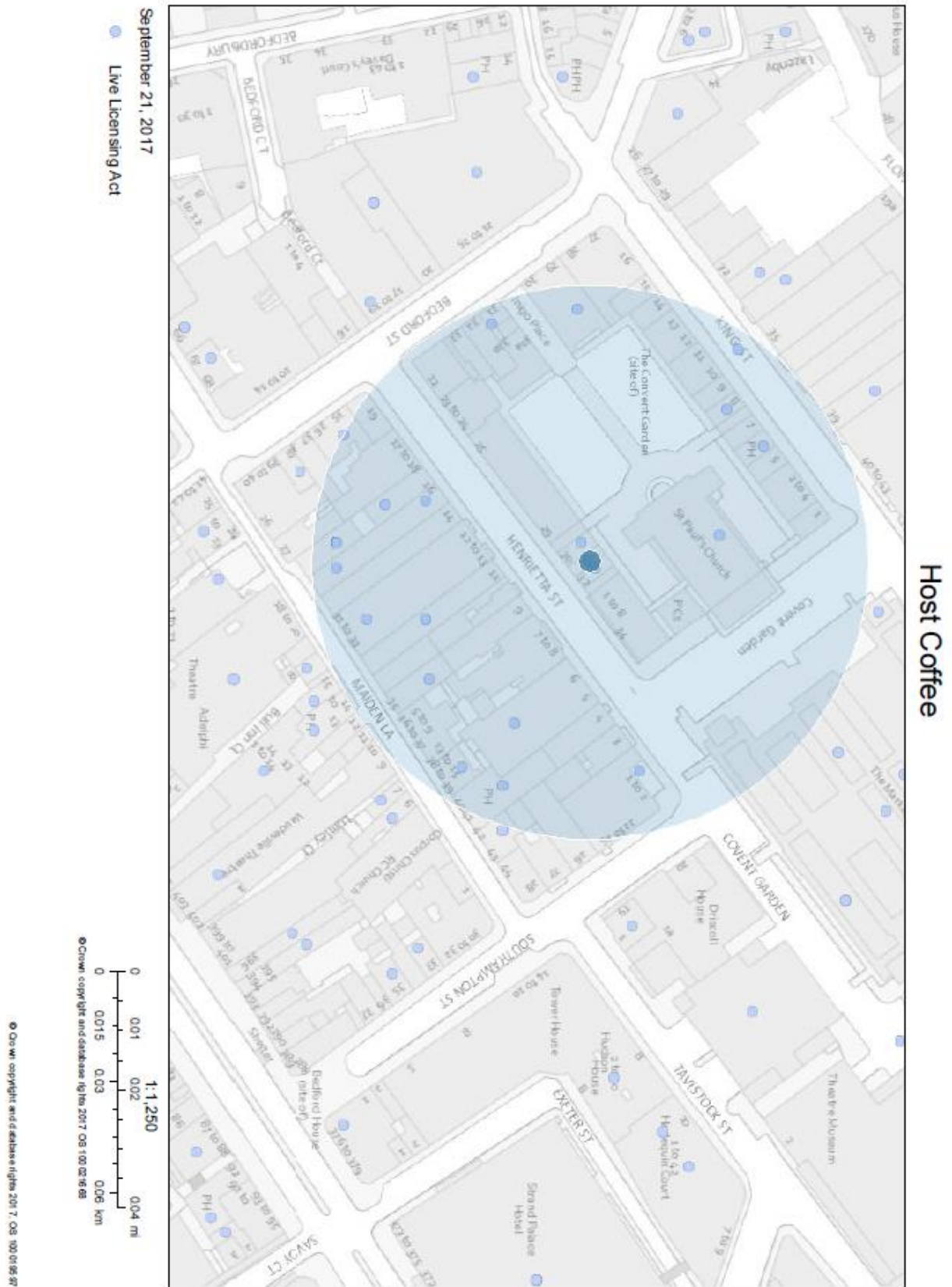
None

**Conditions proposed by the Police**

None



# Residential Map and List of Premises in the Vicinity



Resident Count: 58