

Licensing Sub-Committee Report

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/09205/LIPN - New Premises Licence
Title of Report:	StayCity Apartments 73 - 75 Strand London WC2R 0DE
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			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 August 2017		
Applicant:	Staycity Strand Limited		
Premises:	StayCity Apartments		
Premises address:	73 - 75 Strand London WC2R 0DE	Ward:	St James's
		Cumulative Impact Area:	None
Premises description:	According to the application, the premises will operate as a hotel consisting of Studios, one bedroom and two bedroom apartments with bar facility for residents of the hotel and bona fide guest.		
Premises licence history:	This is an application for a new premises licence		
Applicant submissions:	<p>The applicant operates Aparthotels in London, York, Birmingham and elsewhere internationally.</p> <p>The unit intended to be licensed at the Strand will offer serviced apartments consisting of Studios, one bedroom and two bedroom apartments.</p> <p>Each studio/apartment will offer cooking facilities but the applicant will offer a coffee area which is intended to extend a limited food and beverage offering as identified on the plans at the Ground Floor. There will also be a location where the retail sale of alcohol will take place via a minibar.</p> <p>The application is limited to the provision of licensable activities to residents of the hotel and their bona fide guests only.</p> <p>The application seeks to licence the premises specifically to authorise under the Licensing Act 2003 the following activities:</p> <ol style="list-style-type: none"> 1. The sale of alcohol 2. The provision of late night refreshment after 23:00 (applicable to residents guest). <p>CCTV will be installed within the premises and will cover</p>		

	<p>the area intended to be licensed.</p> <p>It is not anticipated that the proposed development will adversely affect crime and disorder or public nuisance.</p>
--	--

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			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:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non-standard timings:							

Late Night Refreshment – Hotel Guests				Indoors, outdoors or both			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:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:							

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non-standard timings:				The service of alcohol to bona fide guests of residents will be limited to 10:00 hours until 00:30 hours daily.			

Sale by retail of alcohol – Hotel Residents				On or off sales or both:			Both
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	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:							

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	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None.					
Adult Entertainment:		None.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	13 th September 2017

The applicant has submitted the following plans of the premises:

- Lower Basement, drawing no 3689-900 Rev K, dated 26.08.14
- Ground Floor, drawing no 3689-902 Rev E, dated 26.08.14
- First Floor, drawing no 3689-903 Rev E, dated 26.08.14
- Second to Fifth Floors, drawing no 3689-904 Rev E, dated 26.08.14
- Sixth Floor, drawing no 3689-908 Rev G, dated 26.08.14
- Seventh Floor, drawing no 3689-909 Rev F, dated 26.08.14
- Eighth Floor, drawing no 3689-910 Rev K, dated 26.08.14

The applicant is seeking the following licensable activities:

1. Provision of Late Night Refreshment 'indoors' Monday to Sunday from 23:00 to 00:30 hours
2. Supply of Alcohol 'on' and 'off' the premises on Monday to Sunday from 00:00 to 24:00 hours

I wish to make the following representations:

1. Provision of Late Night Refreshment and for the hours requested may have the likely effect of increasing Public Nuisance in the area
2. The supply of alcohol and for the hours requested may have the likely effect of increasing Public Nuisance in the area

Clarification is needed on the proposed licensed areas as the 'hard copy' plans submitted to Environmental Health are unclear on this and the electronic version sent to

the Licensing Service appears not to include the 'coffee area' mentioned in the application form on the ground floor as being part of a licensed area.

The applicant has provided undertakings to support the licensing objectives which are under consideration. Some of these will need to be converted into enforceable conditions.

I understand the premise is still undergoing development for the proposed use. It will therefore need to be inspected for Public Safety prior to commencement of licensable activities.

Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise particularly as 24 hour use is proposed. Such information should be provided, if appropriate, as part of a comprehensive Appendix 11 assessment (as stated in Westminster's Statement of Licensing policy) to prevent Public Nuisance in the area.

The applicant is therefore requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.

Representations are therefore made on Public Nuisance and Public Safety grounds for this application as currently presented.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	8 th September 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

Below are the conditions proposed by the police. If your client is willing to have them attached to any future operating schedule we may be in a position to withdraw our representation

If you wish to discuss the conditions we have proposed please feel free to give me a call.

Police conditions 17/09205/LIPN

1. There shall be no self-service of alcohol on the premises.
2. 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

3. The management of the premises will liaise with police on issues of local concern or disorder. The management will join the local Pubwatch scheme where available.
4. The premises shall install and maintain a 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 officers throughout the preceding 31 day period.
5. 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 to non-residents of the hotel. 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.
6. The food and beverage area shall be substantially laid out with tables and chairs as indicated on the approved licensing drawings.
7. 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.
8. There shall be no striptease or nudity, in the public licensed area and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
9. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
11. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
12. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
13. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.

14. The provision of licensable activities shall be limited to residents and their bona fide guests only
15. No drinks will be removed from the premises in open containers save for consumption in the apartments within the development.
16. Staff will receive training on matters concerning underage sales, policies and operating procedures
17. There will be a zero tolerance policy in relation to drugs at the premises. Regular checks will be made by management to prevent drug use. Drugs seized shall be stored securely and handed to police.
18. Anyone suspected of taking controlled drugs at the premises will be removed
19. 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

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(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.</p> <p>(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.</p>
Policy HOT1 applies:	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>
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	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	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	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	16 th August 2017
5	Representation – Environmental Health	13 th September 2017
6	Representation – MET Police	8 th September 2017

Applicant Supporting Documents

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. The provision of licensable activities shall be limited to residents and their bona fide guests only.
10. The use of door staff will be risk assessed on an ongoing basis by the Licence Holder or the premises supervisor. Where engaged, door staff shall be licensed by the SIA.
11. Alcoholic and other drinks may not be consumed from the premises in open containers save for consumption within the apartments within the development.
12. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
13. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by the management to prevent the use of drugs by patrons. Drugs seized at the premises shall be stored securely and handed to the police.
14. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years.
15. The management of the premises will liaise with police on issues of local concern or disorder.
16. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
17. There shall be no drinks promotions at the premises which are consistent with the needs to promote responsible drinking.
18. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
19. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
20. Toughened glass will be used in the premises where appropriate.
21. Fire exits and means of escape shall be kept clear and in good operation condition.
22. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
23. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers or any nearby noise sensitive premises, where appropriate the licensee or a suitable staff member will monitor patrons leaving at closing time.

24. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
25. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
26. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BFFC/Local Authority Certification.
27. Policies in relation to children shall be adequately communication to patrons by staff or through appropriate signage.

Conditions proposed by the Police

28. There shall be no self-service of alcohol on the premises.
29. 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
30. The management of the premises will liaise with police on issues of local concern or disorder. The management will join the local Pubwatch scheme where available.
31. The premises shall install and maintain a 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 officers throughout the preceding 31 day period.
32. 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 to non-residents of the hotel. 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.
33. The food and beverage area shall be substantially laid out with tables and chairs as indicated on the approved licensing drawings.
34. 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.
35. There shall be no striptease or nudity, in the public licensed area and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

36. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
37. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
38. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
39. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
40. Children under the age of 16 shall not be permitted to enter the premises after 1:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
41. The provision of licensable activities shall be limited to residents and their bone fide guests only – **Duplication of condition 9**
42. No drinks will be removed from the premises in open containers save for consumption in the apartments within the development.
43. Staff will receive training on matters concerning underage sales, policies and operating procedures – **Duplication of condition 12**
44. There will be a zero tolerance policy in relation to drugs at the premises. Regular checks will be made by management to prevent drug use. Drugs seized shall be stored securely and handed to police. – **Duplication of condition 13**
45. Anyone suspected of taking controlled drugs at the premises will be removed
46. 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

Conditions proposed by the Environmental Health

None submitted.

Residential Map and List of Premises in the Vicinity

