



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**17/11411/LIREVP**

Date:

**7 December 2017**

Classification:

**For General Release**

Title of Report:

**The Clifton  
96 Clifton Hill  
London  
NW8 0JT**

Report of:

**Director of Public Protection and Licensing**

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  
E-mail: [hlawrance@westminster.gov.uk](mailto:hlawrance@westminster.gov.uk)**

## APPLICATION DETAILS

<b>Application Type:</b>	A review of premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Clifton Hill Residents Group (CHRG)	<b>Date Application Received:</b>	11 October 2017
<b>Premises Name and Address:</b>	The Clifton 96 Clifton Hill London NW8 0JT		
<b>Ward Name:</b>	Abbey Road	<b>Cumulative Impact Area:</b>	Not applicable.
<b>Description of Premises:</b>	The premises are operating as a public house and restaurant.		
<b>Preliminary Note:</b>			

## 2. SUMMARY OF APPLICATION

- 2.1 An application has been submitted by the Clifton Hill Residents Group (CHRG), for a review of the premises licence for The Clifton, 96 Clifton Hill, London, NW8 0JT. This application was received on 11<sup>th</sup> October 2017 on the grounds of Prevention of Crime and Disorder and the prevention of Public Nuisance. A full copy of the application can be found at **Appendix 1**.
- 2.2 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 2.4 The premises currently benefits from a premises licence that permits:
- Late Night Refreshment**  
Monday to Saturday: 23:00 to 23:30
- Sale by Retail of Alcohol**  
Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30
- 2.5 These review proceedings are brought under the licensing objectives on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance. A history of issues experienced by the CHRG has been provided by the applicant can be found in **Appendix 1**.
- 2.6 The main issue the CHRG has experienced is the noise emanating from the outside areas in particular the Beer Garden and patrons congregating on the low wall and the conservatory to the rear of the premises.
- 2.7 A copy of the existing Premises Licence (17/09675/LIPRW) is attached at **Appendix 2**.
- 2.9 Videos and photographs submitted by the CHRG will be available to view at the Licensing Sub-Committee.

### 3. REPRESENTATIONS:

- 3.1 The Environmental Health Service, as a responsible authority supports the review application on both grounds. A copy of the representation can be found at **Appendix 3**.
- 3.2 6 resident representations have been received in support of the review application. The full details of these can be found at **Appendix 4**.
- 3.3 61 resident representations have been received in support of the premises. The full details of these can be found at **Appendix 5**.

### 4. OPTIONS:

- 4.1 The applicant is seeking to resolve the issues by way of conditions being added to the premises and has suggested the following:
- Stopping use of Beer Garden at an earlier terminal hour – 20:00 hours; Limiting the numbers of customers permitted in the Beer Garden; and/or requiring alcohol to be consumed in the Beer Garden only by persons who are seated;
  - Requiring the presence of a trained SIA person whose sole role is to manage the areas outside the premises building, including ensuring that customers using the Beer Garden do not cause a nuisance and ensuring that customers leave the premises as quietly as possible; and ensuring that customers do not extend beyond the licensed area;
  - Preventing customers from drinking or smoking outside the licensed area i.e selling, serving and consuming food, alcohol and soft drink will be limited ONLY to within the red line marked on the plan; ensuring smokers remain within the designated smoking area;
  - Stopping customers sitting on the low walls around the Beer Garden – installing low metal fencing.
  - Carry out noise attenuation works to the conservatory at the rear of the premises to prevent noise breakout.

Or any other conditions that the Licensing Sub-committee should deem appropriate.

- 4.2 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence;
  - (b) to exclude a licensable activity from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) to suspend the licence for a period not exceeding three months;
  - (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

- 4.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

4.4 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

## 5. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

5.1 Any applications under the Licensing Act 2003 are set out in Appendix 5.

<b>List of Appendices:</b>	Appendix 1 – Review Application and supporting documents Appendix 2 – Current Premises Licence and Plan Appendix 3 – Environmental Health Representation Appendix 4 – Resident Representations in support of the Review Application Appendix 5 – Resident Representations in support of the Premises Appendix 6 – Premises History Appendix 7 – Conditions Appendix 8 – Additional submissions from Mr Amir
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### Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2017)