



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 9th December, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Karen Scarborough (Chairman), Susie Burbridge and Aziz Toki

1. MEMBERSHIP

THERE WERE NO CHANGES TO THE MEMBERSHIP.

2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

APPLICATIONS

1. WHISTLE PUNKS, 198-200 PICCADILLY, W1J 9HU

THIS APPLICATION HAD BEEN WITHDRAWN.

2. 7 HARBET ROAD, W2 1AJ

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE No.4
("The Committee")

Thursday 9 December 2021

Membership: Councillor Karen Scarborough (Chairman)
Councillor Susie Burbridge
Councillor Aziz Toki

Officer Support: Legal Advisor: Viviane Walker
Policy Officer: Kerry Simpkins
Committee Officer: Kisi Smith-Charlemagne
Presenting Officer: Jessica Donovan

Application for a New Premises Licence in respect of Merchant Square Estate
Open Space Paddington Basin London 21/05609/LIPN

FULL DECISION

Premises

Merchant Square Estate
Open Space
Paddington Basin

Applicant

Paddington Basin Management Limited

Cumulative Impact Area

None

Ward

Hyde Park

Summary of Application

This is an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). Merchant square estate in Paddington basin is an 11-acre mixed use development which is host to many events during the year which are put on for those who live, work and visit the area. The Premises are located within the Hyde Park Wad but is not within the West End Cumulative Impact Zone. The application is time limited until 30 April 2026. There is a resident count of 359.

Proposed Activities and Hours

Hours premises are open to the public:

Monday to Sunday 00:00 to 00:00 hours

Sale by retail of alcohol (On Sales):

Monday to Sunday 12:00 to 21:00 hours

Films: (Outdoors):

Monday to Sunday 12:00 to 23:00 hours

Live Music (Outdoors)

Thursday to Friday 12:00 to 19:30 hours

Saturday to Sunday 12:00 to 18:00 hours

Recorded Music (Outdoors):

Thursday to Sunday 12:00 to 20:00 hours

Performance of Dance (Outdoors)

Friday to Saturday 12:00 to 16:00 hours

Representations Received:

- Environmental Health Service (EHS) (Anil Drayan)
- South East Bayswater Residents Association – SEBRA (John Zamit)
- 3 Local residents

Summary of issues raised by objectors:

- EHS representations were made on the basis that the hours requested and the Supply of Alcohol may lead to an increase in Public Nuisance in the area and impact on Public Safety. The singalong sessions are loud and disturb those who live around the area. Residents also raised complaints regarding the infrastructure for showing other films on the pedestrianised zone by the canal. Local residents expressed concerns about the potential noise and disturbance in the surrounding area.

Policy Position:

Under Policy HRS1, applications within the core hours set out in the policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy and applications for hours outside the core hours set out in the policy will be considered on their merits, subject to other relevant policies and with particular regard to the matters identified in Policy HRS1.

Under Policy CCSOS1(A) applications outside the West End Cumulative Zones will generally be granted subject to 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the Council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the Council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinemas, cultural and live sporting venues and outdoor space. 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated area. 6. The application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.

SUBMISSIONS AND REASONS

Councillor Susie Burbridge declared that she lives in the area and is a resident. Councillor Scarborough also declared that she lived in the Hyde Park Ward. All parties confirmed that they were happy to proceed.

The Presenting Officer Ms Jessica Donovan summarised the application, she advised the Licensing Sub-Committee that they had before them a new premises licence application. The Applicant intended to operate a mixed-use development which will host events during the year. The Premises are located within the Hyde Park Ward but not within a Cumulative Area Zone or in a Special Consideration Zone.

Ms Claire Poulton, acting on behalf of the Applicant addressed the Sub-Committee introducing herself and her colleagues Mr Andre Roos (Applicant) and Ms Melissa Wignall (Applicant). She explained that she and her colleagues would be representing Merchant Square Estate and Paddington Basin Management Limited. Ms Poulton advised the Sub-Committee that she had brought along additional presentation and handouts. The Chairman confirmed with all parties that they were happy to accept the late documentation.

Ms Poulton informed the Sub-Committee that Merchant Square is an 11 acre, fully managed mixed-use Estate in London's West End. She explained that the Premises have a dedicated on-site Merchant Square team who oversee an annual events programme, involving summer events such as fitness classes, movie nights, live music, sports screenings and team-building activities as well as seasonal events during Valentine's Day, Easter, Halloween and Christmas. Ms Poulton advised the Sub-Committee that many of their events do not require a licence and they like to

provide food and on some occasion's alcohol. It was noted that the Estate does also hold some commercial events from time to time.

With regards to the objections raised from SEBRA, Ms Poulton advised the Sub-Committee that the Estate has public toilets which are sign posted she added that when there are events attended by more than 150 people, portable toilets are hired. Ms Poulton also advised the Sub-Committee that residents are given advance notice of each event, she also advised that event information is provided on the big screens, communicated via the concierges, building managers and social media.

The Sub-Committee queried the postal address of the estate and whether enough residents would know that the application was for the outdoor Estate. Ms Poulton informed the Sub-Committee that the postal address for the Estate was misleading. She confirmed the 7 Herbert Road was the client's offices, however the blue notice did display that it was Merchant Square Estate and was displayed around the entire Estate. Ms Poulton informed the Sub-Committee that a contact number for the team is displayed on all notices, in addition their phone numbers are on the website, social media and so did the concierges, building managers.

Ms Poulton informed the Sub-Committee that they were in total agreement that the Estate would be cleared of attendee by 23:00 Monday to Saturday and 22:30 on Sunday. Anyone attending an event will be dispersed quietly by the security from the premises. The Sub-Committee queried the exit gates on Praed Street and dispersal when the gates are close. Using an on-screen map, Ms Poulton showed the Sub-Committee that the premises did not go as far as Praed Street and their neighbours West End Key control the gates on Praed Street. She added that each event would have an operation plan which would include a dispersal plan. Ms Poulton informed the Sub-Committee that there were a number of routes from the premises and when the gates are closed people are directed by signage and security staff to Harbert Road, South Wharf Road or off to Paddington Station.

The Sub-Committee queried the use of pop-up bars, the arrangements for passers-by and where the portable toilets would be located. Members also sought clarification on the number of commercial events and if there would be any sporting events. Responding the questions raised, Ms Poulton advised the Sub-Committee that infrequently there would be some pop-up bars depending on the event, she confirmed that there would be barriers in event areas. She also confirmed that the portable toilets are positioned by the lawn, in the year there had been two commercial events and there was likely to be the same amount each year. Ms Poulton advised the Sub-Committee that there would not be any Football events, but they may host an event for something like Wimbledon.

The Sub-Committee queried the location of the events on the premises and the proximity to the school. Members also wanted clarification with regards to the times when the large screen would be switch off. Ms Poulton used the map to confirm the event areas and confirmed that no events take place near the school. She confirmed that there had been on occasion when the screen malfunctioned and they were unable to switch it off, however this is fixed, and they now also have an option to switch it of remotely. Members felt that a new map detailing the location of the portable toilets and location of events should be produced.

Mr Anil Drayan on behalf of Environmental Health Service, stated that he had provided pre application advice the Applicants and he was there to assist the Sub-Committee with any questions that they might have. Mr Drayan confirmed that he suggested that the Applicant should devise suitable event management plans for all events, which included crowd management, noise control and dispersal. Mr Drayan informed the Sub-Committee that the entire site use could cause issues and therefore there needed to be certain conditions to ensure residence that no nuisance would arise. Mr Drayan confirmed that he was now happy with the application and hours. Mr Drayan confirmed that event plans will be submitted 28 days before and that this was a time limited application until 2026.

Mr Richard Brown CAB, speaking on behalf of the South East Bayswater Residents Association (SEBRA) confirmed that SEBRA raised concerns to ensure that there is a balance between the events and residents. Mr Brown informed the Sub-Committee that the Applicant has answered most of the questions raised but want to discuss additional conditions. Mr Brown felt that there should be a condition which states ***Should the number of persons intended to attend an event is likely to exceed 150 persons the Premises Licence Holder shall ensure that additional toilets are provided.***

Mr Brown suggested that the minutes of the meeting reflect that it was the Applicants intention not to host more than two commercial event per year. Mr Brown advised the Sub-Committee that the wording from Model Condition 24 should be used for the direct telephone number condition. Mr Brown also suggested that conditions 1 and 2 be slightly amended.

Condition 1, "a maximum of" should be replaced with "only"

Condition 2, "under this licence" should be added after outdoor event space

Mr John Zamit (South East Bayswater Residents Association (SEBRA) addressed the Sub-Committee seeking further clarification on toilet facilities for the disabled and baby changing. Mr Zamit also wanted to clarify what sporting event would be hosted. The Sub-Committee sought further clarification on how sing-alongs would be managed. Ms Poulton confirmed that there would be toilet facilities for the disabled and baby changing. She also confirmed that there would be no football events, they would consider hosting sports events such and the Olympics and Wimbledon. Ms Poulton informed the Sub-Committee that the films were silent, and headphones were used, however with musical, people would sing along.

The Sub-Committee felt it was important to note that no events should be located outside resident's homes and security staff should be posted at the West End Gates to direct guest to alternative exits. The Committee also felt that for balance no sing-alongs should take place after 21:00 hours.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, submissions made by the Applicant, all other parties and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub- Committee noted that the premises are not within the Cumulative Impact Zones. The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives. The Sub-Committee considered the conditions agreed with the Applicant would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for **Films (Outdoors)** Monday to Sunday 12:00 to 23:00 hours.
2. To grant permission for **Live Music (Outdoors)** Thursday to Friday 12:00 to 19:30 hours Saturday to Sunday 12:00 to 18:00 hours.
3. To grant permission for **Recorded Music (Outdoors)** Thursday to Sunday 12:00 to 20:00 hours.
4. To grant permission for **Performance of Dance (Outdoors)** Friday to Saturday 12:00 to 16:00 hours.
5. To grant permission for the **Sale of Alcohol (On Sales)** Monday to Sunday 12:00 to 21:00 hours.
6. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 00:00 to 00:00 hours.
7. That the Licence is subject to any relevant mandatory conditions.
8. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

9. Only one event at a time shall be held at the premises with a maximum 20% of the event site used for staging the event.
10. The sale of alcohol at the premises shall be ancillary to the primary use of Premises as an outdoor event space under this Licence.
11. A suitable and sufficient Event Management Plan shall be drawn up by a competent person prior to an event and made available, if requested, to the Responsible Authorities. This shall be kept for at least one year, signed-off by

a person with management responsibilities and must contain information and assessments, as a minimum, on the following aspects where relevant:

- Details of responsible persons present including at least one person with management responsibilities of the licence holder Emergency and Evacuation procedures
- Crowd management and stewarding arrangements
- Overnight security arrangements
- A detailed site plan showing all permanent and temporary structures and all access and egress point
- Capacity at any one time
- Certificates from competent persons on Temporary Structures, Electrical Power Supply and Gas equipment
- First Aid and Lost Children arrangements
- Noise Management Plan
- Risk Assessments
- A waste management plan
- Sanitary accommodation
- Public Liability Insurance

12. All drinks sold, supplied or consumed shall only be in open polycarbonate or crushable vessels unless prior exemption has been obtained from Westminster's Environmental Health Consultation Team and/or Westminster Police Licensing Team for a specific event in writing or by e-mail.
13. 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.
14. 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.
15. The Premises Licence Holder shall comply with all reasonable requirements of Westminster Police Licensing Team, the London Fire and Emergency Planning Authority and Westminster City Council's Environmental Health Consultation Team, Filming & Events Team and City Inspectors.
16. The Licensee must ensure, unless agreed with the Environmental Health Consultation Team, that the LAeq (15 min) noise level does not exceed 65 dB(A) from any electronically amplified sound system 1m from the window of the nearest noise sensitive premises.
17. Events that include amplified music exceeding 65dB LAeq (15 min) must be notified to the Environmental Health Consultation Team at least 28 days prior to the event and the notification shall include the Noise Management Plan for the event.
18. Admission of children to a Film event must be restricted in accordance with the film classification recommended by the British Board of Film Classification or as recommended by the classification from this Licensing Authority.

19. Any event showing Films that are staged beyond 21:00 hours shall only be carried out under the following circumstances:
 - Film audio to be delivered to each attendee via wireless headsets
 - Customer capacity less than 500 at any one time.
20. There shall be no noise audible at the nearest noise sensitive premises from any construction or similar works in association with the set up and/or dismantling of the site, outside the hours of:
 - 08:00 - 18:00 Monday - Saturday
 - 10:00 - 18:00 Sunday.
21. No licensable activities shall take place at parts of the premises marked on the plans currently undergoing redevelopment until this area of 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.
22. 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 are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
23. 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 are 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.
24. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
25. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.

26. A minimum of 3 SIA licensed door supervisors shall be on duty from thirty minutes prior to the start of any event where alcohol will be sold until thirty minutes after the event has concluded. SIA door supervisors must correctly display their SIA licence(s) when on duty so as to be visible.
27. SIA licensed door supervisors shall wear high visibility jackets or vests.
28. There shall be no sales of alcohol for consumption off the premises.
29. The Premises Licence Holder shall risk assess the need for additional SIA licensed door supervisors at other times based on a documented risk assessment. A copy of the risk assessment shall be kept at the premises and produced to Police and/or an authorised officer of Westminster City Council on request.
30. Should the number of persons intended to attend an event is likely to exceed 150 persons the Premises Licence Holder shall ensure that additional toilets are provided.
31. Persons attending the events shall vacate the premises by 23:00 hours Monday to Saturday 22:30 hours Sunday and a Security Officer shall be present at the edge of the Estate by the Floating Park.
32. A SIA licensed door supervisor shall be positioned at the edge of the estate near the Pocket Park until 23:00 hours Monday to Saturday and 22:30 hours on Sunday.
33. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number/and or is to be made available to residents and businesses in the vicinity.
34. There shall be no football events.
35. The Applicant shall submit to the Licensing Authority a new plan of the premises which shall show the licensable areas, toilets, location of events that might take place and posting of security officers controlling dispersal at the end of the Estate by the entrance of the Pocket Park.
36. There shall be no events immediately outside residents' entrances.
37. There shall be no singalong events after 21:00 hours.
38. All temporary screens shall be switched off 23:00 hours.
39. The licensable activities permitted under this Licence shall end after 30 April 2026.

INFORMATIVE

40. There shall be no more than two commercial events each of 28 days per annum.

This is the Full Decision of the Licensing Sub-Committee which takes effect Forthwith.

Licensing Sub-Committee
9 December 2021

3. PITCH, 12 MEARD STREET, W1F 0EQ

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE No.1
("The Committee")

Thursday 9 December 2021

Membership: Councillor Karen Scarborough (Chairman)
Councillor Susie Burbridge
Councillor Aziz Toki

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Kerry Simpkins
Committee Officer: Kisi Smith-Charlemagne
Presenting Officer: Roxsana Haq

**Application for a New Premises Licence in respect of Pitch 12 Meard Street
London W1F 0EQ 21/08493/LIPN**

FULL DECISION

Premises

12 Meard Street, London, W1F 0EQ

Applicant

Golf Masters Limited

Cumulative Impact Area

West End

Ward

West End

Summary of Application

The Committee determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intend to trade as an indoor golf club and golf leisure facility.

Proposed Activities and Hours

Hours premises are open to the public:

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sale by retail of alcohol: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Plays: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Films: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Indoor Sporting Events: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Live Music: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Recorded Music: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Performance of Dance: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00
Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Anything of a similar description to that falling within live music, recorded music or performance of dance: (Indoors)

Monday 11:00 to 21:00
Tuesday 10:00 to 21:00

Wednesday to Friday 11:00 to 23:00
Saturday 10:00 to 23:00
Sunday 10:00 to 18:00

Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Representations Received:

- Licensing Authority (Jessica Donovan)
- 2 Local residents in support
- 1 Local resident objected

Summary of issues raised by objectors:

Concerns were raised regarding the prevention of crime and disorder, public safety and the prevention of public nuisance. One local resident maintained his representations to ensure that the applicant was not able to arbitrarily change the use of the area under review without having to reapply for a variation. The Objectors also wanted to ensure that the licence if granted was conditioned so there are no less than nine areas related to playing / practising golf.

Policy Position:

Under Policy CIP1, A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises and music and dancing and similar entertainment, other than applications to:
1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact. D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies with this statement.

Under Policy CCSOS1, B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the Council's Core Hours Policy HRS1. 3. The Applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

SUBMISSIONS AND REASONS

The Presenting Officer Ms Roxsana Haq introduced the application, she advised the Licensing Sub-Committee that they had before them a new premises licence application where the Applicant intended to operate as an indoor golf club and golf leisure facility. The Premises are located within the West End Ward and within the West End Cumulative Area Zone but not in a Special Consideration Zone.

Mr Alun Thomas addressed the Sub-Committee, he confirmed the application for a new premises licence made in relation to part of ground floor and basement, 12 Meard Street, London W1F 0EQ (“the Premises”). Mr Thomas informed the Sub-Committee that no licensable activities were carried out on the ground floor which is only an entrance and reception. Mr Thomas confirmed that the Premises had recently been granted planning permission for use of part ground and basement floors as a leisure facility (sui generis) (Planning ref: 21/02628/FULL) as a golf ‘virtual’ driving range.

Mr Thomas explained to the sub-Committee that the operation was founded by PGA professional golfers Mr Elliot Godfrey and Mr Chris Ingham. He confirmed that the Premises would operate as “Pitch”, bringing tour level technology to golfers in Central London. Mr Thomas informed the Sub-Committee that the Premises follow the highly successful first facility which opened in the City of London in 2016 and would create golfing bays with one-to-one tuition and practice alongside social bays ideal for small group play and practice.

Using the screens in the committee rooms, Mr Thomas showed the Sub-Committee the premises using street maps, highlighting the entrance at street level. Mr Thomas also showed the Sub-Committee the plans for the premises including the basement level and practice bays. Mr Thomas advised the Sub-Committee that his clients had spent a significant amount of money for the very latest technology to achieve a premiere golfing experience for their clientele. Mr Thomas outlined the application including the hours of operation and the requested licensable activities.

Addressing the policy concerns, Mr Thomas advised the Sub-Committee that the application had been specifically drafted with consideration of the Premises location in mind and had followed pre-application advice. He informed the Sub-Committee that the operating schedule proposed 30 conditions designed to promote the Licensing Objectives. He noted that the hours sought are well within Core Hours in line with Core Hours Policy HRS1, thereby removing any concerns regarding the availability of public transport and late-night dispersal from the premises.

Mr Thomas stated that the application demonstrated compliance with the City Council’s Combined use premises Policy COMB1, which in this location should be considered (i) on its merits; (ii) subject to the promotion of the licensing objectives – to which the detailed Operating Schedule relates; (iii) within Core Hours; (iv) no deliveries applied for; and (v) no addition to cumulative impact, (thus not necessarily requiring an exception) as per the reasons explained.

Mr Thomas stated that despite the alcohol offering, as the Licensing Authority acknowledges, the Premises do not fall within the Public Houses and Bars Policy PB1. The Premises use does not meet the definition at Clause D which requires a premises, or part thereof, to be used primarily for the sale or supply of alcohol for consumption on the premises and/or for consumption off the premises for consumption outside the venue. Mr Thomas added that this was because the sale of alcohol must be ancillary to an indoor golf club and golf leisure facility and no off sales or external space within the licence demised have been applied for. He noted that in any event, it would be an exception to Policy PB1.

The Sub-Committee sought clarification on the arrangements for private events, capacity limits, the percentage of alcohol sold, the food offering and noise escape. Mr Thomas invited Mr Chris Ingham (Applicant) and Mr Elliot Godfrey (Applicant) to respond to the Sub-Committee queries. Mr Ingham advised the Sub-Committee that there was a small area in the basement for private events and all events would be golf themed, the area held 4 tables and chairs. Mr Godfrey confirmed that the maximum capacity was 90 persons and that the bar equated to 10-15% and was ancillary to golf. Mr Ingham confirmed that food, such a sushi and buffet, would be brought in and there was no kitchen on site.

Mr Thomas advised he Sub-Committee that his clients had agreed conditions with regard to 'no smoking' in Meard Street, the WCC model condition for dispersal and a copy of the dispersal policy, deliveries between 09:00 – 18:00 and SIA security for any private events for more than 35 people after 20:00 until close. Mr Kerry Simpkin (Policy advisor) queried the Applicants need to apply for an extensive list of licensable activities. Mr Thomas advised the Sub-Committee that all licensable activities would be ancillary to golf, and he wanted to ensure that his clients were able to operate the premises in a manner to cater to all their clientele.

Mr Alex Hare (Landlord) addressed the Sub-Committee, he advised that he was very pleased with Pitch as a tenant and very happy with the manner in which Mr Ingham and Mr Godfrey operated of the Premises. Mr Hare confirmed that the Premises had operated in the way that had been described and there was no hidden agenda. He informed the Sub-Committee that he and the Applicants had conducted a lengthy consultation with all stakeholders and had built good relationships with its neighbours.

The Sub-Committee invited Ms Jessica Donovan (Licensing Authority), to summarise her representations. Ms Donovan described the application, noting that the Premises were located in the West End Ward and West End Cumulative Impact Area. Ms Donovan advised the Sub-Committee that the Licensing Authority noted that entrance to the premises was by membership or prebooked golfing events, she also noted that the hours were within the Westminster core hours for operation. Ms Donovan advised the Sub-Committee that it was therefore for the Sub-Committee to decide if the Applicants had demonstrated that the Premises would not add to the Cumulative Impact Area in accordance with Policy CIP1.

The Sub-Committee invited Mr Richard Brown CAB (Representing Local Resident Objector) to address he Sub-Committee. He thanked the Applicants for the openness of communication. He noted that with regard to the SIA condition, his client did instruct that the SIA should ensure that dispersal is managed effectively, however he did understand that it was difficult to ensure and control behaviour. Mr Brown wanted to be clear that from his client's point of view that his request was to help effective dispersal. Mr Thomas pointed our that whilst his client was happy to do their best to ensure effective dispersal.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, submission made by the Applicant

and all other parties and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee placed significant weight on the detailed conditions offered by the Applicant. The Sub-Committee noted that the nature of the operation would not add to the Cumulative Impact Zone and welcomed the type of business proposed in Westminster. For these reasons, the Sub-Committee decided that it would be appropriate and proportionate to grant the application.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for the **Sale of Alcohol (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
2. To grant permission for **Seasonal Variations**: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
3. To grant permission for **Plays (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
4. To grant permission for **Seasonal Variations**: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
5. To grant permission for **Films (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
6. To grant permission for **Seasonal Variations**: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
7. To grant permission for **Indoor Sporting Events (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
8. To grant permission for **Seasonal Variations**: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
9. To grant permission for **Live Music (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
10. To grant permission for **Seasonal Variations**: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

11. To grant permission for **Recorded Music (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
12. To grant permission for **Seasonal Variations:** From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
13. To grant permission for **Performance of Dance (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
14. To grant permission for **Seasonal Variations:** From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
15. To grant permission for **Anything of a similar description to that falling within live music, recorded music or performance of dance (Indoors)** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
16. To grant permission for **Seasonal Variations:** From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
17. To grant permission for the **Opening Hours of the Premises** Monday 11:00 to 21:00 hours Tuesday 10:00 to 21:00 hours Wednesday to Friday 11:00 to 23:00 hours Saturday 10:00 to 23:00 hours Sunday 10:00 to 18:00 hours.
18. To grant permission for **Seasonal Variations:** From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
19. That the Licence is subject to any relevant mandatory conditions.
20. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

9. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as an indoor golf club and golf leisure facility, with no less than 9 playing areas.
10. There shall be no licensable activities on the ground floor of the premises.
11. The provision of licensable activities shall only be provided to:

- a) Persons paying a minimum monthly golf club membership fee of £60 and their guests limited to no more than 4 at any time;
 - b) Persons attending a pre-booked indoor golf bay paying a minimum admission charge of £60 per bay per group and their guests limited to no more than 4 at any time;
 - c) Persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A record of the event shall be kept for a minimum period of 31 days at the premises and made available for immediate inspection by Police or an authorised officer of the Council throughout the entire 31-day period; or
 - d) Bona fide guests of the management, limited to no more than 15 persons at any time.
12. 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 are 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.
13. 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 are 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.
14. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day, they start their employment.
15. No drinks shall be taken outside the premises.
16. 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.

17. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
18. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
19. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
20. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
21. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
22. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
23. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
24. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - i. Any permanent or temporary emergency lighting battery or system
 - ii. Any permanent or temporary electrical installation
 - iii. Any permanent or temporary emergency warning system
25. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. No noise generated on the premises, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.
29. No deliveries to the premises shall take place between 09:00 and 18.00 hours.

30. 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 unless it is during the Council's own times for commercial waste collection carried out for the street as stated on its website.
31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. 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 unless it is during the Council's own times for commercial waste collection carried out for the street as stated on its website.
33. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
34. 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.
35. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
36. 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.
37. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the Licensing Authority. If there are minor changes during construction new plans shall be submitted when requesting removal of this condition.
38. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 90 persons. Final capacity figure shall be determined on clearance of "works" condition, but it shall not be more than 90.
39. There shall be no smoking in Meard Street.

40. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
41. There shall be SIA Security for any private event for more than 35 persons after 20:00 hours until close.

This is the Full Decision of the Licensing Sub-Committee which take effect Forthwith.

**Licensing Sub-Committee
9 December 2021**

4. 43 CHARING CROSS ROAD, WC2H 0AP

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE No.4
("The Committee")**

Thursday 9 December 2021

Membership: Councillor Karen Scarborough (Chairman)
Councillor Susie Burbridge
Councillor Aziz Toki

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Kerry Simpkins
Committee Officer: Kisi Smith-Charlemagne
Presenting Officer: Jessica Donovan

Application for a Variation of Premises Licence in respect of 43 Charing Cross Road London WC2 0AP 21/07520/LIPV

FULL DECISION

Premises

43 Charing Cross Road London WC2 0AP

Applicant

Caskade 2020 Limited

Cumulative Impact Area

West End

Ward

St James's Ward

Special Consideration Zone: None

Summary of Application

The Committee has determined an application for a variation of Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intend to operate as a restaurant. This variation application sought to removal of the licensable activity for the sale of alcohol, conditions relating to the sale of alcohol. Extension the opening hours, to include late night refreshment to 03:00am. (During the consultation period the hours were agreed with the Police to be reduced to 01:00) and the submission of new, updated premises plan. The premises have had the benefit of a licence (21/06269/LIPT since September 2009. There is a resident count of 191.

Current Activities and Hours

Hours premises are open to the public:

Monday to Sunday 07:00 to 00:00 hours

Seasonal Variations: Sundays before a Bank Holiday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sale by retail of alcohol (on and off sales):

Monday to Saturday 10:00 to 00:00 hours

Sunday 10:00 to 23:30 hours

Seasonal Variations: Sundays before a Bank Holiday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Late Night Refreshments (Indoors and outdoors):

Monday to Sunday 23:00 to 00:00 hours

Seasonal Variations: Sundays before a Bank Holiday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Proposed Activities and Hours

Hours premises are open to the public:

Monday to Sunday 07:00 to 01:00 hours

Seasonal Variations: Sundays before a Bank Holiday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Late Night Refreshments (indoors and outdoors):

Monday to Sunday 23:00 to 01:0 hours

Seasonal Variations: Sundays before a Bank Holiday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Representations Received:

- Metropolitan Police Service (PC Adam Deweltz) **(Withdrawn 8th September 2021)**
- Licensing Authority (Roxsana Haq)
- Covent Garden Community Association (CGCA) (David Kaner)

Summary of issues raised by objectors:

- The Licensing Authority had concerns in relation to the application and how the premises would promote the four licensing objectives.
- The Premises would harm the Licensing Objectives related to Public Nuisance and Crime and Disorder. The premises are in the heart of the West End CIZ and the proposed extension of LNR hours will, in our view, give rise to harm to the Licencing Objectives both in the immediate vicinity and in the wider area.

Policy Position:

Under Policy HRS1, applications within the core hours set out in the policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy and applications for hours outside the core hours set out in the policy will be considered on their merits, subject to other relevant policies and with particular regard to the matters identified in Policy HRS1.

Under Policy FFP1, applications outside the West End Cumulative Zones will generally be granted subject to 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the Council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the Council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a fast-food premises in Clause D.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Senior Licensing Officer, summarised the application as set out in the report before the Sub-Committee., she advised the Licensing Sub-Committee that they had before them an application for variation of premises licence. The Premises are located within the St James's Ward and within the West End Cumulative Area Zone but not in a Special Consideration Zone. Ms Donovan informed the Sub-Committee that the Metropolitan Police Service had made an objection, however after agreeing conditions with the Applicant, their representations were subsequently withdrawn.

Mr Luke Elford, speaking on behalf of the Applicant outlined the nature of the variation sought. He explained that the existing Licence for a Pizza Express was transferred to the Applicant in July 2022 and this application was to vary the licence to update the layout of the Premises to a Kentucky Fried Chicken (KFC), remove the Sale of Alcohol (On and Off-sales) as a licensable activity and to remove conditions pertaining to the Sale of Alcohol from the Premises Licence. Mr Elford advised the Sub-Committee that his client also sought to extend the hours for Late Night Refreshment (Indoors) from 23:00 - 00:00 Monday to Saturday (23:30 Sunday) to 23:00 - 01:00 Monday to Sunday and to amend the Opening Hours from 07:00 - 00:30 Monday to Saturday (00:00 Sunday) to 07:00 - 01:00 Monday to Sunday.

Mr Elford explained that the layout of the Premises had changed as part of the re-branding from a Pizza Express to a KFC. He advised the Sub-Committee that the revised layout plans could be found at pages 117 - 119 of the agenda pack and the existing layout can be observed at page 127. Mr Elford felt that it was best to deal with the layout so that the discussion regarding the licensable activities were in conjunction with the correct layout. He informed the Sub-Committee that KFC premises do not sell alcohol and so the Applicant asked that the Sale of Alcohol as a licensable activity is removed. Mr Elford also confirmed that his client had agreed further conditions to promote the Licensing Objectives.

Mr Elford informed the Sub-Committee that the existing Premises Licence permitted the Premises to trade until 00:30 Monday to Saturday and until 00:00 on Sunday. He confirmed that his client sought a small increase to those hours until 01:00 Monday to Sunday (+ 30 minutes Monday to Saturday and +1 hour on Sunday). Mr Elford advised the Sub-Committee that his client was prepared to remove the Sale of Alcohol as a Licensable Activity altogether. Mr Elford felt that this meant that the Premises would be significantly less impactful upon the Licensing Objectives than a Premises that sold alcohol.

Mr Elford advised the Sub-Committee that his client was prepared to amend and reduce its hours of operation from 07:00 - 00:30 Monday to Saturday 07:00 - 00:00 Sunday to 10:00 - 01:00 Monday to Sunday. He confirmed that it would result in a net loss of 17 operational hours per week. Mr Elford informed the Sub-Committee that, although no change to the capacity condition (condition 15) was proposed as part of the application, upon further review of the layout his client was prepared to reduce the capacity numbers. He advised the Sub-Committee that the current capacity condition stated: The number of persons permitted in the premises at any

one time (excluding staff) shall not exceed: Ground floor 90 persons First floor 80 persons with no more than 168 persons at any one time.

Mr Elford Advised the Sub-Committee that his client was proposing that the condition be amended to state: The number of persons dining at the premises at any one time shall not exceed: Ground floor - 25 persons First floor - 75 persons with no more than 100 persons dining at the premises at any one time. He confirmed that this was a reduction of 68 persons.

Mr Elford advised the Sub-Committee that the application would reduce the overall capacity of the Premises. He felt that the conditions proposed, including the additional conditions agreed with the Metropolitan Police would promote the Licensing Objectives and meet the requirements of CD1, PS1, PN1, and CH1; he commented that there is no evidence to the contrary. Mr Elford informed the Sub-Committee that the operation of the venue could only be described as meeting the definition of a Fast-Food Premises. He noted that in relation to DEL1, his client was an experienced operator of these types of premises with a plethora of policies and procedures dealing with such matters. Mr Elford added that his client was happy to discuss additional measures regarding deliveries.

The Sub-Committee sought clarification on why the basement was included in area of licensable activities and the conditions offered on deliveries. Mr Sameer Botwala, on behalf of the Applicant in response confirmed that the basement would house the kitchen area and where the food would be prepared. Mr Elford also informed the Sub-Committee that his client has agreed a no deliveries after 23:00 hours condition.

Ms Roxsana Haq on behalf of the Licensing Authority confirmed that the Licensing Authority welcomed the changes made to the application. She noted that the premises are within the West End Cumulative Impact Area, and it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment unless an exception is made. Ms Haq advised the Sub-Committee that the Licensing Authority maintained its objections and it would be for the Sub-Committee to determine if the application was an exception.

Mr David Kaner, speaking on behalf of the Covent Garden Community Association (CGCA) advised the Sub-Committee that the original application was for Late Night Refreshment (LNR) until 03:00. He noted that the application had been amended for LNR until 01:00. However, the concern of the CGCA, on behalf of local residents, remained the same. Mr Kaner explained that by offering late night refreshment after the end of Core Hours the premises would encourage customers to remain in the area rather than leave and this would add to the cumulative impact already being experienced.

Mr Kaner advised the Sub-Committee that removing the Sale of Alcohol from the licence would be beneficial, however the sale of alcohol after 23:00, on the previous licence, was ancillary to a table meal and the licensing policy makes clear that alcohol sales associated with a meal are less likely to give rise to issues. He added that in any case, it was not in the KFC operating model to sell alcohol. Mr Kaner commented on the Applicant's statement suggestion that the opening hours permitted by the licence will be reduced with the premises opening at 10:00 rather

than 07:00. However, he felt that it should be noted that Pizza Express actually opened at 11:30am, despite being permitted to open earlier than this. Therefore, this reduction will have no impact.

Mr Kaner informed the Sub-Committee that capacity of the premises for seated customers would be reduced from 168 to 100. However, Pizza Express rarely operated to the limit of its seating capacity. Hence like the hours in the morning this is a "benefit" with little or no impact. Mr Kaner informed the Sub-Committee that the impact of the premises was not just related to how many people can be seated but the number of people who use the premises. Mr Kaner noted that even if some customers eat in at KFC, the time they spend in the restaurant, will be much shorter than in a Pizza Express. Hence a greater turnover of customers and a greater impact despite the smaller seated capacity.

The Sub-Committee sought further information on the estimated transactions on a daily/weekly basis and the additional hours. The Sub-Committee also sought clarification the proportion of takeaway deliveries and how those deliveries would be managed so that they do not cause nuisance. Mr Botwala was unable to provide information on the expected transactions, he confirmed that deliveries would make up 20% of the business and would be done through their delivery partners, Uber, Just Eat and Deliveroo. Mr Elford confirmed that there was a modified version of Model Condition 98 to ensure that the Licence Holder has a process to manage deliveries so that they do not give rise to nuisance and a condition to ensure that deliveries are only made to bona fide location and not to people using local landmarks and then consuming the meal in the street.

Mr Richard Brown speaking on behalf of the CGCA advised the Sub-Committee that this was a judgement call and they needed to decide if the reduction in capacity, they should consider D18 of the Statement of Licensing Policy. He added that later hours for LNR will add to the cumulative impact already being experienced and the application for any extension of LNR should be refused.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, submissions made by the Applicant and all other parties and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee was mindful of the fact that the Licensing Authority had maintained their representations, on the basis that the Premises fall within the West End Cumulative Impact Zone (CIZ), therefore, the application needs to be considered under CIP1, FFP1 and HRS1. As such, the Sub-Committee had to be satisfied that the application will not add to the CIZ. For that reason, the Sub-Committee refused to grant permission for the extended hours for Late Night Refreshment.

The Sub-Committee noted that representations had initially been made by the Metropolitan Police Service, however, these had been withdrawn following discussions with the Applicant.

In relation to the other variations sought, the Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not add to negative cumulative impact in the CIZ and thus promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To **refuse** to grant permission for the extended hours for **Late Night Refreshment**. The Committee came to the overall conclusion that the additional hours would have a negative impact on the cumulative impact area leading to the licensing objectives being undermined.
2. To grant permission to **vary the layout of the plan** submitted to the Licensing Authority.
3. To grant permission to **remove all licensable activities pertaining to the sale of alcohol** from the Premises Licence.
4. To grant permission to **remove Mandatory Conditions 1 to 8(iv)** from the Premises Licence.
5. To grant permission to **remove conditions 11, 12, 13, 14, 16, 17, 18, 19, 20 and 23** from the Premises Licence.
6. To grant permission **to amend condition 15** (now condition 11).
7. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 10:00 to 01:00 hours.
8. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

9. 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 are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.

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 when the premises are 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.
11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

Ground floor 25 persons
First Floor 75 persons

With no more than 100 persons at any one time.
12. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. The highway and public spaces in the immediate vicinity of the premises shall be kept free of litter from the premises.
15. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. An incident book shall be operated by staff employed at the premises and made available for inspection by the Police or the Licensing Authority upon reasonable request.
17. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. Handbag hooks will be fitted to tables throughout the premises.
19. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until 30 minutes after close to assist with

dispersal. They must correctly display their SIA licence(s) when on duty so as to be visible.

20. The Premises Licence Holder shall risk assess the need for additional SIA licensed door supervisors at other times based on a documented risk assessment. A copy of the risk assessment shall be kept at the premises and produced to Police and/or an authorised officer of Westminster City Council on request.
21. All SIA licensed door supervisors shall wear high visibility yellow jackets or vests.
22. A copy of the premises dispersal policy shall be made readily available at the premises for inspection by a Police Officer and/or an authorised officer of Westminster City Council.
23. There shall be no delivery from 23:00 hours until the premises are closed.
24. Orders for delivery will only be taken for delivery to a verified business or residential address.
25. Delivery drivers/riders shall be given clear, written instructions to use their vehicles (cars, mopeds, cycles etc) in a responsible manner so as not to cause a nuisance in the vicinity of the licensed premises or the delivery location, not to leave engines running when vehicles are parked and not to obstruct the highway or footway. Drivers/riders who do not comply with the instructions will not be permitted to make deliveries on behalf of the licensee.

This is the Full Decision of the Licensing Sub-Committee which take effect Forthwith.

**Licensing Sub-Committee
9 December 2021**

5. 2 TENS FOR MAPPIN HOUSE, 4 WINSLEY STREET, W1W 8HF

The applications had been withdrawn.