



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 21st April, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jim Glen (Chairman), Melvyn Caplan 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. HM THE QUEEN'S PLATINUM JUBILEE OPEN SPACE AT JUNCTION AND HORSEGUARDS ROAD AND THE MALL, SW1A 1AA

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE No.3
("The Committee")

Thursday 21 April 2022

Membership: Councillor Jim Glen (Chairman)
Councillor Melvyn Caplan
Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Jack Robinson-Young
Presenting Officer: Karyn Abbott

Application for a Time Limited New Premises Licence in respect of Her Majesty The Queens Platinum Jubilee Open Space at Junction and Horse Guards Road and the Mall London SW1A 1AA

Present: Matthew Phipps (TLT Solicitors) The Department for Digital, Culture Media and Sport ("The Applicant") (Andrew Dent and Nicholas Cady of the Applicant) David Greaves (Arcadis) Rob Colicci and Sarah Bellamy of Colicci) Rosanna Machado and Mike Kent of Pageant Company) Caroline Lloyd (BBC) Tony Ball (SES) Security Company Ben Milton (Sound Design and PA for the Concert)

Premises

Her Majesty The Queen's Platinum Jubilee Open Space at Junction and Horse Guards Road and the Mall London SW1A 1AA

Applicant

The Department for Digital and Culture Media and Sport (DCMS)

Cumulative Impact Area

None

Special Consideration Zone

West End Buffer

Ward

St James's

Summary of Application

The Sub-Committee has determined an application for a Time Limited New Premises Licence under the Licensing Act 2003 ("The Act") by the Applicant, The Department for Digital, Culture Media and Sport (DCMS) in respect of Her Majesty The Queen's Platinum Jubilee Open Space at Junction and Horse Guards Road and the Mall London SW1A 1AA. The Applicant has applied for regulated entertainment, retail by sale of alcohol, late night refreshment for a time limited period over the bank holiday weekend from 2-5 June 2022 to cover the Queen's Jubilee. Representations have been received by The Metropolitan Police Service (MPS) The Environmental Health Service (EHS) and The Licensing Authority. There has been 1 letter of support from the Royal Parks. The Premises is located within the St James' Ward and falls within the West End Buffer Special Consideration Zone

There is a resident count of 1245.

Activities and Hours applied for

Hours premises are open to the public:

Monday 00:00hrs to 23:59hrs

Tuesday - N/A

Wednesday to Sunday 00:00hrs to 23:59hrs

Plays, the Exhibition of Films, Live and Recorded Music, Performance of Dance, Anything of a Similar to Live Music, Recorded Music and Performance of Dance (Indoors and Outdoors)

Monday to Wednesday - N/A

Thursday to Saturday 09:00 to 23:00

Sunday 09:00 to 21:00

Seasonal Variations N/A

Late Night Refreshment (Indoors and Outdoors)

Monday to Tuesday - N/A

Wednesday to Sunday 23:00 to 05:00

Sale by retail of alcohol (On and Off sales)

Monday to Wednesday - N/A

Thursday to Sunday 11:30 to 22:30

Seasonal Variations N/A

Representations Received:

- Metropolitan Police (PC Dave Morgan)
- Environmental Health (Anil Drayan)

- Licensing Authority (Daisy Gadd)
- Royal Parks (Alun Mainwaring) (Support)

Summary of issues raised by objectors:

- The Metropolitan Police as a Responsible Authority are objecting to this application on the basis that if granted it would undermine the licensing objectives. This is not to say that we are against the application far from it, but we do feel that we need to satisfy ourselves that the licensing objectives are to be promoted throughout the event, prior to withdrawing our objection.
- The regulated entertainment, provision for late night refreshment and the supply of alcohol may lead to an increase in Public Nuisance and Public Safety in the area. The EHS welcome that the Applicant proposes to make an Event Management Plan and it is recommended that at least the Alcohol Management Plan and the Noise Management Plan are as final versions as possible so that they can be presented for consideration by the Licensing Sub-Committee. The Applicant is recommended to present to the LSC layout plans for each of the days licensable and any other activities. These should include locations of the infrastructure in support of the event e.g., stages, ticketed areas (and any other restricted areas for public), all bar and food units, sanitary facilities etc.
- In order to assess the application, it would be helpful if you could address the following points and questions. It may be based upon your response, that additional conditions may be proposed to be added to the operating schedule of the licence to ensure sufficient restrictions are in place to reflect the operation.
- I am writing on behalf of the Royal Parks in support of the application. As Members of the Licensing and Safety Planning Group, the Royal Parks have been working together with agencies including DCMS, Westminster City Council and the Metropolitan Police Service to plan for and deliver a safe and successful event, meeting the agreed objectives of the licence. The Royal Parks have a proud history of hosting ceremonial events and celebrations, including the Queen's Diamond Jubilee in 2012. Our event management teams contribute a wealth of experience and knowledge of the parks and surrounding areas and are able to identify the key issues related to crowd management and large-scale events and how best to mitigate these. With catering concessions across all of the Royal Parks, we have a good relationship and confidence in the designated premises supervisor Colicci to responsibly sell and supply alcohol across the weekend. In summary we are very supportive of this application to deliver such an important and significant event which we are confident will enrich British culture.

Policy Position:

Policies HRS1, SCZ1 and CCSOS1 apply under the City Council's Statement of Licensing Policy (SLP). There is no presumption to refuse the application.

HRS1

- Applications within the core hours set out below in this policy will generally, be granted for the relevant premises uses, subject to not

being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

CCSOS1

- Applications outside of the West End Cumulative Impact Zones will generally be granted subject to the application meeting the requirements of Policies CD1, PS1, PN1 and CH1. The Applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the main function as a cinema, cultural and live sporting venues and outdoor space.
- The Applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated area
- The use of an outdoor space for licensable activities and other purposes as part of or ancillary to an event, small to large concerts, national significant musical concert or events (e.g. Hyde Park) Mayoral or Council organised events and seasonal activities (e.g., Christmas market or Winter Wonderland).
- For the purposes of the above the sale of alcohol and late-night refreshment must be ancillary function to the primary purpose of the venue. An audience may include either invited guests, members of that venue or associated organisation or members of the public who have purchased a ticket or not.

SCZ1

- In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule. For the Purposes of Clause A, the designated Special Consideration Zones are:
 - West End Buffer
 - Queensway/Bayswater
 - Edgware Road
 - East Covent Garden
 - Mayfair
 - Victoria

SUBMISSIONS AND REASONS

The Sub-Committee considered an application for a New Premises Licence under the Licensing Act 2003 ("The Act") by the Applicant DCMS in respect of Her Majesty

The Queen's Platinum Jubilee Open Space at Junction and Horse Guards Road and the Mall London SW1A 1AA.

Ms Abbott the presenting officer gave a summary of the application to the Sub-Committee. She advised that this is an application for a New Premises Licence for Her Majesty the Queen's Platinum Jubilee, at the Open Space at Junction and Horse Guards Road and The Mall, London SW1A 1AA. The application has been made by DCMS represented by Mr Matthew Phipps of TLT Solicitors.

The Applicant has applied for regulated entertainment, retail by sale of alcohol, late night refreshment for a time limited period over the bank holiday weekend from 2-5 June 2022 to cover the Queen's Jubilee. Full details can be found at pages 2-4 of the agenda report.

Representations have been received by The Metropolitan Police Service (PC Morgan), The Environmental Health Service (Mr Anil Drayan) and The Licensing Authority (Ms Gadd). There has been 1 letter of support from the Royal Parks which can be found at page 8 of the report. The Premises is located within the St James' Ward and falls within the West End Buffer Special Consideration Zone.

Mr Phipps appearing on behalf of the Applicant said this is something that is exceptional as it is an event of national significance as we are celebrating the Queen's Jubilee. He advised that the expertise and experience involved in putting the application is unusual and therefore significant. Pages 21-22, 54, 65, 85, 99, 124 detail the various statements by the senior management team engaged in this process. He advised that there has been collaboration, cooperation and full engagement with officers. A significant amount of work has been undertaken in the run up to the hearing where there has been significant stakeholder engagement featured at page 38 of the agenda report but admitted because this is effectively a "live application" matters are evolving all the time.

The Sub-Committee noted that the Applicant sought pre-application advice and tailored the application to meet with all the relevant policies under the City Council's SLP. Mr Phipps advised that the application itself is a time limited Premises Licence that will effectively fall away in September 2022. The proposal is for one weekend of celebrations. The September finish off is a contingency measure only. He highlighted to the Sub-Committee that the Operating Schedule starts at page 177 of the agenda report and stated that there was to be no proposed further additional amendments. Mr Phipps referred the Sub-Committee to proposed Condition 11 which deals with the Event Management Plan structure forming the basis of which the policies are brought together in one manageable document - these can be found as per the index contained on page 112 showing the various issues and topics.

Mr Phipps advised that during the consultation process engagement was taken seriously (Page 17 onwards of the report refers) and confirmed that the DCMS circulated some 2400 letters to local residents and 1500 to businesses and notices were erected around the application site. There has been no residential objections to these proposals and engagement will continue and will not stop.

In terms of the Representations made by the Responsible Authorities they don't seek to object to the proposals. There is 1 letter of support from the Royal Parks and

because the application is live so to speak the material is developing all the time. The Police's rep includes amendments to conditions which have already been agreed and all the issues that were raised have now been attended to. In so far as the licensable activities taking place within the licensable area are concerned this involves late night-refreshment that has been applied for until 05:00 hours merely as a welfare provision only which will not be advertised. Regarding the sale of alcohol there are conditions specifically about training and Challenge 25 and with regulated entertainment proposed conditions 17-19 covers matters dealing with nuisance so the public nuisance licensing objective will be promoted.

PC Morgan on behalf of the Metropolitan Police addressed the Sub-Committee and stated that the Police are not against the application. He said that he was here to answer any questions the Sub-Committee may have from a crime and disorder perspective. He did say that initially the Police objected as further information was not available before but with the course of time this has now been provided. PC Morgan stated that the application was complex and the details of the events are still being finalised. He advised that significant information has been received as to how the event will operate and be managed. He said that he has seen the operation schedule and CCTV plan and they provide significant information and feel the licensing objectives will be met.

PC Morgan stated that the MPS are a major stakeholder in the planning of this event and overall security of the Met. The detailed policing plan has been created which is solely aimed at the prevention of crime and disorder throughout the event, there will be a huge policing presence during the event including all the licensable areas. He said that the MPS are happy with the application and that there are sufficient safeguards in place to promote the licensing objectives.

Mr Drayan appearing on behalf of the EHS addressed the Sub-Committee. Mr Drayan stated that EHS had only maintained the representation as we felt the Sub-Committee should determine the application rather than it be dealt with under delegated authority by Officers. He confirmed that EHS are satisfied with the application and was glad that the Applicant had sought initial pre-application advice. The operating schedule has been largely reproduced from what had been advised.

Mr Drayan said that there will be other places that will cause noise issues, screens will be set up to help reduce this. The main noise source will be down to the concert, and so we have ensured a noise limiter is being used. Mr Drayan said that EH did have concerns as to how the alcohol provided will be managed and therefore proposed Condition 13 that is not necessarily part of the event management plan, effectively imposing a condition whereby the Police have the power to shut down the licensed bar areas. Mr Drayan pointed out to the Sub-Committee Condition 10(ii) which is very similar to the usual works condition.

The Sub-Committee noted that the capacity had not yet been determined as this will depend upon the figure to be used and that the idea is that the Premises site will not come to saturation point where people are able to move freely around.

Ms Gadd appearing on behalf of the Licensing Authority addressed the Sub-Committee. Ms Gadd advised that the Licensing Authority had had constructive discussions with the Applicant throughout the application. Ms Gadd advised that the

application does fall within the Council's outside space policy and that is covered by the condition that restricts activities provided throughout the Bank holiday and Jubilee weekend. In terms of late night-refreshment as she understood the position the intention was for there to be a couple of hospitality sites to be open rather than the whole offering throughout the Mall in terms of the use.

Regarding the Off-sales of alcohol element the intention is not for alcohol to be sold as off sales. Instead, this is to be used as a contingency measure which has been applied for. Ms Gadd did say that consideration should be given to the numbers on dispersal when leaving the Premises site and entering the cumulative impact zones.

Conclusion

The Sub-Committee noted that this was an application by the Applicant for a time limited Premises Licence to support the four days of celebrations for Her Majesty the Queen's Platinum Jubilee intended to be held from Thursday 2 June throughout to Monday 6 June which will culminate in the Platinum Jubilee Pageant, Artistic Performers, dancers, musicians, military personnel, key workers and volunteers will unite to tell the story of the Queen's 70 year reign in an awe inspiring festival of creativity. The London Pageant will combine pomp and ceremony, street arts, theatre, music, circus, costumers as well as cutting- edge visual technology, drawing on talent from every part of the United Kingdom and Commonwealth.

The Applicant intends for the celebratory event to take place between the four days but has made provision in the application should it be suspended for whatever reason until September. Accordingly, the Applicant is seeking a Premises Licence until 30 September 2022.

The Sub-Committee noted that the area to be licensed will include St James Park with a boundary to the south along Birdcage Walk, to the east along Parliament Street and Whitehall, to Trafalgar Square, to the north along the Mall, to include part of Green Park, and to the west that area to the front of Buckingham Palace.

Provision is made within the application for facilities to enable the sale of alcohol across the Royal Parks and within the areas covered by the licence as well as the full range of regulated entertainment to facilitate the celebrations. Provision has also been made for late night refreshment on the night of Wednesday 1 June through to Sunday 5 June from 23:00 to 05:00 hours on each day as a welfare provision.

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application. There is no policy presumption to refuse the application.

The Sub-Committee was pleased that the Applicant had undertaken pre-application advice and had engaged extensively with the Responsible Authorities when considering all aspects of the application and the promotion of the licensing objectives.

It was evident that the Applicant had presented the Sub-Committee with a very detailed and well thought out application that was comprehensive and this was helped by the very experienced management team appointed to assist in the technical aspects of the application by the various individual statements submitted. The Sub-Committee noted that an application of this magnitude would undoubtedly

require a high level of experience and expertise and this was welcomed by the Sub-Committee given the high numbers of people expected to attend the celebrations.

The Sub-Committee noted that late night refreshment had been applied for until 05:00 hours and the rationale for this was on the grounds of welfare protection. Again, the Sub-Committee considered this to be a sensible approach and an appropriate safeguard the Applicant should have in place. It was confirmed by the Applicant that late night refreshment would not be advertised and the Sub-Committee was glad of this assurance.

The Sub-Committee noted the detailed Event Management Plan as this underpins the management arrangements for the Premises daily during the celebratory event and will help promote the licensing objectives. These include but are not limited to the following matters:-

- Alcohol Management
- Noise Management
- Dispersal Plan
- Vehicle control
- Event scheduling and timings
- Welfare medical and first aid
- Infrastructure build
- Ticketing
- Public management
- Safety management
- Event risk assessment
- Transport logistics
- Contingency emergency evacuation

The Sub-Committee sought clarification regarding the suggested conditions contained in the noise assessment and noise management plan and it was confirmed by the Applicant that this was now covered by Condition 11 as a “catch all” and this was imposed on the Premises Licence as Condition 9 specified below.

The Sub-Committee sought clarification also on ingress and egress to the Premises site and whether there is to be a small area that is ticketed access only. The Applicant confirmed that the details for ingress and egress can be found on pages 120 and 121 of the report where the various location points are marked. There is to be a seated auditorium and there will be a national ballot and invitations predominately directed to charities and other causes that the royal family are associated with. Access to the parks will be through normal access.

The Applicant clarified that on page 166 of the report there was a typographical error when it stated that the start time for the sale of alcohol will commence no earlier than “11:00 hours” should in fact read “11:30” as was applied for on page 4 of the report and this was noted by the Sub-Committee.

The Sub-Committee noted that the public are free to bring their own food and drink on to the Premises site and this will be covered by the very detailed Event Management Plan. The Applicant explained that it would be unmanageable and unworkable to have stewards on departure asking where visitors to the Premises site

had purchased alcoholic drinks from and this was accepted by the Sub-Committee as something that could not be policed or enforced practically.

The Applicant confirmed that it was not anticipated that any of the alcohol being sold would be for off-sales. A Challenge 25 scheme policy is to be adopted for alcohol sales to cover the bar areas which in turn will safeguard children and have the desired effect of promoting the protection of children from harm licensing objective and this is now conditioned on the Premises Licence as Condition 14 specified below.

The Sub-Committee noted that the proposed conditions had been worked on extensively by the parties which came out of the pre-application process. Therefore, it was satisfied that the wording of the conditions were accepted as drafted and did not require further amending.

The Sub-Committee in its determination of the matter considered what impact the application would have on the West End Buffer Special Consideration Zone. The Sub-Committee had regard to Paragraphs D47 and D48 on page 55 of the SLP and was satisfied that the measures the Applicant is to put in place over the four-day event will mitigate the policy implications when it came to issues like theft, anti-social behaviour, incidents relating to ambulance call outs at night to the location of the licensed premises, intoxication input related to intoxication and or assault.

Furthermore, the Police confirmed that they were content with the application given the vast preventive measures the Applicant has adopted to prevent crime and disorder as well as the Applicants undertaking to comply with the Event Management Plan which will include CCTV, security, crowd control measures and a robust policing plan.

The Sub-Committee concluded that the papers demonstrated a strong management competence and an exceptional circumstance and this was evident by the range of departments that have been involved in the application from the outset and were to keep the continued dialogue.

The Sub-Committee had regard to the Alcohol Management Plan and Noise Management Plan which would feature as part of the Event Management Plan when considering what conditions, it should impose on the Premises Licence. The Sub-Committee considered that the conditions it has imposed will mitigate the concerns raised as they will dovetail and compliment the matters contained within the Event Management Plan as well as promoting the licensing objectives.

The Sub-Committee appreciates that the concerns of the Responsible Authorities were alleviated given the extensive negotiations, agreement of conditions, in addition to the continued input and advice from the Licensing Safety Advisory Group covering all aspects of the Jubilee weekend. The celebratory events over the bank holiday weekend are as stated above and so licensable activities for the sale of alcohol and late-night refreshment are to be ancillary to the main function and purpose of the Premises Licence being that of a celebration of the Queens Platinum Jubilee.

The Sub-Committee was delighted to grant the application as submitted with the agreed conditions. The Sub-Committee looks forward to what will be a memorable event and huge significance both nationally and internationally for the Country and

the City of Westminster as host celebrating British culture at its best thereby making history for Her Majesty The Queen's Platinum Jubilee for many years to come.

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

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

1. **To grant permission for Plays, the Exhibition of Films, Live and Recorded Music, Performance of Dance, Anything of a Similar to Live Music, Recorded Music and Performance of Dance (Indoors and Outdoors)** Monday to Wednesday – N/A Thursday to Saturday 09:00 to 23:00 Sunday 09:00 to 21:00. There are no seasonal variations.
2. **To grant permission for Late Night Refreshment (Indoors and Outdoors)** Monday to Tuesday N/A Wednesday to Sunday 23:00 to 05:00 hours. There are no seasonal variations.
3. **To grant permission for the Sale by Retail of Alcohol (On and Off)** Monday to Wednesday N/A Thursday to Sunday 11:30 to 22:30. There are no seasonal variations.
4. **To grant permission for the Opening Hours of the Premises:** Monday 00:00 to 23:59 Tuesday N/A Wednesday to Sunday 00:00 to 23:59. There are no seasonal variations.
5. That the Premises Licence shall be time limited for Her Majesty's The Queen's Platinum Jubilee event due to take place across the Bank Holiday Weekend from Thursday 2 June 2022 to Sunday 5 June 2022 and the licensable activities so authorised shall be restricted to this period in accordance with Condition 21 specified below but in any event this Licence shall expire on the 30 September 2022 (whichever is the sooner) after which time this Licence shall cease and have no effect.
6. That the Licence is subject to any relevant mandatory conditions.
7. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

8. Her Majesty The Queen's Platinum Jubilee Licensing and Safety Planning Group (LSAG) shall be set up for this event at least 2 months prior to the event starting and chaired by a representative of the City Council's City Promotions, Events and Filming Team (CPEFT) and/or a representative from

The Royal Parks. Meetings of the LSAG shall be held as often and be composed as determined by the LSAG:

- i. Membership of the LSAG shall consist of invited representatives of the following and any other appropriate and specialist advisor(s) as required by the chair of the LSAG;
 - The Royal Parks
 - Designated event organiser (where the licensee is not the event organiser)
 - Westminster City Council (Environmental Health Consultation Team (EHCT) and CPEFT)
 - The Metropolitan Police Service (MPS)
 - The London Ambulance Service
 - London Fire Brigade
 - Transport for London
 - ii. The operational use of this licence to meet the licensing objectives of the Licensing Act for the events each day shall be agreed through the LSAG process. Prior to the event starting on each day EHCT shall provide feedback to the Licensee that the event can proceed based on canvassing carried out of the members of the LSAG.
9. The Premises Licence Holder shall present a draft Event Management Plan (EMP) to authorised officers at least 2 months before the first event day with a final version presented to the final meeting of the LSAG. The EMP shall include but not limited to the following:
- (a) Covid 19 Statement (if appropriate);
 - (b) Access Management Plan;
 - (c) Adverse Weather Plan and Cancellation Procedure;
 - (d) Alcohol Management Plan;
 - (e) Sanitary Accommodation;
 - (f) CCTV Plan;
 - (g) Communications Plan;
 - (h) Child & Vulnerable Adults Policy;
 - (i) Crowd Management Plan (including Security and Stewarding Plan);
 - (j) Egress Management Plan;
 - (k) Emergency Evacuation procedures;
 - (l) Event Control Statement of Intent;
 - (m) Event Medical Plan;
 - (n) Event Safety Plan including Risk Assessment;
 - (o) Fire Safety Management Plan;
 - (p) Ingress Management Plan;
 - (q) Lighting Plan;
 - (r) Noise Management Plan;
 - (s) Security and Crime Reduction Plan;
 - (t) Site Plans;
 - (u) Sustainability Statement;
 - (v) Terms and Conditions of Entry;
 - (w) Trader Food Management Plan;
 - (x) Transport Assessment;
 - (y) Waste Management Plan.

10. All drinks sold, supplied or consumed shall only be in open polycarbonate or crushable vessels unless prior exemption has been obtained in writing or by e-mail from Westminster's Environmental Health Consultation Team and/or Westminster Police Licensing Team for a specific event or site.
11. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Personal Licence Holders on duty at each bar shall in addition have ACT-E and WAVE training. The training log will be made available for inspection by the Police and licensing authority.
12. Any bars shall close immediately on the direction of the senior police officer engaged on the event.
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. In relation to the sale of alcohol, a 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.
15. CCTV shall be provided on site in accordance with the CCTV Plan agreed with LSAG and in particular with the MPS. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. A single point of contact will be established to ensure that CCTV covering the site can be accessed as required by MPS or other authorised council officer in accordance with the CCTV plan. All recordings shall be stored for a minimum period of 31 days with date and time stamping, and recordings should be made available upon the request of Police or authorised officer as soon as reasonably practicable throughout the entire 31-day period.
16. 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 and City Promotions, Events and Filming Team.
17. The Licensee must ensure that the sound levels at 1m from 10 Buckingham Gate during the musical concert shall not exceed 75dB(A), Leq,5min
18. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the site. The following special effects will only be used if authorised through the LSAG process.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms

- lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
19. The certificates listed below shall be submitted to the licensing authority upon written request:
- Any permanent or temporary emergency lighting battery or system
 - Any permanent or temporary electrical installation
 - Any permanent or temporary emergency warning system
20. The number of persons (excluding staff, performers and media) accommodated shall not, for each of the days and particular parts of the site, exceed the following (to be determined through the LSAG process and after clearance of works condition 1ii
21. Activities permitted under this licence are intended to be across the Jubilee Bank Holiday Weekend from Thursday 2 June until Sunday 5 June (with Late night refreshment from 23.00 hours Wednesday 1 June extending into the morning of Monday 6 June). Changes to the stated dates shall only be made with agreement of LSAG. Should the event dates be changed then this licence does not permit activities to extend for a longer period than set out above (4 days, with the exception of late-night refreshment which is 6 days).
22. Additional plans will be submitted to LSAG for each of the days with details of where the licensable activities will be carried out.
23. All additional plans will be accompanied with a notation such as 'Precise locations of licensing activities, escape routes, location of fire safety equipment, temporary structures etc shall be agreed through the Queens Platinum Jubilee Licensing and Safety Planning Group (LSAG) process'

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

**The Licensing Sub-Committee
21 April 2022**

2. GAME NATION, 147-149 WARDOUR STREET, W1F 8WD

The application was withdrawn by the Applicant.

3. **FOODWISE EXPRESS, 6 NORFOLK PLACE, W2 1QN**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.3
("The Committee")

Thursday 21 April 2022

Membership: Councillor Jim Glen (Chair) Councillor Melvyn Caplan and
Councillor Aziz Toki

Officer Support Legal Adviser: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Jack Robinson-Young
Presenting Officer: Karyn Abbott

Application for a New Premises License in respect of Foodwise Express 6
Norfolk Place London W2 1QN 22/00890/LIPN

Other Parties Present: Mr Asif Gul (Applicant), Mr Jack Spiegler (Thomas & Thomas Solicitors), Mr John Zamit (South East Bayswater Residents Association), Mr Richard Brown (Westminster Citizens Advice)

Full Decision

Premises

6 Norfolk Place
London
W2 1QN

Applicant

Foodwise Express

Cumulative Impact Area

None

Ward

Hyde Park

Special Consideration Zone

None

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises proposes to operate as a

grocery shop which will include deliveries and the sale of alcohol within the Hyde Park Ward. The Premises is not located within the West End Cumulative Impact Zone or Special Consideration Zone. There is a resident count of 249.

Activities and Hours applied for

Sale by retail of Alcohol (Off only)

Monday to Saturday 08:00 to 23:00

Sunday 08:00 to 22:30

There are no seasonal variations

Opening Hours of the Premises

Monday to Saturday 08:00 to 23:00

Sunday 08:00 to 22:30

There are no seasonal variations

Representations received

- Metropolitan Police (PC Bryan Lewis) **Withdrawn**
- Environmental Health (EHS) (Maxwell Koduah)
- South East Bayswater Residents Association (SEBRA) (John Zamit)
- Westminster Citizens Advice (Richard Brown)
- Local Ward Councillor (Councillor Heather Action)
- 18 Local Residents (Supporting)
- 10 Local Residents (Opposed)

Summary of issues raised

- The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area. As presented, the application would have the likely affect of causing an increase in Public Nuisance and may affect Public Nuisance.
- As an international student I love an idea of a convenient store selling alcohol which is walking distance to me and my house mates. They'll be a few jobs opportunities available for the community and I prefer this family's business than any other areas they are responsible and honest.
- As a local neighbour I'm happy with the shop and its good for the local community and helps create jobs and I would rather walk to my nearby shop than go to Tesco. Overall, its better to have a shop nearby than not having a shop.
- The location has always struggled to have a good shop and since having them there it has brightened up the once gloomy corner. This shop is a credit to the area and having the convenience of benign able to purchase alcohol is amazing.

- There are already off licences open late nearby, e.g., Tesco and Paddington Station. Allowing another shop to sell alcohol till late – their opening hours until approx 11pm – will add to noise and nuisance to our residential street. Star Street already has high levels of noise and disruption with many nearby pubs and groups of delivery scooters congregating on the corner of Star Street and this shop on Norfolk Place.
- On behalf of the three Ward Councillors for Hyde Park Ward – Councillors Adams Cox and myself, I am writing to object to the licence for 6 Norfolk Place on the grounds of the prevention of crime and disorder, public safety and prevention of public nuisance. This is an area where we have experienced anti-social behaviour (ASB) including street sleeping, drug dealing prostitution and noise. There are already plenty of off licences within the vicinity. There are many vulnerable people housed in hotels nearby and the Police have to assist with ASB on Praed Street, Norfolk Square, Sussex Gardens as well as Star Street and St Michaels Street. While we welcome the unit being brought back into use, it is not a suitable area to have an additional off-licence and will not promote the licensing objectives.
- The area already Has an issue with anti-social behaviour. I object to a shop who has let it widely be known to the community that they will be selling cheap alcohol. This will absolutely lead to an increase in anti-social behaviour on our street – drunk people, loud shouting at night. We already have an issue with drunk people from the bar on Star Street. This will make it worse. There is no need for an additional shop here. There are so many in a few minutes walking distance.

Policy Position

Policies HRS1 and SHP1 apply under the City Council's Statement of Licensing Policy (SLP).

SUBMISSIONS AND REASONS

Ms Abbott, the Presenting Officer, summarised the application to the Sub-Committee. She advised that this was an application for a new premises licence in respect of Foodwise Express, 6 Norfolk Place, W2 1QN. The application has been made by Mr Asif Gul represented by Mr Jack Spiegler Solicitor of Thomas and Thomas. The Applicant seeks off-sales and retail by sale of alcohol, Monday-Saturday 08:00-23:00 and Sundays 10:00-22:30. Full details can be seen at pages 464 of the report. Representations have been made by The Environmental Health Service (Mr Maxwell Koduah) and the Metropolitan Police Service who has since withdrawn their representation following agreement of conditions. There have been 19 letters of support from interested parties. In attendance today is Mr John Zamit of ZEBRA and Mr Richard Brown of Westminster Licensing Project. Additional submissions were received from the Applicant, and these appear in the Members Additional papers. The Premises is situated within the Hyde Park Ward and does not fall within any area of cumulative impact.

Mr Spiegler Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that the application is for a small policy compliant shop with off-sales taking up for no more than 15% of the Premises floor space and the supply being within core hours. Model conditions have been agreed between the Applicant, Police, and Environmental Health. The applicant is grateful for the officers and to Mr

Zamit who earlier this week agreed a further condition (MC85) restricting the sale of miniature size bottles of spirits.

Mr Spiegler referred the Sub-Committee to the Applicant's personal history as set out in his witness statement and requested the Sub-Committee to consider some of the challenges he has faced and overcome in his life. Mr Spiegler said that he should be commended and trusted to operate these Premises in a way that will promote the licensing objectives and contributes positively to the local community.

Mr Spiegler confirmed for the record the following matters in relation to the Representations:-

- The Police's objection has been withdrawn.
- Mr Koduah from EHS is now satisfied with the application and is just in attendance to assist the Sub-Committee.
- The Applicant does have some concerns of the outstanding objections contrary to s158 of the Licensing Act 2003.
- Some of the concerns that were raised are not relevant to today's discussions but the Applicant did write to the objectors and some letters were returned as non-delivered. The only response received was from Mr Zamit.
- The Applicant is overwhelmed by the support, and this outweighs the number of concerns, and we feel this reflects a more accurate view of the Premises.

Mr Spiegler advised that in terms of policy the Premises is not in the Special Consideration Zone or any area of the Cumulative Impact Zone. The application is in accordance with the Shops Policy under the SLP, the hours are within Westminster Core hours and the proposed conditions will promote the licensing objectives.

The Sub-Committee noted that rarely does it see that many representations that support such an application. It is evident that the Applicant provides a valuable and positive contribution to the local community.

Mr Koduah appearing on behalf of the EHS addressed the Sub-Committee. Mr Koudah advised that he was happy with the Applicant and had visited the area. He said that the concerns expressed in the application about the ownership of Foodwise was not a relevant factor to be considered. In terms of the complaint history Mr Koudah stated that there were two complaints received for fly tipping and waste in March and August 2020 however, there was insufficient evidence to take any further action by officers. In any event these are not the type of complaints that would give rise to any adverse consequences to this application. Mr Koudah said that concerns around street drinking had been raised by residents and with this in mind regard should be had to Paragraph F150 on page 110 of the SLP in that, conditions should be imposed on the Premises Licence limiting the strength of alcohol and the amount sold. These have been addressed in the operating schedule as proposed conditions 11 and 12.

The Sub-Committee sought confirmation from Mr Koudah as to some of the objections do speak about the nature of the area and another off-licence will increase the problems and whether this would be more problematic than others? In answer thereto Mr Koduah confirmed that Foodwise had an alcohol licence operating until 23:00 and no complaints were received with that licence dating back to 2016. These were different operators.

Mr Richard Brown appearing on behalf of SEBRA stated that there was some initial confusion with who the Applicant was as the address showed as a different premises but this has now since been clarified and dealt with and no longer an issue. He said that SEBRA are content with the application and the agreed conditions are based on the following matters:-

- There would be 15% maximum of the floor space dedicated as an off-licence
- No spirits miniatures will be sold to help reduce street drinking and Model Condition 85 is proposed.
- Condition 9 – the first line is a very useful addition.

Mr John Zamit of SEBRA confirmed to the Sub-Committee that we support businesses subject to good conditions and good conduct. Nicholas Place is a busy street, and I have not been aware of some of the issues referred to in the representation i.e. groups hanging around in the area. Mr Zamit said he wished the applicant the very best of luck with the opening of the Premises.

The Sub-Committee asked the Applicant to confirm whether he anticipated doing deliveries from the Premises. Mr Asif Gul said he would be offering deliveries but using a well-known third-party operator with professional drivers and confirmed to the Sub-Committee these would not be before 08:00 or after 23:00 and that a Challenge 25 is implemented on all relevant alcohol sales.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. There is no policy presumption to refuse the application.

The Sub-Committee noted the application attracted many representations both in support and those objecting. The Applicant demonstrated to the Sub-Committee that he would be a responsible operator that would run his Premises well when it came to the off-sale provision of alcohol and in accordance with the promotion of the licensing objectives.

The Sub-Committee decided that the application fell within the requirements of the shops policy (SHP1) and was therefore policy compliant. It decided that the application should be granted accordingly permitting limited off-licence sales within the Council's core hours with the agreed conditions and the inclusion of MC85 which has now been conditioned on the Premises Licence as Condition 26 specified below. The Sub-Committee noted that the Metropolitan Police withdrew their initial objection after consultation with the Applicant and that conditions were imposed relating to CCTV, alcohol sales to be in sealed containers, a restriction on super strength beers, lagers, ciders and that no more than 15% of the sales area is to be used for the display and sale of alcohol which in turn will promote the crime and disorder licensing objective.

The Sub-Committee welcomed the fact that the Environmental Health Service no longer objected to the application as conditions had been agreed again regarding the sale of alcohol, noise and refuse management which will all promote the public nuisance licensing objective.

The Sub-Committee noted that SEBRA no longer had objection to the application after agreeing MC85, deliveries and waste collection and the perceived threat of anti-

social behaviour had been allayed as this was a dominant factor raised as well by the Local Ward Councillor.

The Sub-Committee concluded that the conditions it has imposed on the Premises Licence would mitigate the concerns raised by those residents that had objected to the application including the Local Ward Councillor.

The Sub-Committee strongly encourages the Applicant to work collaboratively with residents and the Responsible Authorities to ensure a fruitful dialogue is maintained when it came to the daily management of the Premises. The Applicant was reminded that the Council encourages where possible the use of pedal cycles or electric cycles for deliveries as part of a carbon neutral and quieter way of delivering around the area.

The Sub-Committee acknowledged the Applicant had experienced challenging times in his life and was to be commended for overcoming those difficulties. It hoped that the running of the Premises would be a turning point in his life for him to continue to be a successful operator that would benefit the local community and wished the Applicant the best of luck in all his future endeavours.

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

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

1. **To grant permission for the Sale by Retail of Alcohol (Off only)** Monday to Saturday 08:00 to 23:00 Sunday 08:00 to 22:30. There are no seasonal variations.
2. **To grant permission for the Opening Hours of the Premises:** Monday to Saturday 08:00 to 23:00 Sunday 08:00 to 22:30. There are no seasonal variations.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

5. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
(c) The CCTV system shall continually record whilst the premises is 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.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

6. 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.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
8. Should the premises ever trade after 23:00 (22:30 Sundays) or before 8am. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store-room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.
10. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
11. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
13. A 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.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

15. 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.
16. All serving staff shall receive training in the sale of alcohol as set out in the 2003 Licensing Act prior to starting employment and receive refresher training at 6 monthly intervals. They will sign a training record confirm the above. All training records shall be available for inspection upon request by the Responsible Authorities.
17. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale. Conditions proposed by the Environmental Health Service and agreed by the applicant to form part of the operating schedule.
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 and/or is to be made available to residents and businesses in the vicinity.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. 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.
21. Deliveries to the premises shall only take place between 08:00 and 22:00 hours.
22. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.
23. 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.
24. 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.

25. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
26. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

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

**The Licensing Sub-Committee
21 April 2022**

The Meeting ended at 11.40 am