



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 26th January, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair) and Md Shamsed Chowdhury

Apologies for Absence: Councillor Laila Cunningham

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. PARK STREET HOTEL, 14 PARK STREET, W1K 2HY

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE N0.6 ("The Committee")

Thursday 27 October 2022 – Item 1

Membership: Councillor Aziz Toki (Chairman),
Councillor Md Shamsed Chowdhury and
Councillor Laila Cunningham

Officer Support: Legal Adviser: Vivienne Walker
Policy Officer: Daisy Gadd
Committee Officer: Sarah Craddock
Presenting Officer: Karyn Abbott

Other Parties: Mr Gary Grant (Counsel for the Applicant), Mr Marcus Lavell (Solicitor), Mr Matthew Bees (DPS), Mr Ian Watson (Environmental Health Service), Mr Bromley Martin (Counsel for Park Street Management Company), Mr Martin Grebin Cherian, Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing local residents) and Mr Tahoun Ahmed.

Application for a New Premises Licence – Park Street Hotel 14 Park Street W1K 2HY - 22/06767/LIPN

Full Decision

Premises:

Park Street Hotel
14 Park Street
London W1K 2HY

Applicant

14-16 Park Street Limited

Ward

West End

Cumulative Impact Zone

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by Retail of Alcohol (On Sales)

Monday to Thursday 09:00 to 23:30 hours
Friday to Saturday 09:00 to 00:00 hours
Sunday 09:00 to 22:30 hours

Late Night Refreshment (Indoors and Outdoors)

Monday to Thursday 23:00 to 23:30 hours
Friday to Saturday 23:00 to 00:00 hours

Recorded Music (Indoors)

Monday to Thursday 09:00 23:30 hours
Friday to Saturday 09:00 to 00:00 hours
Sunday 09:00 to 22:30 hours

Hours Premises are Open to the Public

Monday to Thursday 09:00 to 23:30 hours

Friday to Saturday 09:00 00:00 hours

Sunday 09:00 22:30 hours

Seasonal Variations for all the above activities and hours applied for:

24 hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday 09:00 to 00:00 hours.

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises propose to operate as a 6-star Hotel and Restaurant with Residential Apartments and associated facilities. The Premises are located in the West End Ward but not within the Cumulative Impact Zone or the Special Consideration Zone. There is a resident count of 129.

The Applicant has provided a supporting bundle, an acoustics report and an operator's management plan. Applications outside the West End Cumulative Impact Zone will generally be granted subject to matters identified in Policy HOT1 and having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

Representations Received

-

- Environmental Health Service
- Park Street Management
- Six local residents

Summary of objections

- The hours requested for the supply of alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
- The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
- The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
- We totally oppose these plans, as this development would drastically change the character of the neighbourhood, create serious noise pollution, create substantial congestion, in both vehicular and foot traffic and increase the potential of crime.
- The terrace would alter the exterior of an historic building which we believe is contrary to Council rules.

- If this application is granted it would undermine the licensing objectives, in particular that of the prevention of public nuisance and the protection of children from harm.
- The arrival and departure/dispersal of an unlimited number of patrons at all times of the day and night would cause additional and unacceptable disturbance and public nuisance.
- The very concept of a hotel in these narrow streets is unacceptable and associated licensing will only compound the problem due to difficulties of access and dispersal and already overstretched parking facilities.
- The proposal to add a first floor exterior terrace will allow for social events to take place in the open air, overlooking the street and looking directly into the bedrooms and reception areas of Fountain House flats which face on Park Street. This constitutes as an unacceptable invasion of privacy and safety for the permanent residents.

Policy Considerations

HOT1

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.
2. The hours for licensable activities being within the Council's Core Hours Policy HRS1.
3. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel.
4. The application and operation of the venue meeting the definition of a hotel as per Clause C

HRS1

Applications within the core hours set out 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.

SUBMISSIONS AND REASONS

Ms Karyn Abbott outlined the application to the Sub-Committee. She advised that representations had been received from the Environmental Health Service, Park Street Management, Fountain House and five local residents. She advised that the Premises are located within the West End Ward but not within the Cumulative Impact Zone or the Special Consideration Zone. She confirmed that the additional submissions from the Applicant and the Interested Parties had been circulated to the Sub Committee.

Mr Gary Grant, Counsel on behalf of the Applicant outlined the application before the Sub-Committee. He explained that the Applicant proposed to operate the Premises (which had previously been two mansion houses refurnished into one building which had stood empty for four years) as a 6-star Boutique Hotel and Restaurant with Residential Apartments and associated facilities. He stated that this was the second

application submitted for the Premises as the original application was for a more extensive Premises Licence had been met with forty residential objections which included all seven residential objections to this application. He advised that the Applicant had hence gone back to the drawing board and the application applied for now was for a hotel operating within core hours which was not located within one of the Council's Stress Areas or a Special Consideration Zone. He stated that this type of establishment would not disproportionately disturb the neighbourhood.

Mr Grant advised the Sub-Committee that the grant of the application was consistent with Westminster's relevant licensing policies: Hotel Policy HOT1, Restaurant Policy RNT1 and Bar Policy PB1). He advised that the Applicant had included a detailed management plan that explained how the Premises would control the arrival and dispersal of customers (including having door attendants outside at busy periods) and he had offered thirty robust conditions that should alleviate resident's concerns. He confirmed that the Premises would operate primary as a hotel and the Applicant had agreed to the Council's model hotel condition.

Mr Grant advised that the closest residents were the hotel guests sleeping in the hotel rooms and the two residential apartments at the top of the building and that it was in the Applicant's best interests to ensure that the hotel was operated in a way as not to disturb them. He stated that Ubers and limousines dropping off guests could stop on the single yellow lines outside of the Premises without causing obstruction in the street and the arrival and departure of guests would be controlled by the door attendants.

Mr Grant referred to the Premises Plan and explained to the Sub Committee the proposed layout for the Premises as follows:

- An 8-suite boutique hotel (with bedrooms on 2nd, 3rd floors)
- Two serviced residential apartments (on 4th and 5th floors)
- Hotel restaurants and lounges (on ground floor)
- Private dining rooms, conference and private function room (on 1st floor)
- Hotel gym, spa and swimming pool (in the basement)

Mr Grant advised that all guests needed to pre-book with the hotel so numbers of guests could be controlled and arrivals and departures staggered. He confirmed that the restaurant would have a maximum of forty-eight covers. He advised that the Applicant had agreed to the Council's model restaurant condition MC66 and that the public could not just walk into the hotel and have a drink at the bar. Mr Grant referred to the proposed conditions and advised of the following:

- a) that members of the public did not have access to the hotel facilities after core hours,
- b) the two external terraces would not be used after 21:00 hours,
- c) alcohol could only be served with a substantial meal,
- d) that there would be a noise limiter fitted and
- e) a direct telephone number would be made publicly available so if any issues could be dealt with promptly.

Mr Grant referred to the Licensing Policy Impact Assessment, Independent Impact Assessment and Acoustic Assessment that had all been carried out by independent consultants on behalf of the Applicant and advised that all the reports had concluded

that the operation of the hotel would not disturb local residents and/or have an impact on the surrounding area. He confirmed that a consultation exercise had been carried out with local residents. He requested that the Sub Committee take into consideration that representations against the application had reduced from forty objections to seven objections because the Premises Licence being applied for today was a reasonable compromise for all parties.

In response to questions from the Sub Committee, Mr Grant advised that the capacity for the restaurant was forty-eight covers. He confirmed that the Applicant was content to limit the capacity of the hotel to 175 persons (excluding staff) as the focus of the hotel was on quality and not quantity and the Applicant did not envisage holding many functions throughout the year. He stated that this was not a hotel that wished to hold corporate events but one that would focus on the needs of its guests. He explained that the size and quality of the function rooms would limit the number of people to 20-30 persons per function room. He advised that people seated on the outside terraces (capacity would be fourteen persons on the ground floor terrace, excluding staff, and twenty persons on the first-floor terrace, excluding staff) would be subject to the restaurant condition MC66. Mr Grant explained the extensive and comprehensive proposed conditions that would control the departure of customers which covered parking, SIAs, idling drivers and CCTV. He confirmed that the Applicant would contract the Westminster's waste disposal companies for Park Street. The Applicant would comply with 'there will be no deliveries between 23:00 hours and 07:00 hours.' He also confirmed that the smoking area would be supervised by the door attendants and/or CCTV system.

Mr Grant referred to page 117 of the Agenda Pack which contained a summary of the consultation held for residents. He advised that the consultation event was widely advertised by letter to neighbours, all forty objectors and local businesses. He stated that he could not confirm how many events the hotel would hold which was why the Applicant was content with limiting the capacity to 175 persons. He explained that a member of the public could book the hotel for an event to be held during core hours only and that the booking would be subject to the restaurant condition MC66 (all alcohol must be ancillary to a substantial meal). He advised that it was anticipated that guests would arrive by cab or public transport. The Sub Committee discussed the difficulties of restricting the number of smokers standing outside of the hotel.

In response to questions from Ms Vivienne Walker, Legal Advisor to the Sub Committee, Mr Grant advised that the Applicant was content to agree to the Council's model condition 99 which outlined that a copy of the dispersal policy would be available on the Premises for inspection by the Responsible Authorities. Mr Grant advised that the Applicant preferred to agree a maximum capacity of 175 persons instead of agreeing to a maximum number of events per week and/or year. Mr Grant, during further discussion, suggested a condition stating that there would be no more than one corporate function (excluding fine dining) per day and that the Applicant would further reduce the maximum capacity to 150 persons (excluding staff). Mr Grant confirmed that the Applicant would not agree for the operating hours to be reduced to 22:00 hours which, he pointed out, were below the hours set out in the Council's Core Hours Policy. Mr Bromley Martin, Counsel for Park Street Management Company interjected and advised that it was his understanding that if a person was a guest of a hotel guest the event could continue for 24 hours. Mr Grant

confirmed to the Sub Committee that all parties would finish at core hours whether they were booked by a member of the public or a hotel guest. Mr Bromley Martin disagreed and advised that the Applicant could use the hotel for events for 24 hours, 365 days a year for up to 175 persons and/or 150 persons. Mr Grant referred to the proposed condition that stated that the primary use of this Premises was a hotel. He further confirmed that the gym and spa could only be used by hotel residents.

Mr Ian Watson representing the Environmental Health Service (EHS) outlined that this application was restricted to the Council's Core Hours Policy and the Council's model restaurant condition MC66. He referred to the plans of the ground floor and compared them to the management operation plan because they did not completely match up so it was not clear how each area would be used. Mr Bees (DPS) explained how the different spaces would be used and that there was a single access staircase to the hotel. He stated that there would be a smoking area in the basement. Mr Grant advised that the plans would be updated and submitted to the Licensing Authority.

Mr Watson referred to the thirty conditions offered by the Applicant and advised the Sub Committee that they needed to ensure that the conditions promoted the licensing objectives and would also alleviate resident's concerns regarding noise nuisance in the area. Mr Watson suggested the Council's model conditions regarding noise should be attached to the Premises Licence. He further suggested that no one have access to the terrace areas, except in emergencies, after 21:00 hours, that deliveries should finish at 17:00 hours and waste collections were in line with Westminster Council's collection service. He advised of an error in the Management Operational Plan regarding the terraces staying open until 21:00 hours.

Mr Watson referred to the proposed conditions at page 147 of the Additional Information Pack and discussed amendments and deletions of the proposed conditions and the addition of new conditions with all the parties. Mr Watson requested confirmation of how many guests a hotel guest could invite into the hotel. He further requested that: a) no loudspeakers be installed in the entrance lobby or on the external terraces on the ground and first floor levels, b) that the internal lobby doors be kept closed when regulated entertainment was provided by the hotel (MC14), c) that the number of smokers be restricted and the smoking area be supervised either by door staff and/or CCTV and d) the inclusion of conditions MC16 and MC70 regarding the off sales off alcohol. He further referred to the two terraces and asked that a condition be included that all lights be turned off by 21:00 hours unless for an emergency. Mr Grant confirmed that the Applicant was happy to accept all of the Environmental Health Services suggested modifications, deletions and additional conditions.

Mr Bromley Martin, Counsel, representing the residents of Park Street Management Company, advised that he was representing numbers 10, 12, 12A Park Street and that the entrance to 12 Park Street was opposite the front of the proposed hotel. He advised that this application was in appropriate for this residential area and that any hotel of any size would cause a public nuisance in this overwhelming residential area. He confirmed to the Sub Committee that this was Park Street Management Company's principle objection to this licence application.

Mr Bromley Martin advised that this application was not for a boutique hotel with a small public restaurant but for a venue to hold social and corporate events. He emphasised that this had become clear when Mr Grant had willingly imposed a limit on the number of corporate and social events to one a day, 365 days a year. He referred to page 147 of the Agenda Pack that contained the proposed conditions and read out proposed conditions 9 and 10 and compared them to the proposed condition 13, which he advised indicated that the entire building, from the basement up to the first floor (excluding the terraces) could be used for licensable activities 24 hours a day by the residents and their unlimited number of guests, 365 days a year.

Mr Bromley Martin referred to the application to vary the planning permission for the Premises to allow the public access to the restaurant and hotel. He advised of the space(s) that were available on the first and second floors for conference room and private function/dining and indicated that the entirety of the first floor, plus the terrace was going to be used for corporate/social events 365 days a year. He referred to the Basement, part of which was going to be a sushi bar and commented that it was odd that the area for staff was going to be licenced. He referred to the planning permission that had been granted and advised that the area in the plans for planning permission was described as a club lounge and bar. He again emphasised that the vast majority of this building was to be used for corporate and social events and only a small proportion of it was for a restaurant and sleeping accommodation. He advised that the Sub Committee was therefore being asked to grant a Premises Licence for alcohol and regulated entertainment for 24 hours a day, 365 days a year which would cause noise nuisance and would not promote the licensing objectives.

Mr Bromley Martin advised that even if this application were for an eight-bedroom hotel the Park Street Management Company would still have maintained their representation because it is a residential area. He stated that he believed that many of the objections had withdrawn because they had been dupped into thinking that this application was for a small luxury hotel. He advised that if the Sub Committee were minded to grant the application it was vital the number of guests should be limited to no-more than two per room and that outside core hours guests should be restricted to the hotel, their hotel room or apartment and not allowed in the public spaces of the Premises. He stated that there should either be no conferences or social functions or at least a restrictive number of functions and conferences per week and/or year.

Mr Bromley Martin referred to the Westminster's relevant licensing policies: Hotel Policy HOT1 and HRS1 and advised that if the primary use of this Premises was a hotel with a restaurant there should be no corporate events. He referred to the expert reports and stated that they had been written with a boutique hotel in mind and not a corporate events venue. He stated that this application was not what it appeared to be and that the licence should not be granted.

Mr Richard Brown, Solicitor, Westminster's Citizens Advice representing individual local residents and residents living in Fountain House advised that Mr Trudel lived next door but one to these Premises and had refurbished his house to a very high standard where he was to live with his family. He advised that Mr Trudel had met with the Applicant and was still not satisfied with the application before the Sub Committee today. Mr Trudel was very concerned about the terraces regarding noise nuisance and privacy issues.

Mr Brown stated that the Applicant places great emphasises on the fact that this Premises were to be a boutique hotel however the business model clearly indicated that it needed to rely heavily on the licence offered to make it a viable business. Mr Brown referred to Dr Hadfield's expert report and advised that Dr Hadfield had not appreciated how residential the area was and that his investigation was merely a snapshot of one small window during one evening. Mr Brown indicated to the Sub Committee to take into consideration the Council's statistics of residential accommodation contained in the report. He explained that customers exiting the Premises late at night would wander into residential areas and cause noise nuisance. He suggested that guests of the hotel be restricted to two per room and the forty-eight covers for the restaurant should be included in the maximum capacity of 150 persons.

Mr Nicholas Briggs, local residents, advised the Sub-Committee that his objection would focus on the licensing objectives only. He explained that the reduction in the number of objections was because of fatigue and not because residents liked the idea of a hotel. Mr Briggs advised that it was a very quiet residential area and one of the last quiet peaceful areas in Mayfair. He advised that picks up and collections were problematic and that double parking regularly occurred in the streets.

In response to Mr Briggs, Mr Grant advised that the Applicant had directly consulted and meet with the Chair of the Mayfair Association who had confirmed that the Association was not submitting a representation against this application.

During his summing up, Mr Ian Watson for Environmental Health Service (EHS) concluded that this was a very sensitive application because the Premises were located in a residential area. He advised the Sub Committee that the EHS particular concern was the arrivals and departure of customers. He stated that the Applicant had not indicated what screening and shrubs would be installed on the terraces to prevent noise nuisance and prevent resident's privacy. He confirmed that the hotel would open for 24 hours a day to be used for residents and their guests and that other functions would be limited to core hours. He advised that there was still a concern regarding the number of events to be held at the hotel.

Mr Bromley Martin advised that the reason there were now only seven objections was because of proposed condition thirteen which stated that the Premises were to be operated as a hotel with a restaurant for forty-eight covers and not for 150 persons for corporate/social events, 24 hours a day, 365 days a week. He advised that the plans submitted by the Applicant were incorrect and that in the planning permission plans the basement was described as a club lounge/cigar lounge and bar. He stated that the three expert reports were based on an eight-bedroom boutique hotel and not a venue for 150 persons. He advised the Sub Committee to refuse the application as it was against the Council's hotel policy and would not promote the licensing objectives. He advised that if the Sub Committee did decide to grant the application the Premises Licence would need to be heavily conditioned to only allow a limited number of functions per year and that hotel guests and their guests (a maximum of two per hotel room) be restricted to the hotel and their rooms after core hours.

During his summing up, Mr Brown advised that that this was a highly residential area and one that lacks late night Premises Licences. He advised that it was reasonable for residents to want the area to remain quiet and granting this Premises Licence would not promote the licensing objectives.

During his summing up, Mr Briggs advised that this was one of the last truly quiet residential areas in Mayfair and requested that the application be refused.

During his summing up, Mr Grant advised that the residents speaking to the Sub Committee today did not reflect the whole of the community. He explained that the Applicant wished to spend millions of pounds to put these buildings back into public use and would provide sixty local jobs. He advised that the Applicant had agreed that the first floor would operate within the core hours policy for not only members of the public but also residents and their guests.

Mr Bromley Martin advised that as these were Mr Grant's closing remarks it was not correct for new evidence to be introduced to the Sub Committee as it denied the objectors the right to respond. He further advised that if Mr Grant, on behalf of his client, wished to put forward conditions for the Sub Committee's consideration he should have done so when he was making his application and not left it to the end after the objectors had finished their final addresses to the Sub Committee.

Mr Grant advised that his address would confirm the conditions offered by the Applicant and suggestions by the Environmental Health Service. He referred to the basement and advised that the planning permission was a little out of date and confirmed that the square stated as the lounge would be excluded from the Premises Licence. Mr Bromley Martin advised that the planning permission clearly showed it as a lounge. Mr Grant agreed that they serve new updated plans.

Mr Grant then confirmed that he accepted the following:

- There shall be no more than six guests per room.
- There shall be a bottle crusher inside the Premises.
- That all internal doors be closed after 21:00 hours or when regulated entertainment is provided by the hotel (MC14)
- There shall be no loudspeakers on the terraces or in the lobby entrance.
- The inclusion of the Council's model waste collection condition.
- The terraces closing at 21:00 hours and all lights turned off at that time.
- The restriction of smokers and the smoking area.
- The removal of off sales
- The inclusion of the Council's model condition defining a hotel.
- The plans to be amended and/or an amendment to the works condition.

The Sub Committee then discussed with all the parties in detail how the maximum capacity of 150 persons would be split/manged in the Premises and the capacity of each of the Premises' floors, the hotel the hotel rooms and two apartments. The Sub Committee found the discussion confusing and noted that the Applicant did not seem sure how the 150 people would be accommodated in the hotel. Mr Grant advised that the hotel would be open 24 hours a day and the conditions did not allow walk ins. The restaurant and bar were only available to people who had booked to come to the hotel. Mr Grant advised that there were only seven objections against the

application and the Applicant had made further concessions today. He advised that all hotels were allowed to hold events. He confirmed that all functions were subject to the restaurant condition (MC66).

Mr Bromley Martin advised that there was the potential to have 365 birthday parties a year and this was not the way a new application should be submitted to the Sub Committee. He advised that the Applicant's representative should not be discussing conditions and wording of conditions in their final address as it did not allow other parties to comment on them. The Sub Committee then discussed with all parties the potential configuration of the 150 persons in the hotel. Mr Bromley Martin concluded that this application had been made under false pretences in that the Premises were going to be a venue for corporate/social events 365 days a year and not an eight-bedroom boutique hotel. Mr Grant concluded by emphasising that the Applicant had applied to operate an eight-bedroom hotel within the Council's core hours policy with a restaurant for forty-eight covers and restricted by the Council's model restaurant condition MC66.

Conclusion

The Sub Committee after carefully considering the committee papers and the submissions made by all parties, both orally and in writing, **has decided to adjourn** their decision following the inconsistencies of the application to give the Applicant the opportunity to submit updated plans and an updated operating schedule which should include all the amendments, deletions and additional conditions discussed at the Sub Committee hearing.

**The Licensing Sub-Committee
27 October 2022**

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

Thursday 26 January 2023 – Item 1

Membership: Councillor Aziz Toki (Chairman) and Councillor Md Shamsed Chowdhury

Apologies: Councillor Laila Cunningham sent her apologies.

Officer Support: Legal Adviser: Vivienne Waller
 Policy Officer: Daisy Gadd
 Committee Officer: Sarah Craddock
 Presenting Officer: Karyn Abbott

Other Parties: Mr Gary Grant (Counsel for the Applicant), Mr Ian Watson (Environmental Health Service), Ms Helen Argyropoulos (representing residents and leaseholders from Fountain House), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing local residents) and Mr Bromley Martin (Counsel for Park Street Management Company Limited)

Application for a New Premises Licence – Park Street Hotel 14 Park Street W1K 2HY - 22/06767/LIPN

Full Decision

Premises:

Park Street Hotel
14 Park Street
London W1K 2HY_

Applicant

14-16 Park Street Limited

Ward

West End

Cumulative Impact Area

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by Retail of Alcohol (On Sales)

Monday to Thursday 09:00 to 23:30 hours

Friday to Saturday 09:00 to 00:00 hours

Sunday 09:00 to 22:30 hours

Late Night Refreshment (Indoors and Outdoors)

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Recorded Music (Indoors)

Monday to Thursday 09:00 23:30 hours

Friday to Saturday 09:00 to 00:00 hours

Sunday 09:00 to 22:30 hours

Hours Premises are Open to the Public

Monday to Thursday 09:00 to 23:30 hours

Friday to Saturday 09:00 00:00 hours

Sunday 09:00 22:30 hours

Seasonal Variations for all the above activities and hours applied for:

24 hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sunday's immediately prior to a bank holiday 09:00 to 00:00 hours.

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises propose to operate as a 6-star Hotel and Restaurant with residential apartments and associated facilities. The Premises are located in the West End Ward but not within the Cumulative Impact Zone or the Special Consideration Zone. There is a resident count of 129.

This application was first heard on 27 October 2022 and was adjourned in order for the Applicant to provide a comprehensive set of the conditions proposed during the hearing, together with revised plans.

The Applicant has now removed from the application Sale by Retail of Alcohol "Off Sales".

The revised plans can be found at pages 17- 23 of the Main Report.

The Applicant has provided supporting documents incorporating original proposed conditions, revised conditions, acoustics report, and an operator's management plan (pages 24 - 137 of the Main Report).

The Applicant has provided Revised Submissions and Proposed Conditions (Pages 3 – 24 of the Additional Information Pack).

Representations Received

- Environmental Health Service
- Park Street Management
- Fountain House
- Five individual local residents

Summary of issues raised by the objectors following the adjournment and further submissions

- The revised plan from the developers does nothing to address the concerns and objections already raised by local residents. It makes clear that this is not a “boutique” hotel, but a bar, restaurant, event space that will rely on high volume traffic for its viability.
- This development would create unsustainable congestion, noise and waste disposal that would destroy the character of our neighbourhood and make it unliveable.
- This development would also threaten the security of our neighbourhood with people congregating on the street to smoke, parties, consumption of alcohol and uncontrolled human traffic.
- This development would make the neighbourhood unsafe for families and children.
- The effect of the application if granted would be to undermine the licensing objectives in particular that of the prevention of public nuisance and the protection of children from harm.
- The arrival and departure/dispersal of an unlimited number of patrons at all times of the day and night would cause additional and unacceptable disturbance and public nuisance.
- The proposed user of the premises would have a particularly detrimental impact on the residential use and enjoyment of homes in Aldford Street and Rex Place, given the close proximity of the buildings.
- The scope of the application is still too broad and opaque, the proposed amendments do not really change that much.
- In my view the scope of the application is still too wide for the residential location and the amendments do not really change much.
- As things stand the licence applied for is prohibited by the current planning permission.
- Their responses do not make sense and those who resides around Park Street, Aldford Street and Mount Street can state what they recommend and what is actually going to happen are two different entities entirely.
- They state that the number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons. Unless someone is at all entrances and exit with a counter, counting in and out every person entering or leaving the premises, there is no way they can know for sure how many people will be in the premises at any one time.
- Regarding how many guests permitted per hotel room or residential apartments, they cannot really know who goes into the rooms, unless you have someone standing outside each room and counting.

- Regarding the corporate event or functions (excluding private dining) per day, they advise that they shall be no more than 1 corporate event/function per day. If this is the case, that would exceed the 150 persons.
- What are they going to do with the residents who are already in the hotel rooms, restaurant, bar, gym/health spa? Will they ask them to leave until the function is over?
- Permitting patrons to temporarily leave and re-enter the premises to smoke restricted to 8 at any one time. How can they determine this and where will these patrons be smoking? How are the staff going to control this, will they tell the patrons to go back inside and wait their turn?
- No deliveries to the premises shall take place between 23:00 and 8:00 hours on the following day. They cannot put a timing on deliveries.
- Core hours for use of the premises – they stated that the members of the public who are not residents of the hotel or guest of the residents, be off the premises and shall not have access to the hotel facilities including the restaurant, bar and lounge areas, gym/spa, function rooms outside the core hours mentioned. This will again exceed the number of patrons at any one given day. The staff cannot control who comes in and who does not.
- Collection of waste or recyclable materials, shall be moved, removed from or placed in outside areas between 17:00 hours and 07:00hours – that is not going to work.

Policy Considerations

HOT1

Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

5. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
6. The hours for licensable activities being within the Council's Core Hours Policy HRS1.
7. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel.
8. The application and operation of the venue meeting the definition of a hotel as per Clause C.

HRS1

Applications within the core hours set out 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.

SUBMISSIONS AND REASONS

Ms Karyn Abbott, Senior Licensing Officer, summarised the application to the Sub-Committee. She advised that following the adjournment in October the Applicant had amended the original application to include amended plans for the basement and ground floor, removed the off sales of alcohol and offered further conditions to be attached to the Premises Licence. She explained that additional submissions had

been received from the Applicant and the objectors and she confirmed that these had been circulated to all the relevant parties. She advised that the Environmental Health Service, Park Street Management, Fountain House and five local residents maintained their representations. She advised that the Premises are located within the West End Ward but not within the Cumulative Impact Zone or the Special Consideration Zone.

Mr Gary Grant, Counsel on behalf of the Applicant outlined the application before the Sub-Committee. He referred to pages 3 and 17 of the Additional Information Pack which contained background information to the application and the new schedule of proposed conditions to be imposed on the Premises Licence. He emphasised that the Premises were not located within one of the Council's Stress Areas or a Special Consideration Zone and the grant of the application was consistent with Westminster's relevant licensing policies: Hotel Policy HOT1, Restaurant Policy RNT1 and Bar Policy PB1).

Mr Grant outlined that it had always been the Applicant's intention to convert the building into:

- An 8-suite boutique hotel (with bedrooms on 2nd, 3rd floors)
- Two serviced residential apartments (on 4th and 5th floors)
- Hotel restaurants and lounges (on ground floor)
- Private dining rooms, conference and private function room (on 1st floor)
- Hotel gym, spa and swimming pool (in the basement)

Mr Grant explained that the revised licensing application before the Sub Committee brought the proposed licence within the terms of the existing planning permission granted on the 11 May 2021. He emphasised that the new proposed conditions not only reflected the existing planning permission but went even further by incorporating additional conditions proposed by the Applicant. Mr Grant explained that the planning permission permitted the conversion of the Premises into a hotel and included robust restrictions on members of the public using the Premises and restrictions on the use of the external terrace. Mr Grant confirmed that the application to vary the planning conditions granted on the 11 May 2021 was subsequently refused by the Council under cover of a decision letter dated 2 November 2022.

Mr Grant referred to page 70 of the Agenda Pack and outlined that the proposed condition 1 clearly set out that the primary use of the Premises was a hotel, and similar to other hotels it would have a restaurant, a bar and function room(s). He explained that there would be no more than one pre-booked corporate event or function a day, excluding private dining, and that the capacity would not exceed 150 persons. He advised that the first floor of the hotel would operate within the Council's Core Hours Policy and that the Applicant had agreed to the council's model restaurant condition MC66. He added that the number of smokers would be eight persons and that the outside smoking area would be supervised by staff and/or CCTV. He further added that a direct telephone number would be provided to residents to raise concerns.

Mr Grant stated that the external terraces would be used between 08:00 and 20:30 hours only and that the capacity would be 14 persons on the ground floor terrace, excluding staff, and 22 persons on the first-floor terrace, excluding staff. He confirmed that the Applicant would prepare a comprehensive dispersal policy and indicated that the management plan, contained in the Agenda Pack, clearly set out the good intentions of the Applicant to ensure the safe dispersal of customers

Mr Grant explained that access to the hotel facilities was limited to residents and their guests or guests of a pre-booked function which was extremely restrictive for a Premises operating as a hotel. He advised that the Applicant was proposing a limit of six guests per hotel room (not individual) which was more restrictive than what was permitted in the existing planning permission. He added that members of the public would not be permitted within the hotel between 07:00 and 23:00 hours which would protect the neighbouring residents from noise nuisance and promote the licensing objectives.

Mr Grant advised that there had been forty objections to the initial application however there was now only seven residents objecting because the Premises were going to be boutique hotel. He outlined that the nearest residents to the Premises were the hotel guests and therefore holding too many events would cause disturbance and would destroy the viability of the business. He emphasised that this would be a small hotel and that it was a reasonable compromise for both the residents and Applicant to put these empty buildings into public use.

In response to questions from the Sub Committee, Mr Grant advised that the hotel would restrict the number of guests to six per room and that the number of paying guests would be 2 to 4 persons. He confirmed that the residents staying at the hotel and the people using the restaurant were included in the overall capacity of 150 persons. He explained that the rationale to vary the planning permission granted on the 11 May 2021, was for the removal of the restrictions on members of the public using the hotel facilities (the removal of planning conditions 9 and 16) as it was unusual for such rare restrictions to be placed on a hotel. He added that the Applicant would be spending millions on the Premises and he needed to maximise his income. He advised that the timings for waste collection were in line with Westminster City Council's collection times and that the sushi bar would be operated by the hotel. He confirmed that the external terrace areas would be subject to the restaurant condition MC66 so all customers would be seated for a table meal.

Mr Ian Watson representing the Environmental Health Service (EHS) confirmed that the updates to the Premises plans were correct. He advised that the two external terraces would not be used after 20:30 hours, unless in emergencies, and any lighting would be switched off at 21:00 hours to prevent light and noise pollution. He added that privacy screens would be installed on the terraces to prevent noise escape and for the safety of customers. He confirmed that the maximum capacity would be 150 persons for the whole of the Premises and this capacity figure included the hotel guests staying at the hotel. He estimated that there would be approximately eighty guests attending the hotel who had pre-booked for either the restaurant, a social function or fine dining.

Mr Watson advised that these Premises would be fully refurbished and that a contract with either Westminster City Council or a private operator would be determined sometime in the future regarding waste collection. He confirmed that the conditions covering waste collection specified the timings for Westminster City Council Collection Service for Parks Street and Alfred Street. He advised that he was satisfied that the Applicant had agreed to the Council's model restaurant condition and that all members of the public would exit the Premises by 23:00 hours. He noted that the smoking area would be confirmed on completion of the works on the Premises and that it would be supervised by door staff and/or a CCTV system. He confirmed that the first floor would not be used for activities beyond core hours and all activities would be restricted to the ground floor after 23:00 hours as the hotel was open 24/7 to hotel guests. He advised that condition 7 should read 'the first floor should operate within the Council's Core Hours Policy' and that condition 17 should read that 'all windows and internal entrance doors be kept closed' instead of external doors. He suggested that the maximum capacity of 150 persons be added to the works condition if the Sub-Committee were minded to grant the application.

Mr Bromley Martin, Counsel for Park Street Management advised that planning permission had been granted on the basis that the Premises was going to operate as an 8- bedroom boutique hotel with the occasional corporate function/private dinner party/social event. He outlined that it had, however, become obvious that it was the Applicant's intention to create this Premises into a venue for corporate events because there had been no limits placed on the capacity for the Premises in the original application. He advised that the Applicant had applied to vary the planning permission granted on the 11 May 2021 to relax the restrictions to the general public access to the hotel. He referred the Sub Committee to the reasons for refusing this planning application which was outlined in paragraph 7 of his submissions named 'Submissions on further Revised Licence Conditions Proposed by 14-16 Park Street Limited'.

Mr Bromley Martin advised that the lack of objections to the application was due to residents believing that this Premises would be an 8-bedroom boutique hotel, however, during the course of the hearing on the 27 October 2022, it had become increasingly evident that that the Premises were to be used by up to 175 persons for unlimited numbers of social events 365 days a year, with permitted hours for licensable activities 24 hours a day. Mr Bromley Martin then referred the Sub Committee to paragraph 11 of his submission and read out the effect of the Applicant's proposed conditions and how the permitted hours and capacity sought by the Applicant could be managed by the Applicant. He stated that the Sub Committee needed to take into consideration the 60 staff entering and exiting the Premises. He advised it was clear that the Applicant wished to use these Premises to hold corporate social events 24/7 and he suggested that it would be reasonable to place a limit of one corporate event to be held every two months only which was what one would expect at a boutique hotel.

Mr Bromley Martin confirmed to the Sub Committee that there had been more than seven objections to the application as he represented more than one resident. He stated that Ms Argyropoulos represented over 60 residents. He advised that the answer to how many people could be guests to a pre-booked function at the Premises were 150 persons. He requested that the Sub Committee refuse the

application on the basis that the Applicant did not intend to operate the Premises as a 8-bedroom boutique hotel.

Ms Helen Argyropoulos, representing residents and leaseholders from Fountain House advised the Sub-Committee that the reason there had been a lack of objections was because residents had been unaware of the application. She confirmed that now they knew about it they were extremely worried because of the potential for noise nuisance, the increase of people coming into the area and the congestion it would cause due to the one-way street system and the parking of cars down both sides of the street. She advised that 14-16 Park Street did not have its own driveway so cars would stop in the middle of road to drop off and pick up customers. She confirmed that she was content for the Premises to be a hotel however, she had concerns regarding the function rooms. She stated that 150 people exiting the establishment at 23:00 hours would cause noise nuisances and increase the likelihood of crime and disorder in the area.

Mr Richard Brown, Solicitor, Westminster's Citizens Advice representing local residents confirmed that the local residents were still very much opposed to this application and that the tweaks to the conditions did not address their fundamental concerns that this Premises would be used as a corporate events venue rather than a boutique hotel. He advised that it was also clear that the business model relied heavily on the licensed offer to maximum income. Mr Brown referred to the Statement of Licensing Policies and read out paragraph B23 to the Sub Committee. He emphasised that the paragraph meant that the granting of planning permission was not constricting on the council's Licensing Authority from considering in detail applications for Premises Licences and the effect on the Licensing Objectives. It just indicated that planning permission was something that the Licensing Sub Committee should be aware of when considering their decision. Mr Brown then discussed the proposed conditions with the Sub Committee. He emphasised that the two external terraces should close earlier than 20:30 hours to protect residents.

Mr Grant confirmed that the maximum number of paying residents would be four per room and that there would be a maximum of six guests per room (not six guests per individual guest) He advised that the Environmental Health Officer would approve the outside smoking area once the refurbishment was completed. He explained that the two external terraces were subject to conditions 21 to 24.

During his summing up, Mr Watson advised that the Environmental Health Service were generally content with the application as presented as they considered the extensive conditions would alleviate residential concerns.

During his summing up, Mr Brown advised that the residents objected to this application being granted as they believed that this Premises would be used as a corporate events venue rather than a hotel and they had a reasonable expectation that the area should remain predominately a peaceful residential area.

During his summing up, Mr Bromley Martin advised that it was difficult to see the difference between a member of the public and/or a guest at the hotel and that the Applicant was exploiting this aspect of the application. He advised that the Applicant wished the residents to believe that this was going to be an 8-bedroom boutique hotel, however, in reality it was going to be a venue for corporate events for 150

people with accommodation. He stated that this had become clear during the hearing held on the 27 October 2022 and was one of the reasons why the application had been adjourned. He advised that after 23:00 hours up to forty people could remain in the hotel and party 24/7 on a licensed Premises.

Mr Bromley Martin explained that the application did not fall within the hotel policy because the primary purpose of this Premises was not for a hotel but for a venue for pre-booked functions with accommodation. He confirmed that he wanted to make it clear that the conditions set out in paragraph 16 of his submission did not invite the Sub Committee to impose these conditions on a Premises Licence but was merely there to indicate what type of conditions would be attached to a Premises Licence if it was going to be primary used as a hotel. He emphasised that this application should not be granted because the Premises were situated in a highly residential area and the Applicant had sought to mislead the Sub Committee during the hearing on the 27 October 2022. He advised that residents had not been aware of what the Applicant intended until the variation to the planning permission had been submitted to the City Council. He read out that the reason the variation to the planning permission was refused because 'the proposal would harm the character and function of the area and the amenity (including the general quality of the living and working environment) of the community in the area, including residents.

During his summing up, Mr Grant referred the Sub Committee to the planning permission that was in existence for the Premises and emphasised the extensive restrictions on the use of the Premises by members of the general public. He advised that these restrictions had not only been adopted in the application before the Sub-Committee, but the Applicant had gone even further and restricted the number of guests to six per room. He acknowledged that there was always a conflict between licensed Premises and residents and that was why the licensing regime existed to ensure that there was a balance in each neighbourhood/area.

Mr Grant set out that the Applicant, at worse, had requested a Premises Licence for a restaurant operating at core hours where alcohol was ancillary to a table meal. He stated that it was not unusual for four people to sleep in a room such as a family of four (2 adults, 2 children for example). He referred to proposed condition 1 which stated that the Premises must operate primary as a hotel. He confirmed that the Applicant wished to have a capacity of 150 persons and did not accept a condition restricting the maximum capacity of 50 pre-booked persons that were not residents of the hotel. He advised that the Applicant would not create noise nuisance and that the Premises were not located in a stress area or special consideration zone. He concluded by advising that it was the Council's presumption to grant such an application under the Council's hotel policy and that the Environmental Health Service had advised that they were generally satisfied with the application.

Conclusion

The Sub-Committee considered the application on its individual merits. In reaching their decision, the Sub-Committee took into account all the committee papers, supplementary submissions made by the Applicant, and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.

In reaching its decision, the Sub-Committee noted that there was no presumption to refuse the application as the Premises primary use was to operate as a hotel and therefore the application was considered under the Council's HOT1 and HRS1 polices. The Sub Committee noted that the Applicant had agreed to the Council's Model Restaurant Condition MC66 so that alcohol could only be served with a substantial meal and that all members of the general public had to exit the Premises by 23:00 hours.

The Sub-Committee took into consideration that conditions had been agreed with the Environmental Health Service who were generally satisfied with the application. The Sub Committee further noted that the Police Service or the Licensing Authority had not made representations against the application and that the Premises were not located in a stress area or a special consideration zone. The Sub-Committee noted that the application had been made within the Council's Core Hours Policy. The Sub-Committee further noted that the Applicant had agreed to include MC24 on the Premises Licence, to provide a direct telephone number for the manager of the Premises.

The Sub-Committee concluded based on the evidence and the agreement by the Environmental Health Service that they no longer had an issue with the application, together with the offer of conditions would ensure the application would not undermine the licensing objectives.

In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objectives.

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

1. To grant permission for **Late Night Refreshment** (Indoors and Outdoors) Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours.

Seasonal Variations: 24 hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday 09:00 to 00:00 hours.

2. To grant permission for the **Sale by Retail of Alcohol** (On Sales) Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours

Seasonal Variations: 24 hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests. All licensable

activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Sundays immediately prior to a bank holiday 09:00 to 00:00 hours.

3. To grant permission for **Recorded Music** (Indoors)
Monday to Thursday 09:00 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours

Seasonal Variations: 24 hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Sundays immediately prior to a bank holiday 09:00 to 00:00 hours.

4. To grant permission for the **Opening Hours for the Premises to the Public**
Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 00:00 hours Sunday 09:00 22:30 hours.

Seasonal Variations: 24 hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Sundays immediately prior to a bank holiday 09:00 to 12:00 hours.

5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

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

9. The Premises shall operate as a Hotel being a premises that is primarily used as an establishment providing overnight accommodation for customers.
10. Access to the hotel facilities (for example but not limited to bar, restaurants, gym/spa, conference facilities etc.) will be solely for residents and their guests or guests of a pre-booked function held at the hotel. There shall be no general access to the public.
11. Residents' guests shall be limited to six per hotel room and the two Residential Apartments.
12. With the exception of staff, non-residents of the hotel shall not be permitted within the hotel before 07:00 hours or after 23:00 hours daily including guests of residents of the hotel rooms and residential apartments.
13. There shall be no more than one pre-booked corporate event or function (excluding private dining) per day.

14. The Gym and Spa in the basement shall only be used by hotel or apartment residents.
15. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons including hotel residents.
16. The First Floor shall only be used by all persons (save for staff) Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours and for Sundays immediately prior to a Bank Holiday 09:00 to 00:00 hours.
17. 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.
18. Save for the provision of licensable activities to residents of the hotel and their guests, or residents of the residential apartments and their guests, the premises shall only operate as a restaurant (for non-residents)
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery (except chopsticks),
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway service of food or drink after 23.00 and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed, and resealed bottles of wine supplied ancillary to their meal.

19. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke shall be restricted to 8 persons at any one time and shall not be permitted to take drinks or glass containers with them.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
21. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
22. The licence holder shall ensure guests remain inside the hotel while waiting for taxis or private hire vehicles.

23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
24. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
25. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
26. All windows and internal entrance doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises' building including external terraces.
28. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a Police Officer and/or an authorised officer of Westminster City Council.
29. All external lights on Ground and First Floor Terrace shall be turned off by 21:00 hours save for emergencies.
30. The two external terraces may only be used by residents of the hotel and their guests or guests of a pre-booked function held at the hotel between the hours of 08:00 to 20:30 hours daily.
31. The number of persons (excluding staff) permitted on Ground Floor Terrace shall not exceed 14 persons.
32. The number of persons (excluding staff) permitted on the First Floor Terrace shall not exceed 22 persons.
33. Alcohol consumed outside the premises building or on the external terraces by residents and their guests shall only be consumed by persons seated at tables.
34. The consumption of alcohol by non-residents of the hotel on the external terraces is subject to condition 18.

35. Deliveries and servicing (including waste collections) for the hotel use will only be between 07:00 to 09:00 hours and 15:00 to 17:00 hours Monday to Saturday.
36. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
37. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 17:00 hours and 07:00 hours on the following day.
38. During the hours of operation, 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.
39. The Licence Holder shall ensure that all glass bottles are crushed inside the premises.
40. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
41. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
42. 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, which 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 refusal of sale of alcohol.
43. Other than in hotel bedrooms (or the Residential Apartments) there shall be no nudity and all persons shall be decently attired at all times, except when

the premises are operating under the authority of a Sexual Entertainment Venue Licence.

44. 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.
45. 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.
46. 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.
47. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
48. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
49. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
50. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
51. Save for the external terraces the number of persons (excluding staff) accommodated on the: Ground Floor shall not exceed 110 persons and on the First Floor the number of persons shall not exceed 67 persons. Such capacity will be determined by the Environmental Health Consultation Team and the Licensing Authority shall replace this condition on the licence with a condition detailing the capacity so determined.
52. Before the premises open to the public, the plans as deposited and the proposed smoking area will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
53. 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.

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

**The Licensing Sub-Committee
26 January 2023**

The Meeting ended at 3.40 pm