



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 6th August, 2020**, This is a virtual meeting.

Members Present: Councillors Jacqui Wilkinson (Chairman), Margot Bright and Aziz Toki

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 OLIVIER'S BAKERY AND KITCHEN, 71 GREAT PORTLAND STREET, LONDON, W1W 7LR

WCC LICENSING SUB-COMMITTEE NO. 3

Thursday 6th August 2020

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Margot Bright and Councillor Aziz Toki

Officer Support:	Legal Advisor:	Horatio Chance
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Tristan Fieldsend
	Presenting Officer:	Jessica Donovan

Application for a New Premises Licence [20/04489/LIPN]

Full Decision

Premises

Olivier's Bakery and Kitchen
71 Great Portland Street
London
W1W 7LR

Applicant

Olivier's Bakery Great Portland Street Ltd
Represented by Craig Baylis (Bryan Cave Leighton Paisner, Solicitors)
Nathanael Wiseman – Representing the Applicant company

Cumulative Impact Area?

No

Ward

West End

Summary of Application

The Premises would operate during the day as a bakery/café providing a café experience consisting of freshly baked bread, pastries as well as coffee, and juices. However, in the evening the Premises would change its style of operation by operating as a restaurant offering selected wines, beers, and limited cocktails to diners taking a sit-down meal; or in the small bar area before or after their meal. The Applicant sought permission to sell alcohol On the Premises only along with the Hours for Opening for the times specified below.

Proposed Activities and Hours

[Retail Sale of Alcohol \[On Sales\]](#)

Monday to Thursday 10.00 to 23.30
Friday and Saturday 10.00 to Midnight
Sunday 12.00 to 22.30

Hours premises are open to the public

Monday to Thursday 07.30 to 23.30

Friday and Saturday 07.30 to Midnight

Sunday 07.30 to 22.30

Representations Received

- Metropolitan Police (Reaz Guerra) – Now withdrawn
- Environmental Health (“EH”) (Anil Drayan)
- Ms Carolyn Hamilton (Local Landlord)
- Mr Linus Rees (Fitzrovia Neighbourhood Association)

Summary of issues raised by objectors

- The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area therefore having a negative impact on local residents.
- Local Residents raised concerns as to why customers would need to drink alcohol at a bakery.

Policy Position

There is no policy to refuse this application (as the Premises was not situated in an area of Cumulative Impact. The application must, therefore, be determined on merit. Licensable activities would be licensed until core hours.

DECISION

Having considered all the submissions made by the applicant and those opposing the application, the Licensing Sub-Committee (“The Sub-Committee”) decided to grant the application subject to additional conditions.

The Sub-Committee heard a description of the proposal from Mr Baylis with further evidence provided by Mr Wiseman.

Mr Baylis confirmed that the Premises would function as a bakery and to provide reassurance a condition was proposed requiring the supply of alcohol to be ancillary to the Premises operating as a bakery. All customers consuming alcohol would also be required to be seated and served by waiter/waitress service only. The Sub-Committee welcomed this proposed condition. The applicant had accepted the conditions proposed by Environmental Health (EH) and was content to restrict any deliveries to the Premises to certain times in order to minimise any impact on local residents. Further information was provided on the waste management protocols in

place including details on how the waste would be stored in a waste storage area located in the courtyard before being presented for collection. Following discussions, the applicant agreed for an additional condition on the licence to ensure waste could only be presented out on the street no earlier than 30 minutes before the scheduled collection time. Following questions from the Sub-Committee Mr Baylis confirmed that the submitted plan had accidentally omitted the courtyard from the licensable area and as such an updated plan would be lodged if the application was granted.

Mr Drayan, representing Environmental Health, confirmed that the applicant had agreed their proposed conditions. EH was satisfied with the application and highlighted that the supply of alcohol would be ancillary to a person taking a table meal.

Ms Hamilton, a local landlord, expressed concern over the application due to the already high number of licensed premises situated on Great Portland Street which were in her judgement causing public nuisance issues for local residents. The operation of a bakery during the day was not a cause for concern but the operation of another restaurant later in the evening did due to its change in style and character. The concerns raised included customers congregating outside to smoke and taking their drinks with them, the continual opening of the entrance door and the potential for takeaway vehicles waiting outside, all of which could lead to increased levels of noise and litter therefore adversely affecting residents by way of nuisance.

Mr Baylis explained that the Applicant had no plans to operate any style of takeaway service from the Premises and to further address concerns raised would accept a condition on the licence requiring all windows and external doors to be closed after 21:00 hours. To minimise any impact on local residents the Applicant also confirmed that the tables and chairs located in the courtyard area would be rendered unusable after 22:30 hours.

The Sub-Committee expressed the view that it had been difficult to establish the true nature of the application because it lacked sufficient detail in parts. After careful consideration however the Sub-Committee granted the application subject to a number of additional conditions. It was noted that EH was now satisfied with the application following the agreement of conditions which included ensuring the supply of alcohol was ancillary to customers taking a table meal. Further conditions proposed by the applicant requiring the supply of alcohol to be ancillary to the Premises operating as a bakery and requiring its supply to be by waiter/waitress service were also welcomed by the Sub-Committee. It was considered that the waste disposal plan was adequate which in conjunction with an additional condition that the operator could only present waste for disposal on the street no earlier than 30 minutes before it was due to be collected would ensure this would have minimal impact on local residents. Further reassurance was provided by the proposed restriction prohibiting customers leaving the Premises to smoke taking drinks or glass containers with them. Residents would also be offered further protection through the condition requiring all windows and external doors to be kept closed after 21:00 hours and all external tables and chairs to be rendered unusable after 22:30 hours.

Having taken into account all the evidence with due consideration also being given to the representations received from local residents, the Sub-Committee was satisfied

that the application was suitable for the local area and had addressed the concerns raised. The Applicant had demonstrated that the application was appropriate, with the conditions proposed restrictive enough to ensure that it promoted the licensing objectives. The Sub-Committee therefore considered that the conditions it had imposed on the licence were appropriate and proportionate and would have the overall effect of promoting the licensing objectives. On that basis, and subject to the applicant submitting an updated plan to the Licensing Authority indicating the courtyard area, the application was granted accordingly.

The application is granted subject to the following additional conditions in addition to the Mandatory conditions applicable to this type of application:

1. 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.
2. A staff member from the premises who is conversant with the operation of the CCTV 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.
3. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
4. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
5. The number of persons permitted in the licensed areas of the premises at any one time shall not exceed (x persons) excluding staff.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. The licence holder shall ensure that all patrons shall be seated at all times.
12. The licence holder shall ensure that table service shall be provided at all times.
13. The supply of alcohol shall be ancillary to the primary use of the premises as a bakery/café.
14. 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.
15. All outside tables and chairs shall be removed or rendered unusable by 22.30 each day.
16. 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.
17. The licence holder shall ensure that patrons leaving do not congregate outside the premises and are advised to leave the area quietly.
18. 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.
19. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising

or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
23. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 08.00 hours on the following day.
24. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
25. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
26. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place except for the immediate access and egress of persons.

2 19 SLINGSBY PLACE, LONDON, WC2E 9AB

WCC LICENSING SUB-COMMITTEE NO. 3

Thursday 6th August 2020

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Margot Bright
and Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Tristan Fieldsend
Presenting Officer: Jessica Donovan

Application for a New Premises Licence 20/04699/LIPN
Full Decision

Premises

19, 21 and 23 Slingsby Place
London
WC2E 9AB

Applicant

Longmartin Property Limited
Represented by Alun Thomas (Thomas & Thomas, Solicitors)

Cumulative Impact Area?

West End Cumulative Impact Area

Ward

St James's

Summary of Application

The Applicant sought permission for a 12-month period for licensable activities relating to Late Night Refreshment (indoors) and the Sale of Alcohol both On and Off the Premises which also included the privately maintainable land of Saint Martin's Courtyard as shown on the deposited plans. It was noted that this area would close at 23:00 hours Monday to Saturday and 22:30 on Sundays, and no new customers will be permitted to be seated in the external area in the courtyard after 22:30 Monday to Saturday and 21:30 on Sunday.

The Sub-Committee noted that the 3 units were currently unoccupied and that tenants were yet to be found. However, all 3 units were to be food led Premises in any event with alcohol as ancillary to a substantial table meal with the supply of alcohol being by waiter or waitress service only.

The Sub-Committee noted that 19, 21 and 23 Slingsby Place had existing licenses under references 19/06363/LIPN, 19/06362/LIPN and 19/06367/LIPN but subject to works conditions. It was not considered appropriate that these licences be surrendered as previously suggested due to the time limited nature of the application and works conditions imposed on the licence by the Committee as specified below.

Proposed Activities and Hours

[Retail Sale of Alcohol \[On Sales\]](#)

Monday to Thursday 10.00 to 23.30
Friday and Saturday 10.00 to Midnight
Sunday 12.00 to 22.30

Seasonal Variations/Non-Standard Timings:

Sale of alcohol in the external areas to cease at 23:00 Monday to Saturday and 22:30 Sunday.

[Late Night Refreshment \[Indoors\]](#)

Monday to Thursday 23.00 to 23.30
Friday and Saturday 23.00 to Midnight

[Hours premises are open to the public](#)

Monday to Thursday 10.00 to 23.30
Friday and Saturday 10.00 to Midnight
Sunday 12.00 to 22.30

Seasonal Variations/Non-Standard Timings:

Use of external areas to cease at 23:00 Monday to Saturday and 22:30 Sunday.

Representations Received

- Metropolitan Police (PC Cheryl Boon) – Now withdrawn
- Environmental Health (“EH”) (Anil Drayan)
- Licensing Authority (Karyn Abbot)
- Kenton Price (Local Resident) – Now withdrawn
- David Kaner (Covent Garden Community Association) – Now withdrawn

Summary of issues raised by objectors

- Environmental Health needed to undertake Public Safety and Public Nuisance assessments as well as confirm any proposed capacity.
- Further information was required on how the Premises would not add to cumulative impact in a Cumulative Impact Area.
- Concern was raised over the potential for the Premises to become a drink-led destination bar and not a restaurant.

Policy Position

The premises was located within the West End Cumulative Impact Area and as such various policy points had to be considered, namely CIP1, HRS1 and RNT2. The Applicant had to demonstrate how the Premises would not add to cumulative impact in the West End cumulative impact area.

DECISION

Having considered all the submissions made by all parties, the Licensing Sub-Committee decided to grant the application subject to additional conditions.

The Sub-Committee heard a description of the proposal from Mr Thomas. The Sub-Committee was advised that the application was within core hours and covered three units and an external courtyard which was private maintainable land covered by numerous CCTV cameras and had its own dedicated security team. The supply of alcohol would be ancillary to customers taking a substantial table meal and provided by a waiter/waitress service only. The courtyard area would close at 23:00 on Monday to Saturday and 22:30 on Sundays, with no new customers permitted to be seated in the external area in the courtyard after 22:30 Monday to Saturday and 21:30 on Sunday. The three units were currently licensed after a previous Sub-Committee had agreed that they would not add to cumulative impact in the local area. Due to the social distancing measures now required due to the Covid-19 pandemic the use of the courtyard area would simply replace those covers lost inside the units to ensure customers were safely spaced.

Mr Drayan, representing Environmental Health (EH), confirmed that the applicant had agreed all of their proposed conditions. These conditions would ensure the Premises would function as a restaurant and not a bar and therefore EH were satisfied with the application.

Ms Abbot, representing the Licensing Authority, confirmed the hours sought by the applicant were within core hours and the supply of alcohol would be ancillary to customers taking a table meal. The Applicant had agreed EH's proposed conditions and the application would be time limited for a 12-month period. The Premises was located within a CIA however and therefore the Sub-Committee had to be satisfied it would not add to cumulative impact.

The Sub-Committee carefully considered the application and noted that the Police and the two residential parties had all withdrawn their representations following the agreement of conditions with the Applicant. This included ensuring the supply of alcohol was ancillary to customers being seated taking a substantial table meal and supplied by a waiter/waitress service. This provided reassurance that the Premises would not operate as a bar or become a drink-led venue. The hours requested were within the Council's core hours policy and the application would be time limited for a 12-month period. The Sub-Committee felt there was appropriate control over the courtyard area especially with regard to the hours when it could be used by customers. It was recognised that the Premises was located within a CIA, however the conditions agreed would ensure the application did not add to cumulative impact in the Cumulative Impact Area and would have the overall effect of promoting the licensing objectives. The Sub-Committee therefore considered that the conditions were appropriate and proportionate and on that basis granted the application accordingly.

The application is granted subject to the following additional conditions in addition to the Mandatory conditions applicable to this type of application:

1. The supply of alcohol shall only be:
 - a) to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal; or
 - b) In sealed containers for consumption off the premises.
2. There will be no provision of any off sales or take away service of food or drink after 23:00.
3. No new customers will be permitted to be seated in the external area in the courtyard after 22:30 Monday to Saturday and 21:30 on Sunday.
4. In the area(s) hatched on the deposited plans all furniture shall be either removed or rendered unusable after 23:00.
5. No amplified music shall be played in any external area.
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
7. 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.

8. 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:
 - i.all crimes reported to the venue
 - ii.all ejections of patrons
 - iii.any complaints received concerning crime and disorder
 - iv.any incidents of disorder
 - v.all seizures of drugs or offensive weapons
 - vi.any faults in the CCTV system,
 - vii.any refusal of the sale of alcohol
 - viii.any visit by a relevant authority or emergency service.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
10. Deliveries to the premises shall only take place between 07:30 and 11.30 Monday to Saturday.
11. No waste or recyclable materials, including bottles, shall be moved, removed from or placed on the highway between 23.00 hours and 08.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
12. If the licence holder offers a delivery service (either directly or indirectly), specific procedures shall be in place so the activity does not cause nuisance either at or near the premises.
13. 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.
14. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
15. No Licensable activities shall take place at the Premises until the capacity of the Premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the License with a condition detailing the capacity so determined.
16. 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.
17. The supply of alcohol shall be by waiter or waitress service only.

18. No licensable activities shall take place at the premises after 12 months from the date of grant unless this condition is otherwise removed or varied by a subsequent variation application.
19. No licensable activities shall take place at the premises until the premises have 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 and replaced by one stating that all licensable activities shall cease within a date of 12 months after clearance of this condition.

The Meeting ended at 1.46 pm

CHAIRMAN: _____

DATE _____