



**CITY OF WESTMINSTER**

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 29th June, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Maggie Carman (Chair), Judith Southern and Tim Mitchell

**Also Present:** Councillor Ruth Bush (Ward Councillor for Harrow Road)

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. THE BELGRAVIA, 8-9 GROSVENOR PLACE, SW1X 7SH

### **WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2** **("The Committee")**

**Thursday 29<sup>th</sup> June 2023**

Membership: Councillor Maggie Carman (Chair)  
Councillor Judith Southern and  
Councillor Tim Mitchell.

Officer Support: Legal Adviser: Steve Burnett  
Policy Officer: Aaron Hardy  
Committee Officer: Sarah Craddock  
Presenting Officer: Karyn Abbott

Other Parties:

Mr Joe Harvey (Solicitor, Poppleson Allen, on behalf of the Applicant),  
Mr Andrew Morrison (The Belgravia Venue Limited),  
Ms Sally Fabbriatore (Environmental Health Service),  
PC Adam Deweltz (Metropolitan Police Service) and  
Mr Alun Thomas (Solicitor, Thomas & Thomas, on behalf of a local  
resident).

**Application for a New Premises Licence for The Belgravia, 8 - 9 Grosvenor  
Place, London SW1X 7SH – 23/02664/LIPN**

**Full Decision**

**Premises**

The Belgravia  
8-9 Grosvenor Place  
London  
SW1X 7SH

**Applicant**

The Belgravia Venue Limited

**Ward**

Knightsbridge and Belgravia

**Cumulative Impact Zone**

N/A

**Special Consideration Zone**

N/A

**Activities and Hours applied for**

**Retail Sale of Alcohol (On)**

Mondays to Sunday 10.00 to 02.00

**Provision of Late-Night Refreshment (Both)**

Mondays to Sunday 23.00 to 05.00

**Provision of films, Live and Recorded Music (indoors)**

Mondays to Sunday 10.00 to 02.00

**Hours Premises are open to the Public**

Mondays to Sunday 00.00 until 00.00

### **Summary of Application**

This is an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Applicant proposes to operate the Premises as a co-working space with private hire areas.

The Premises comprises of five floors with approximately 75% of habitable space intended to operate as co-working space. The space will be used by companies with contracts or agreement with the Applicant to use facilities for working, business meetings, presentations, screening and some social functions.

The Applicant wishes to provide refreshments including hot food and drinks during the day and into the evening which will include the supply of alcohol. There is no Premises Licence history.

The application follows pre-application advice.

There is a resident court of 42.

### **Representations Received**

- Metropolitan Police Service
- Environmental Health Service
- Five local residents

### **Issues raised by Objectors.**

- The proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.
- The proposals are likely to undermine the Prevention of Crime and Disorder licensing objective.
- Close proximity to residential properties.
- The capacity of 600 people leaving in the early hours of the morning.
- The nuisance a club that is open 7 days a week for 24 hours a day serving alcohol until 2am and refreshments to 5am with music will cause to the neighbourhood.
- Parking issues and noise from the roof terrace being unbearable for residents.

### **Policy Considerations**

HRS1 and PB1 applies

## **SUBMISSIONS AND REASONS**

The Presenting Officer, Karyn Abbott, introduced the application to the Committee.

Mr Joe Harvey (Solicitor, Poppleson Allen, on behalf of the Applicant), introduced the Applicant, Mr Andrew Morrison to the Committee. Mr Morrison explained the background to the application and how the Premises would be primarily used for people in the entertainment industry to come together and collaborate on projects. He advised that this would be their second site and outlined that 75% of the building would be used for flexible workspace and 25% would be used as an event venue. Both parts would operate in tandem to ensure that membership to the Premises was affordable to all companies and agencies within the industry. He explained that it was likely that a corporate company would provide their employees a membership to use this Premises which would entitle a person entry to the building to shower, rest and work between events instead of going all the way home, elsewhere or wander the streets until their next work shift.

Mr Harvey advised that the Applicant had written to the local residents inviting them to meet, however the invitation had been declined except for one resident who is being represented by Mr Thomas today at the hearing.

Mr Harvey outlined that in general, the residents' concerns were mainly to do with late night noise and noise from the regulated entertainment part of the application. However, he emphasised that the overwhelming use of these Premises would be to provide flexible working space for workers in the entertainment industry who would visit the Premises to work and/or have a drink after work. He added that the Applicant had only applied for 'On Sales' of Alcohol so alcohol would not be able to be taken off the Premises and that late night refreshment would be available throughout the night. He outlined that events had taken place in the Premises for the best part of 30 years and how Temporary Event Notices (TENS) had been used to operate four private events since December without complaint of nuisance by local neighbours. He confirmed that the events held had been two children's birthday parties, a 60<sup>th</sup> birthday party and an event for a cancer charity. There had also been product launches and corporate lunches held without complaint.

Mr Harvey referred the Committee to the conditions that would be attached to the Premises Licence and outlined how the comprehensive conditions would alleviate the resident's concerns. He added that the Applicant had agreed to add a new condition which would state that the management would actively monitor noise levels, including carrying out regular patrols, and that no noise would be allowed to emanate from the Premises when regulated entertainment takes place. He emphasised that the Applicant wished to be a good neighbour.

Mr Harvey advised that the Premises was installing a very good CCTV system which would help keep the crime figures low in the area so the Premises would be positively contributing to the area. He outlined that the Applicant had taken pre-application advice from the Environmental Health Service and had included the Council's Model Conditions regarding the collection of waste into their operating schedule.

In response to questions from the Committee, Mr Harvey confirmed that the four events that had been held at the Premises since December had been private events. He outlined that the Premises would be one that people in the entertainment industry would visit in between shifts/jobs to work, shower and/or get something to eat and drink. He advised that the capacity for the Premises was yet to be confirmed however the Applicant was suggesting a capacity of 400 persons and not 600 persons. He outlined that Mr Morrison wanted to give back to the industry by providing such a Premises for the workers who provide, for example, lighting to theatre shows late at night and/or build sets and do shift work. He added that the industry was hugely supportive of this Premises as it gave them somewhere comfortable and safe to go and rest instead of hanging out in unsuitable places and/or wandering the streets. He advised that agencies would pay for memberships for their workers however individuals could also apply to become members and use the facilities.

He advised that the external terraces and balconies could not be used after 23:00 hours as detailed in the condition proposed.

Ms Sally Fabbricatore (representing the Environmental Health Service, EHS) advised that the EHS had maintained their representation due to the hours that had been proposed for the Premises. She confirmed that the Applicant had applied for pre-application advice, and they had included all the recommendations set out by the EHS.

She advised that the Applicant would be refurbishing the building and that once the works had been completed a capacity figure would be set by the EHS. She outlined that the terraces would not be used beyond 23:00 hours and that they could be used for smoking which would be much better than sending people out onto the main street as the terrace area could be internally controlled. She added that the terraces were relatively small areas and that the EHS could add capacities however it probably would not be necessary from a public safety point of view as there was only one way to get out onto the terraces. She advised that she welcomed the additional condition offered by the Applicant that they would actively monitor noise levels and have regular patrols around the building when events were taking place. She confirmed that no complaints had been made since the Applicant had taken over the Premises in December and that all the necessary conditions had been offered by the Applicant and would be attached to the Premises Licence.

PC Adam Deweltz (representing the Metropolitan Police Service, MPS) advised that the MPS had maintained their representation on the grounds of the prevention of Crime and Disorder. He outlined that currently there were no late-night Premises Licences operating in the area; hence the crime figures were relatively low and the Police wished to keep it this way. He advised that the Police had no issue with the business/flexible working space however they were concerned regarding the private functions and the frequency of events which could be problematic with intoxicated people leaving the Premises and causing anti-social behaviour on the streets and/or becoming victims of crime. He confirmed that conditions had been agreed between the Applicant and the Police and they did go some way in alleviating the Police's concerns. He advised that it was for the Committee, however, to ultimately make the decision on whether this application should be granted within the Knightsbridge and Belgravia Ward.

Mr Alun Thomas (Solicitor, Thomas & Thomas, on behalf of a local resident) advised that his client operated the business next door and that previously the Premises had caused problems within the area. He confirmed that his client's concerns had mostly been satisfied and addressed. However, he outlined to the Committee why his client had made a representation in the first instance which was because the condition that the sale of alcohol needed to be ancillary to a coworking space had initially not been offered in the original application and in fact most of the conditions in the report had also not been included in the original operating schedule. Mr Thomas then discussed a few of the conditions with the Applicant to ensure that his client's comments had definitely been taken on board such as the windows and doors to be closed after 22:00 hours and the capacity and the ability to take drinks onto the terraces.

Mr Harvey confirmed that all conditions had been agreed with Mr Thomas's client. Mr Thomas confirmed that his client was satisfied with the application.

Mr Burnett, Legal Adviser to the Licensing Committee, discussed the wording of the agreed proposed conditions (if the application is granted), with all parties.

### **Conclusion**

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

In reaching their decision, the Committee took into account the Act, Westminster's Statement of Licensing Policy, the Revised Guidance issues under section 182 of the Act, all the Committee papers, additional evidence and the oral submissions made by all the parties.

It was noted by the Committee that the Metropolitan Police and the Environmental Health had offered several conditions to the Licence all of which were agreed by the Applicant. It was further noted that the local resident was now satisfied with the application and the conditions that would be attached to the Premises Licence.

The Committee was persuaded that the application met the policy requirements under Westminster's Statement of Licensing Policy. The Committee has imposed the conditions as agreed and amended and considered all the conditions to be appropriate and proportionate.

The Committee was also satisfied that the application was suitable for the local area and had addressed any concerns raised by all parties. The Committee further considered the conditions were proportionate to ensure that the licence promoted the licensing objectives these would also help to alleviate the residents' concerns.

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

1. To grant permission for:

**Provision of Late-Night Refreshment (Both)**

Mondays to Sunday 23.00 to 05.00

**Provision of films, Live and Recorded Music (indoors)**

Mondays to Sunday 10.00 to 02.00

**Retail Sale of Alcohol (On)**

Mondays to Sunday 10.00 to 02.00

**Hours Premises are open to the Public**

Mondays to Sunday 00.00 until 00.00

2. The Licence is subject to any relevant Mandatory Conditions.
3. 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.
  - 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 shall 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 shall 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.
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 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.
11. 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 shall 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 visit by a relevant authority or emergency service.

12. The Premises Licence Holder shall adhere to a Vulnerable Person policy and shall ensure that all staff are trained in its implementation.

13. 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.

14. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.

15. 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.

16. All staff authorised to sell alcohol shall receive training on age verification procedures prior to being so authorised. There shall be refresher training every 6 months. A record of the training shall be maintained at the premises and made available to the Police or authorised officer of Westminster City Council upon request.

17. A record shall be kept detailing all refused sales of alcohol. The record shall 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.

**Conditions proposed by the Environmental Health and agreed by the applicant to form part of the operating schedule**

18. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as co-working office space.

19. There shall be no admittance or re-admittance to the premises after 23:30 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call) or for those who have a contract with the licence holder to use the premises as a workplace and their bona fide guests.

20. Licensable activities at events in the events spaces as shown on the plan on the ground floor and first floor shall only be provided at bona fide private functions or pre-ticketed events.



21. Alcohol shall only be sold for consumption to persons who have a contract with the licence holder to use the premises as a workplace and their bona fide guests, person who have pre-booked to use the premises as a workspace with the licence holder or persons who are attending a bona fide private function or pre-booked event at the premises.

22. 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.

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. Management at the premises shall actively monitor noise levels and shall act without delay to prevent noise emanating from the premises. This shall include regular internal and external patrols when regulated entertainment takes place. Patrols are to include on Headfort Place and Halkin Street.

25. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.

26. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

27. There shall be no outside use of external terraces or balconies after 23:00 hours.

28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

29. 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.

30. 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.

31. 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.

32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

33. 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.

34. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.

35. 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.

36. 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.

37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

38. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

40. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

41. The certificates listed below shall be submitted to the licensing authority upon written request.

- (a) Any permanent or temporary emergency lighting battery or system
- (b) Any permanent or temporary electrical installation
- (c) Any permanent or temporary emergency warning system.

42. The Premises Licence Holder shall risk assess the need for SIA licensed door supervisors and shall implement the recommendations of that written risk assessment.

43. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is 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.

44. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. This shall be no greater than 600 persons (excluding staff).

**Conditions proposed by the Police and agreed by the applicant to form part of the operating schedule**

47. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours each day.

48. The name and address of any person hosting a bona fide private, pre-booked event shall be kept at the premises at all times and shall be made available on demand for inspection by Responsible Authority officers.

49. There shall be no externally promoted DJ-led events at the premises at any time.

50. All bona fide private functions or pre-booked events at the premises shall be risk assessed. The risk assessment shall be checked, and the event authorised by the general manager, or in their absence, a nominated deputy. The written risk assessment shall be specific to the event and made available to the Police and licensing authority upon their request.

51. The premises shall adhere to a written dispersal policy covering private hire and pre-booked events. The Policy shall be produced to the Police or the Licensing Authority immediately upon request.

**Agreed Conditions imposed by the Committee.**

52. Save for access and egress, all windows and doors on the ground and 1<sup>st</sup> floors shall be kept closed after 23.00.

53. There shall be no consumption of alcohol in the terraced/balcony areas on the first floor.

**This is the Full Decision reached by the Licensing Sub-Committee  
This Decision takes immediate effect.**

**Licensing Sub-Committee  
29 June 2023**

**2. 54-56 ELIZABETH STREET, SW1W 9PB**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2**  
**("The Committee")**

**Thursday 29 June 2023**

Membership: Councillor Maggie Carman (Chair) Councillor Judith Southern and Councillor Tim Mitchell.

|                  |                     |                |
|------------------|---------------------|----------------|
| Officer Support: | Legal Adviser:      | Steve Burnett  |
|                  | Policy Officer:     | Daisy Gadd     |
|                  | Committee Officer:  | Sarah Craddock |
|                  | Presenting Officer: | Karyn Abbott   |

Other Parties:

Alun Thomas (Solicitor, Thomas & Thomas, on behalf of the Applicant),  
Lindsey Harper (Applicant, Grosvenor Estates Belgravia) and  
Stefan Bartlett (on behalf of residents on Elizabeth Street).

**Application for NEW Premises Licence in respect of 54 – 56 Elizabeth Street**  
**London SW1W 9PB 23/02627/LIPN**

**Full Decision**

**Premises**

54–56 Elizabeth Street  
London  
SW1W 9PB

**Applicant**

Grosvenor Estates Belgravia

**Ward**

Knightsbridge and Belgravia

**Cumulative Impact Zone**

N/A

**Special Consideration Zone**

N/A

**Proposed Licensable Activities and Hours**

- Sale by Retail of Alcohol

Monday to Sunday 10:00 to 22:30 hours

Sundays 12.00 to 22.30 hours

- Hours Premises are open to the public

Monday to Sunday 07:30 to 23:00 hours

Seasonal variations: None

### **Summary of the Application**

This is an application for a NEW Premises Licence under the Licensing Act 2003 (“The Act”). The Premises currently operates as a local delicatessen serving coffee all day, homemade cakes and a full range of deli items with a dine in menu offering brunch and light mains. The Premises had the benefit of a Premises Licence between 2006 and 2008 in which it was surrendered. A new Premises Licence was granted in 2020 but lapsed in July 2022. The application is made to reinstate this Premises Licence following the Premises Licence Holder going into administration in 2022 and is made on the same terms, conditions and layout as the lapsed Premises Licence. There is a resident court of 140.

### **Representations Received**

Seven local residents

### **Issues raised by Objectors**

- There are already too many Premises Licences in the street.
- The Premises was supposed to be a community café for families.
- Sunday hours should be restricted until 6pm. A 7 day week offering for residents is too much. It should be adjusted to allow us to have peace and quiet in our homes.
- The units itself is not fit for purpose and is a retail space not sizeable to operate as a restaurant.
- The street already suffers from antisocial hours of deliveries and rubbish/recycling for food outlets before and after they close.

### **Policy Considerations**

#### **HRS1**

Applications within the Council’s Core Hours will generally be granted for the relevant Premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

#### **RNT1**

Applications outside 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 and 2. The hours for licensable activities being within the Council's Core Hours Policy HRS1.

### **SUBMISSIONS AND REASONS**

Mr Karyn Abbott, Senior Licensing Officer, outlined the application to the Committee. She advised that representations had been received from seven local residents. She further advised that the Premises were located within the Knightsbridge and Belgravia Ward but were not in a Cumulative Impact Area or Special Consideration Area.

Mr Alun Thomas, solicitor on half of the Applicant addressed the Committee. He explained that the Premises Licence that was recently held by Baker and Spice had lapsed when the company were met with difficult times (during COVID). He outlined that the applicant was applying for a Premises Licence on the exact same terms as the lapsed Premises Licence and that the Premises was operated as a café delicatessen. He added that the maximum capacity was 32 persons. He advised that the Applicant had exchanged correspondence with the Interested Parties who wished the Premises to be reassessed in terms of Public Safety and the operating hours to be reduced to 21:00 hours. Mr Thomas emphasised that the Applicant could do neither of these things because the hours sought were within the Council's Core Hours Policy and the Premises had already been assessed for public safety. He advised that the Premises were not located in a cumulative impact area or a special consideration zone and there had been no significant problems with the operation of the Premises. He requested that that the application be granted as it was made on the same terms as the lapsed Premises Licence.

In response to questions from the Committee, Mr Thomas advised that the ground floor was used as a food preparation area and that the conditions clearly stated that the Premises needed to remain as a café eatery/café delicatessen. He added that the Premises would certainly not be a drink led establishment. He advised that the Applicant was looking to lease the Premises to an independent business or ideally one that maybe had another establishment elsewhere in London. He advised that the external area was subject to a Table and Chairs Pavement Licence and all external tables and chairs would be rendered unusable at 21:00 hours.

Mr Stefan Bartlett (on behalf of residents on Elizabeth Street) advised that he lived adjacent to the Premises and that Elizabeth Street was a lovely, pretty and calm street which was the home of many residents including four families. He outlined that the properties in the street were built in the 1890s and there was no adequate separation from the ground floor to the top floor so vibrations and noise carried throughout the buildings. He referred to a recent fire on the street started in a ground floor Premises and which nearly burnt down the whole of the building.

Mr Bartlett advised the Committee that the Premises was located in the part of the street where the majority of residents lived and that the original intention was for the Premises to be operated as a community café where families sat and had coffee with their children. He considered that the street did not need another Premises on the

street that provided alcohol because the numerous licensed Premises suggested to children that everyone should/wants/needs to drink alcohol.

Mr Bartlett advised that if the Committee were minded to grant the Premises Licence that they do so with a much reduced terminal hour such as 19:00 hours or at the very latest 21:00 hours. He emphasised that residents should be allowed some respite on Sundays from the hustle and noise of the street. He outlined that there was only one exit for these Premises and one exit for the domestic properties above which was not adequate for any building.

Mr Bartlett referred to photographs of rubbish in the street that had been consistently left out by the previous owners for over six hours each day. He outlined how the residents had to deal with this mess because the Grosvenor Estate had not been able to resolve the waste/rubbish issue.

Mr Thomas advised that the Applicant would ensure that the new tenants would use the Council's waste collection service and that all rubbish would remain inside the Premises until 30 minutes before collection was made. Mr Bartlett advised of Saint Michael's Church and the local primary schools located near to the Premises. He outlined how the Premises could turn into a restaurant instead of staying as a café.

In response to questions, Mr Bartlett advised that Baker and Spice operated until 21:00 hours only. He added that if alcohol needed to be sold then food must be served with it and the operating hours should be reduced to 21:00 hours. He considered that an alcohol licence was granted in the first instance because it was such a small Premises and that the business could not meet the ever demanding rent rises and/or make the business commercially viable.

During his summing up, Mr Thomas confirmed that any new tenants would have to employ Westminster refuse collection to collect their rubbish and that any waste would be stored inside the Premises until 30 minutes before collection. He advised that the previous owners were obviously in breach of this condition on their Premises Licence.

## **Conclusion**

The Committee has a duty to consider the application on its individual merits and took into account all the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

The Committee noted that the Applicant was requesting a duplicate premises licence with the same conditions, hours and layout as the authority which lapsed. It was also seen that none of the Responsible Authorities had made representations against the application. The Premises has been previously assessed and has operated without reported problems. The previous operations went into administration during COVID lock down having traded for 15 years and as a result the Premises Licence lapsed. This application is purely to replace that licence.

The Committee was aware that the question of need or the viability of an operation commercially is not a matter to be considered under the Act. Whether the operation is a community café or not, is an operational issue for the Applicant. The Committee

is satisfied on balance and on the evidence, that the operation of the Premises will not adversely affect the Licensing Objectives under the Act. The terms of policy B15 was also noted and applied.

The Committee consider the proposed conditions and in particular conditions 18, 22, 20 and 32 to be proportionate and essential conditions.

In reaching their decision, the Committee concluded that the hours it imposed on the licence for the licensable activities having regard to the Core Hours Policy was appropriate and proportionate and therefore struck the right balance when considering the needs of local residents and the Applicants commercial needs to be able to operate and run a business successfully.

In reaching its decision, the Committee concluded that the conditions imposed on the Premises Licence were appropriate and would alleviate resident's concerns and would promote the licensing objectives.

Having carefully considered the committee papers, the Act, the SoLP, the Guidance under sec 182 of the Act and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into account all the individual circumstances of this application and the promotion of the four licensing objectives: -

**1. To grant permission:**

a) For Sale by Retail of Alcohol (on and off) Monday to Saturday 10:00 to 22:30 hours and on Sundays 12.00 to 22.30

b) For the Opening Hours of the Premises Monday to Sunday 07:30 to 23:00 hours.

**2. The Licence is subject to any relevant Mandatory Conditions.**

**3. The Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives:**

9. The supply of alcohol at the premises shall only be to persons seated at tables.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises, except for alcohol provided to patrons seated at tables within the authorised external seating area.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a



minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

12. 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.
13. 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.
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. 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. 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.
18. The supply of alcohol at the premises, including any area appropriately authorised for the use of tables and chairs, shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
19. The supply of alcohol at the premises, including any area appropriately authorised for the use of tables and chairs, shall be by waiter or waitress service only.
20. The consumption of alcohol in any area appropriately authorised for the use of tables and chairs shall cease at 21:00 hours.
21. All tables and chairs shall be removed from the outside area by 22:00 hours each day.

22. 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.
23. There shall be no draught beer and spirits, except for cocktails.
24. Save for alcohol consumed at any area appropriately authorised for the use of tables and chairs, the sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
25. Save for bottled red, white or rose wine from the retail range, the sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
26. A direct telephone number for the manager at the premises shall always be publicly available when the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 08.00 hours on the following day.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 hours) on the following day.
30. With the exception of milk and bread fresh produce, no deliveries to the premises shall take place between 21.00 and 08.00 hours on the following day.
31. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed 32 persons.
32. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café/delicatessen.
33. That an External Seating Management Policy be devised and be made readily available to the Metropolitan Police or authorised Officer of the Council.
34. A copy of the External Seating Management Policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

**Informative:**

The Committee heard evidence from the Applicant that there is space inside the Premises to store their rubbish. The terms of the Premises Licence are paramount

and should not be breached but whenever possible, rubbish should be stored inside the Premises.

Failure to properly manage rubbish at the Premises can result in those residents being affected, complaining, or seeking a Review of the Premises Licence under the Act.

**This is the Full Decision reached by the Licensing Sub-Committee  
This Decision takes immediate effect.**

**Licensing Sub-Committee (29 June 2023)**

**3. WRAPS AND WINGS, 3 CHIPPENHAM ROAD, W9 2AH**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**  
**("The Committee")**

**Thursday 29<sup>th</sup> June 2023**

Membership: Councillor Maggie Carman (Chair) Councillor Judith Southern and  
Councillor Tim Mitchell.

|                  |                     |                |
|------------------|---------------------|----------------|
| Officer Support: | Legal Adviser:      | Steve Burnett  |
|                  | Policy Officer:     | Aaron Hardy    |
|                  | Committee Officer:  | Sarah Craddock |
|                  | Presenting Officer: | Karyn Abbott   |

Other Parties:

Mr Peter Conisbee (Agent, PC Licensing, on behalf of the Applicant),  
Mr Vagas Farook and Mr Muffadal Abbas (Applicants, VM Leasing Ltd),  
Ms Sally Fabbriatore (Environmental Health Service) and  
Councillor Ruth Bush (Ward Councillor for Harrow Road)

**Application for a New Premises Licence for Wraps And Wings, 3 Chippenham  
Road, London W9 2AH - 23/02055/LIPN**

**Full Decision**

**Premises**

Wraps and Wings  
3 Chippenham Road  
London  
W9 2AH

**Applicant**

Vm Leasing Ltd

**Ward**

Harrow Road

**Cumulative Impact Zone**

N/A

**Special Consideration Zone**

N/A

## **Activities and Hours applied for**

### **Provision of Late Night Refreshment (Both)**

Mondays to Sunday 23.00 to 05.00

### **Hours Premises are open to the Public**

Mondays to Sunday 10.00 until 05.00

## **Summary of Application**

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a Restaurant/Take away. There has been one previous application applied for in the past which has been refused by the Sub Committee.

There is a resident court of 231

## **Representations Received**

- Environmental Health Service
- One local resident
- Councillor Ruth Bush (Ward Councillor for Harrow Road Ward)

## **Issues raised by Objectors.**

- The provision and hours for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety within the area.
- Congregation of motor couriers outside of the Premises.
- Waste bins and collection of waste.
- Protection of Children and balance of diet.

## **Policy Considerations**

### **HRS1 and FFP1**

## **SUBMISSIONS AND REASONS**

The Presenting Officer, Karyn Abbott, introduced the application to the Committee. She advised that there was an error in the agenda papers as there had only been one previous application for a premises licence which was refused.

Mr Peter Conisbee (Agent, PC Licensing, on behalf of the Applicant), outlined the application to the Committee. He advised that the Premises had been operating for over three years in the Harrow Road Ward and the Wraps and Wings Brand had over 20 venues across London, Manchester and Leicester. He outlined the business model which was that Premises operated until 23.00 until there was evidence that there was customer demand to stay open for longer hours at which time a decision

was made to apply for a Premises Licence depending on the demand in a particular area.

Mr Conisbee referred to the previous application to the Sub Committee which was 3 years ago and had attracted a large number of representations from local residents complaining about the extraction unit at the Premises and the delivery agents. He explained that Wraps and Wings had taken on the lease of the Premises without fully realising the issues with the building and the disturbance the previous business had caused the neighbourhood. He informed the Committee that since the last application, they had replaced the extraction unit and had employed their own delivery drivers who would deliver takeaway meals by electric vehicle and bicycle only. He emphasised that the Applicant had taken great steps to get to know his neighbours and listen to their concerns which was why many residents had not made representations against this application. Mr Conisbee emphasised the Applicant would have full control over the delivery riders.

Mr Vagas Farook, Applicant, explained that he had resolved all the issues that had been raised by residents at the last hearing, when the application was refused. It had taken time because the building had needed a lot of work doing to it, however all works were now completed and there were processes in place to manage the business. He advised that all Councils had their own way of doing things around the country. He set out that the Premises delivered food to hotels, contractors, and people who did shift work. He added that the brand had exclusive partnerships with other brands such as Mars. He confirmed that all his staff were well trained and knew not to serve school children unless they were accompanied by their parents/an adult. He outlined that the Premises had installed CCTV and for safety reasons there were always two staff working on the Premises. He emphasised to the Members that the Premises had a contract with Westminster's waste collection service and therefore rubbish was only placed outside of the Premises for 30 minutes every day. He also confirmed that an average meal cost around £20.

In response to questions from the Committee, Mr Conisbee advised that all staff, including delivery drivers, were trained to Level 2 in Public Safety and First Aid and on how to deal with intoxicated people. He outlined that the business was very keen on social values and sustainability and all the Applicant's packaging was sustainable/recyclable. He added that local people were employed and local suppliers used to reduce carbon emissions and that all employees were on either 40 hour contracts or part time contracts. They were no zero hour contracts.

The Committee was also informed that there were no recent complaints about the operation of the Premises, business was down by 30% and all delivery drivers wait inside the premises when waiting to fulfil an order.

The Applicant confirmed to the Committee that the business had used all its available Temporary Event Notices (TENs) to stay open and trade until 5am and there had been no complaints about their operation until 05.00. He confirmed that there was space in the Premises for delivery drivers to wait to collect their food packages. He further stated that he had given his neighbours and local residents his direct telephone number so they could contact him if they had any issues regarding the Premises.

Ms Sally Fabbriatore (representing the Environmental Health Service, EHS) advised that the EHS had conducted a site visit of the Premises and all works were now completed. She advised that the proposed conditions by the Applicant went over and beyond other late night refreshment application. She added that the EHS were pleased that the Premises was directly employing the delivery drivers and would use electrical vehicles or bicycles only which was a great way to try and prevent Public Nuisance from occurring within the area. She added that food brought directly from the Premises was wrapped so there was no immediate consumption of the food outside of the Premises; hence there would be no crowds gathering in the street.

Ms Fabbriatore outlined that an abatement notice had been served regarding the extraction unit because there had been quite a lot of complaints around the time the Applicant had taken over the Premises. She advised that this issue had now been resolved and was not relevant to this application as there had been no complaints made for well over a year.

Councillor Ruth Bush (Ward Councillor for Harrow Road) informed the Committee that she wished to reinforce her written objections set out in the report behalf of the residents in Harrow Road Ward. She explained that the operation breached the Council's Policy as it was located within 200 metres of Saint Peter's Church of England Primary School and because of the extension of hours until 5am which would cause Public Nuisance in the area. She appreciated that the Applicant had attempted to consider the need of the residents, however, the request for the extension of hours for late night refreshment until 5am in the morning was unacceptable. She further added that the outside of the Premises was very scruffy and that it had taken the Applicant a long time to sort out the issue(s) with the extraction unit. She advised there was no evidence that there was demand for food in the early hours of the morning and that the arrival and departure of delivery drivers in the small hours of the night would definitely disturb the nearby residents. She added that sleep was a necessity and not a luxury and was needed to promote people's mental health and general well-being, and it was simply not right to introduce a threat to people's sleep without strong grounds and evidence.

Councillor Bush advised that residents had complained to her about delivery vehicles and there was no way that an extension to 05:00 hours was acceptable as the Premises was located in a very residential area. She stated that she had nothing against the operator, however she requested that the Committee refuse the application on the basis of the disturbance to local residents.

Mr Burnett, Legal Adviser to the Licensing Sub Committee, discussed the wording of the proposed conditions (if the application is granted), with all parties.

In summary Councillor Bush stated that the extension of hours would be wrong for residents. The EHO confirmed that 'silent' delivery was welcome and there were no other conditions which could be proposed.

Mr Conninsbee stated that the previous application was premature. The Applicant gathered all information and as there were third parties involved in rectifying issues, there was a delay. When the shop was acquired, there were pests, a noisy extractor and numerous complaints. An abatement notice was served but the Applicant worked with the Council and resolved the noisy extractor spending £10K. Matters have now been resolved and the Premises operated successfully under TENs, which

all the neighbours were aware of. The Applicant have a WhatsApp group with the residents and there have been no complaints from the nearby school.

## **Conclusion**

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

In reaching their decision, the Committee took into account the Act, Westminster's Statement of Licensing Policy, the Revised Guidance issues under section 182 of the Act, all the Committee papers, additional evidence and the oral submissions made by all the parties.

It was noted by the Committee that the Metropolitan Police had not made representations against the application and that Environmental Health were satisfied with the proposed conditions that would be attached to the Premises Licence. It was further noted that there was a substantial difference between this application and the application which was refused two years ago.

The Committee took into consideration that public health is not a licensing objective, that the Premises proximity to the school and the look of the Premises were in the main a planning issue. Furthermore, the issue, of the demand for hot food after 23.00 is not a matter which is considered under the Act.

The Committee observed that the Premises are not located in a CIZ or SCZ area and that the hours applied for are outside Westminster's Core Hours. However, this case is decided on its merits.

The Premises will provide deliveries Monday to Thursday after 2330, Friday to Saturday after 0000 and Sundays after 2230. The general public will not have access to the Premises after those times. Furthermore, The Committee took great comfort that after 23.00, the Applicant will use electric vehicle and bicycles for deliveries and the couriers will all be employees of the PLH.

The Committee was persuaded by extensive and restrictive conditions agree with the Applicant, that the application met the policy requirements under Westminster's Statement of Licensing Policy. The Committee has imposed the conditions as agreed and amended and considered all the conditions to be appropriate and proportionate.

The Committee was also satisfied that the application was suitable for the local area and had listened and addressed the concerns raised by the parties. The Committee further considered the conditions were proportionate to ensure that the licence promoted the licensing objectives these would also help to alleviate the residents' concerns.

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



**1. To grant permission for:**

**Provision of Late Night Refreshment (Both)**

– Mondays to Sunday 23.00 to 05.00

**Hours Premises are open to the Public**

– Mondays to Sunday 10.00 until 05.00

**2. Relevant Mandatory Conditions to apply**

**3. Conditions consistent with the operating schedule:**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV 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.

3. Signage stating that CCTV is in operation at the premises shall be clearly displayed at the premises

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which shall 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. any faults in the CCTV system
- f. any visit by a relevant authority or emergency service.

5. In the event that a serious assault is committed on the premises (or appears to have been committed) the management shall immediately ensure that:

- a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

- c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

6. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times

7. A written health and safety risk assessment shall be completed and reviewed regularly, and shall be made available to authorised officers of the council and the Metropolitan Police upon request

8. The Premises Licence Holder shall ensure that a gas safety certificate is in existence at the premises and reviewed at the appropriate time

9. Staff shall attend to any spillages within the venue as soon as practicable to minimise risk of injury to customers.

10. Customers shall be actively discouraged from gathering outside of the premises

11. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly

12. The main doors of the premises shall be kept closed throughout the duration of licensable activity except for access and egress

13. The premises shall close the doors to the general public at the following times;

- a) Monday to Thursday at 2330
- b) Friday to Saturday at 0000
- c) Sunday at 2230

The premises shall however remain open to service delivery orders until 0500 hours

14. After 23.00 hrs, all deliveries shall be conducted by bicycle or electric vehicle only. Delivery agents shall be instructed to make contact with the customer by text or quiet telephone call to inform the customer that they are outside the delivery premises.

15. The Premises Licence Holder undertakes to use only experienced and reputable delivery companies whereby deliveries shall only be delivered to the registered address as per the booking.

16. Delivery riders/drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder shall positively encourage delivery riders/drivers to use quieter vehicles that are less likely to cause a nuisance, such as bicycles.

17. There shall be no takeaway service of food for immediate consumption. All food taken away shall be closed/wrapped up. All packaging of food shall be bio-degradable and clearly marked with the business name 'Wraps & Wings'
18. The Premises Licence Holder shall provide adequate bins for use by customers and encourage their use
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between the hours of 22:00 and 08:00
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time
21. During licensable hours there shall always be a minimum of two members of staff present
22. Staff shall be trained to identify signs of intoxication, suspicious or aggressive behaviour and how to appropriately deal with such customers so as to provide adequate care and minimise risk
23. Child Sexual Exploitation Training shall be included in staff induction and annual refresher training. The Premises Licence Holder shall consult 6 monthly with police licensing team for updates and advice.
24. No noise generated on the premises, or by its associated plant of equipment, shall emanate from the premises nor by vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
26. No deliveries to the premises shall take place between 2100 hours and 0800 hours the following day
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
29. No fumes, steam or odours shall be omitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
30. During the hours of operation of the premises, the licence holder shall ensure regular checks are carried out 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.

31. Staff shall monitor customer behaviour and to ensure there is no outbreak of noise from the premises.

32. Vehicles used for delivery must switch off their engines when parked, when outside of the premises for the collection of food for delivery and at the delivery address

33. All delivery agents shall wait inside the premises between deliveries/for deliveries.

34. All delivery personnel shall have access to use the bathroom facilities at the premises

**Condition proposed by the Environmental Health Service**

35. During licensable hours, all delivery riders shall be employed directly by the licence holder or a group company of the licence holder

36. Delivery shall be to a residential address or place of work only.

37. Delivery personnel/riders shall not be permitted to smoke in the immediate vicinity of the premises.

38. Delivery personnel/riders shall not be permitted to congregate in the immediate vicinity of the premises

**This is the Full Decision reached by the Licensing Sub-Committee  
This Decision takes immediate effect.**

**Licensing Sub-Committee  
29 June 2023**

The Meeting ended at 2.21 pm