

Licensing Sub-Committee Report

Item No:	
Date:	21 December 2017
Licensing Ref No:	17/11980/LIPN - New Premises Licence
Title of Report:	15A Elizabeth Street London SW1W 9RB
Report of:	Director of Public Protection and Licensing
Wards involved:	Churchill
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:	24 October 2017		
Applicant:	The Athenian Greek Street Food Limited		
Premises:			
Premises address:	15A Elizabeth Street London SW1W 9RB	Ward:	Churchill
		Cumulative Impact Area:	None
Premises description:	According to the application the premises will operate as restaurant with takeaway facilities and bar.		
Premises licence history:	This is an application for a new premises licence and therefore no history exists for this premises.		
Applicant submissions:	None submitted.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	00:00	00:00	00:00	00:00	00:30	00:30	
Seasonal variations/ Non-standard timings:		None applied for.					

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	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None applied for.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:		None applied for.					
Adult Entertainment:		Not applicable.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr David Nevitt
Received:	30 th November 2017
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	
Responsible Authority:	Metropolitan Police Service (Withdrawn)
Representative:	PC Sandy Russell
Received:	8 th November 2017
<p>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</p> <p>The conditions proposed by Mr Nevitt from EH cover those that police would request so if your client is willing to agree to them we would not propose any further and may be in a position to withdraw our representation.</p> <p>Following the agreement of conditions, the MET Police Service have withdrawn their representation.</p>	

2-B Other Persons	
Name:	Sarah & Nigel Thomas
Received:	7 th November 2017
<p>We are writing to object to the above premises licence application. We believe the new licensing arrangements requested by this establishment, if granted, would contravene the licensing objective of the Prevention of Public Nuisance. Details of our objection are given below.</p>	
<p>1. The stretch of Elizabeth Street between Eccleston Place and Ebury Street, where the applicant is situated, includes a significant proportion of residential accommodation. In addition to our flat block (Sydney House), residential accommodation includes blocks of flats at 29-31 Elizabeth Street, 6-20 Elizabeth Street (Mountbarrow House, directly opposite the applicant), and 39 Elizabeth Street.</p>	
<p>2. During the daytime Elizabeth Street is a vibrant, buzzing street, with coach travellers, residents and others going about their business. However, as the evening draws in, the street becomes much quieter and, by 11.00pm - when the Coach Station, Travellers Tavern pub, Sainsbury's Local, and various cafes have all closed - the street falls to near silence, even on weekends. It becomes a surprising oasis of calm in the middle of a busy part of London. To reiterate, currently no establishment on the street is open beyond 11.00pm on any day of the week. This includes the Travellers Tavern pub, despite provision in its licence to remain open later.</p>	
<p>3. The application requests a licence to open until midnight Monday to Thursday and half-past midnight on Friday and Saturday, and serve alcohol until 30 minutes earlier each day. We contend that the applicant's location in a residential accommodation area and lack of soundproofing renders it unsuitable for late night opening. Furthermore, with the Travellers Tavern shutting at 23.00 (22.30 on Sundays), the granting of a licence to the applicant to supply alcohol late into the evening would only serve to tempt people leaving the Travellers Tavern into the residential part of Elizabeth Street to continue drinking.</p>	
Name:	Dr Blanca TRUYOLS
Received:	21 November 2017
<p>Such extended late opening hours and selling of alcohol are only going to exacerbate the noise & nuisance problems to the numerous residents and peaceful users of the area.</p> <p>Please do not grant license beyond 11, which would do much damage to the considerable success promoted by the council & Grosvenir Estate in recent years to improve this area.</p>	

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 RNT1 applies:	Applications will generally be granted and reviews determined, subject to 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	24 th October 2017
5	Representation – Environmental Health	30 th November 2017
6	Representation – MET Police	8 th November 2017
7	Representation – Mr and Mrs Thomas	7 th November 2017
8	Representation – Dr Truyols	21 st November 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. CCTV shall be installed and covering the inside and entrance of the premises and maintained to police recommendations with log arrangements . All images shall be stored for a minimum of 31 days the system shall be working and recording correctly when the premises are open to the public.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times that the premises are open to the public. The staff member shall be able to show police and authorised Council Officers recent data footage with the minimum of delay when requested.
11. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale and the reason why the sale was refused. The book shall be made available to the Police and Authorised Council Officers on request.
12. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.
13. A Proof of Age scheme shall operate at the premises and all staff shall be trained in it's implementation. Only photographic ID such as a Driving Licence or Passport shall be treated as acceptable forms of identification
14. The Designated Premises Supervisor shall ensure that all existing and new staff receive an induction in the legality and procedure of alcohol sales prior to undertaking the sale of alcohol. This training shall also include the contents of the premises licence; times of operation, licensable activities and all conditions . Training documents shall be signed and dated, and training records shall be made available to a police officer or authorised Council Officer on request. The records shall be retained for at least 18 months.
15. Off sales shall only be permitted when made with the purchase of food and in sealed containers
16. The sale of alcohol will remain ancillary to the use of the premises as a food led restaurant/take away operation.

Conditions proposed by the Environmental Health & Police Service – agreed by all parties.

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.

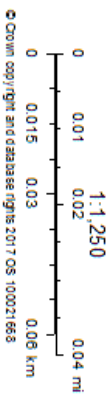
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. There shall be no self-service of spirits on the premises.
22. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
23. The number of persons permitted to be seated in the premises at any one time (excluding staff) shall not exceed 20 persons.
24. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
26. A Challenge 21 or Challenge 25 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.
27. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
28. 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.
29. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
30. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
31. 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.

Residential Map and List of Premises in the Vicinity

15A Elizabeth Street



December 1, 2017
● Live Licensing Act



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Premises within 75 metres of: 15A Elizabeth Street			
p / n	Name of Premises	Premises Address	Licensed Hours
7643	Dominique Ansel Bakery (17-21)	17 Elizabeth Street London SW1W 9RP	Monday to Saturday; 10:00 - 23:00 Sunday; 12:00 - 22:30
7645	Victoria Grocers	17 Elizabeth Street London SW1W 9RP	Monday to Sunday; 07:00 - 23:00
22877	Friar Inn Fish Restaurant	Ground Floor 21 Elizabeth Street London SW1W 9RP	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
7647	Mister Lasagna	23 Elizabeth Street London SW1W 9RP	Monday to Saturday; 07:00 - 23:00 Sunday; 07:00 - 22:30
82303	Sainsbury's	14 - 20 Elizabeth Street London SW1W 9RB	Monday to Sunday; 00:00 - 00:00
25558	Travellers Tavern	4 Elizabeth Street London SW1W 9RB	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
7471	Ebury Wine Bar	139 Ebury Street London SW1W 9QU	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 22:30
7805	Il Convivio	143 Ebury Street London SW1W 9QN	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00