



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 19th October, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Eagleton (Chair), Concia Albert and Melvyn Caplan

Other Members Present: Councillor Tim Mitchell.

1. MEMBERSHIP

- 1.1 It was noted that there were no changes to the membership.
- 1.2 Councillor Tim Mitchell (Ward Councillor for Item 1)

2. DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

1. SILVERTIME, 32 GERRARD STREET, W1D 6JA

WCC LICENSING SUB-COMMITTEE NO. 6 (“The Committee”)

19 October 2023

Membership: Councillor Robert Eagleton (Chair) and Councillor Concia Albert and Councillor Melvyn Caplan

Officer Support: Legal Advisor: Steve Burnett
 Policy Officer: Kerry Simpkin
 Committee Officer: Sarah Craddock
 Presenting Officer: Kevin Jackaman

Application for variation of a Gambling Premises Licence in respect of SILVERTIME, 32 GERRARD STREET LONDON W1D 6JA - 23/02889/LIGV

Present:

Philip Kolvin QC (Legal Representative, Silvertime Amusement Limited), Chris Rees-Gay and Andrew Woods (Legal Representative, Silvertime Amusement Limited), Ed Reed (Owner and Director, Silvertime Amusement Limited), Phil Wheeler (Compliance Manager, Silvertime Amusement Limited), Meto Parmachki – (Operations Director, Silvertime Amusement Limited)
Nick Mason - Witness

Karyn Abbott (Licensing Authority),

Freya Aitken-Turff - China Exchange
Councillor Tim Mitchell representing Lucy Tse-Mitchell - Chinatown Stakeholders Group.
Edmond Yeo – Chinese Information and Advice Centre
Richard Brown for David Tse & Kay Man

Full Decision

Premises

Silvertime, 32 Gerrard Street, London W1D 6JA

Applicant

Silvertime Amusement Limited

Ward

St James's

Summary of Application

This is an application for a variation of a Premises Licence under section 187 of the Gambling Act 2005 ("The Act"). The Premises operates as an Adult Gaming Centre (AGC) on a ground floor premises.

1. The Applicant has applied to extend their time of trade to 08.00 until 03.00 Mondays to Sundays.
2. To amend condition 20 to:

Between 18:00 and 03:00 the following morning there will be an SIA licensed door supervisor employed at the front entrance to the premises. The need for an SIA door supervisor at other times will be risk assessed. They shall display their licence at all times in a yellow high visibility arm band.

3. To remove:

No facilities for gambling shall be provided on the premises between the hours of midnight and 9am the following day.

There is a resident count of 146.

Representations received

- Licensing Authority
- Lucy Tse-Mitchell - Chinatown London Stakeholder's Committee
- Kay Man
- Edmond Yeo - Chairman of the Chinese Information and Advice Centre
- David K.S Tse

Summary of issues raised by objectors

The Licensing Authority maintained their representations on the grounds the granting the application would not protect children and other vulnerable persons from being harmed or exploited by gambling and breach of the Westminster City Council Pleasure Fairs (Amusement Premises) Bye Law.

Interested Parties had maintained their representations on the grounds contained within the 2005 Act namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

An extension will have a detrimental impact on the centre of Soho and that the increase in hours is not suitable for the area and will have a negative impact on Chinatown and tourism.

Operating between midnight and 3am and then opening again at 8am will target vulnerable individuals.

The harm caused by gambling addiction to an individual, their family, and the communities to which they belong, and the potential associated antisocial behaviour is too great to ignore.

The extended hours proposed in the licensing application are more likely to attract vulnerable people.

Chinatown employees are particularly at risk, and those who speak little English have few options for recreation, so easily available gambling is a risky temptation. would also "normalises" gambling having been growing up in the abundance of casinos and adult gaming centres.

Extending Silvertime's opening hours to 3am would further encourage these social problems & evils in vulnerable people's lives.

The proliferation of gambling establishments & Adult Gaming Centres in Chinatown normalises gambling for British Chinese & ESEA children.

We want Silvertime to move out of Chinatown, not increase its trading hours.

Summary of the Application

The Committee has determined an application for a variation of a Premises Licence under section 187 of the Gambling Act 2005 ("The Act") by Silvertime Amusement Limited in respect of Silvertime, 32 Gerrard Street, W1D 6JA.

The premises were previously licensed as a betting shop (Betfred) with a Betting Shop (Other) licence under the Gambling Act 2005 from October 2010. The Premises has been subject of a Premises Licence since 16th February 2022.

Policy Position

Policies considered OBJ1, OBJ2, OBJ3, AGC1 and LOC1 of the City of Westminster Statement of Licensing Principles for Gambling.

SUBMISSIONS

Kevin Jackaman, the Presenting Officer, provided a summary of the application to the Committee.

Mr Kolvin, Counsel, representing the Applicant, outlined the application before the Committee. The following points were then highlighted:

- Silvertime opened the premises in August 2022, and has traded over the last 14 months without any concern on the part of any responsible authority or any complaint from any local resident, business, community group or third-party agency concerned with gambling protection or safeguarding.

- The expert evidence states there is no evidence of harm connected with the operation of the Premises. The Premises has good security and was calm.
- The application is detailed, addresses the local policy, supported by internal policies, training documents, experts' evidence and other brochures.
- Mr Kolvin directed the Committee to the detailed risk assessment which was compile from a detailed consideration of Westminster's Policy.
- The Committee were advised that there are a number of Gambling Premises in the immediate vicinity but there is no evidence that any of the premises, so of which trades 24 hrs with less conditions, attracted drunks or the vulnerable.
- There is no police evidence or evidence of crime and disorder from this Premises or any other ACG in the area. There is no evidence of the operation targeting the vulnerable.
- He highlighted that the objections focused on the character of the area, need and dislike of gambling which the Guidance identifies are not matters to take into consideration when deciding an application.
- There are repeated suggestions that the extra hours will attract drinkers but there is no evidence of this.
- The Applicant's premises on Edgware Road, has a 24 hrs licence which have no conditions save for the Mandatory Conditions. This premises trades without complaint or issue.

In answer to questions from the Committee, Mr Kolvin advised that the observation which took place did not show that people leaving bars and restaurants went into ACGs. The expert states that the Premises is well managed, there were only a maximum of 14 customers seen by the expert and that there was a regime of regular training and meeting with stakeholders and businesses in the area.

Mr Mason informed the Committee that he had visited the area and the Premises during July, August and September. He found the Premises were well managed and monitored. Customers from bars and restaurants did not go into ACG. All ten ACGs in the area were quiet and well ran.

Meto Parmachki then explained the level of involvement he has in the Community in the area and the Committee were advised of the level of interaction they have with customers to identify any who are vulnerable. The operators had attended Ward Panel meetings and want to be involved with the community. Staff are highly trained and are experienced. Members of the Community have been invited to the training and a written record of the training is retained.

The Licensing Authority confirmed their Policy objections and highlighted the details of the Bye-Law which restricts trade of ACGs to 09.00 to 00.00. Mr Kolvin confirmed that as with other AGC Premises Licence, this should be informative. His clients will

apply for a relaxation of the Bye-Law despite Westminster enforcement officers not historically enforcing the Bye-Law.

Ms Abbott also highlighted that Policies F2.9 and F2.10 should also be considered at the Premises is in close proximity to a high vulnerability zone.

Mr Brown stated that the Premises is in a prime location and although the Premises is a ACG, it is advertised above the door as a Casino. Mr Brown advised the Committee of the recent history behind betting machines and the stakes, and also the reforms due under the Government's White Paper.

The Committee were told that there are no concerns that children would be able to enter the Premises, but many customers are not evidently vulnerable. The Premises wants to attract shift workers in China Town, and this has not been addressed in the risk assessment.

Mr Brown reminded the Committee that the Act is a permissive piece of Legislation but if reasons have been identified as to why the application would not reasonably comply with the licensing objectives, the Committee have the discretion to refuse the application.

Freya Aitken-Turff of the China Exchange and neighbours with the Premises and had concerns that the Premises is called a Casino and that the Premises intends to open at 08.00 and close at 03.00. She questioned how the vulnerability of Chinese customers would be assessed when there are no staff currently employed who speaks their language.

Lucy Tse-Mitchell is the Chair of the Chinatown London Stakeholder's Committee which has existed for over 10 years and she provided some history. They feel that the extension will create anti-social behaviour and the requested hours are to attract vulnerable shift workers in the area.

Councillor Mitchell assisted the Committee and informed them that the 2 key policies are that the Premises is located in close proximity to the Gambling Vulnerability Zone and the hours applied for are in excess of the Bye-Law. This provides vulnerable people, eg shift workers to gamble in the ACG, causing families to suffer and attendance by people leaving alcohol led premises in the area.

In response to questions from the Committee, they were informed that shift workers would be given access to entertainment which was limited at the times they leave work.

It was confirmed to the Committee that sec 153 of the Gambling Act 2005 is clear and the issue is whether the Committee believes the application is reasonably consistent with the licensing objectives.

Mr Brown reiterated that the test is "aim to permit" rather than "must" permit and that he did not have any criticism of the operator and their policies, but the Decision must be based on the evidence of the additional impact granting the application will cause in the area.

The objectors were directly asked whether they had any figures which demonstrated that the Premises attracted the vulnerable and that they harmed or exploited by the operation of the Premises. They did not. They were asked how many vulnerable people attended community organisations for advice on late hour gambling. Mr Yeo stated that the representations were about the Community interest and roughly 25% of cases relate to gambling abuse generally.

Mr Kolvin agreed to add the following condition suggested by the Policy Officer.

There shall be no display, signage or advertisement inside or on the exterior of the premises which states or implies that the premises is authorised to provide gambling activities that the nature of the licence doesn't authorise, for example a Casino, Bingo or Betting.

Mr Simpkin also confirmed that issues under the Bye-Law are separate considerations to those under the Act and that the Premises is not located inside the Gambling Vulnerability Zone.

REASONS

The Committee acknowledged some resident's concerns related to the number of Gambling Premises in the area and the nature of the area. The Committee confirm that these were not reasons to refuse a gambling application and the concept of 'need' is not relevant to their decision.

The Committee recognised and had serious concerns about the risks of gambling generally to vulnerable adults. Mr Kolvin explained that the company's intense training programme and how staff monitored their customers' behaviour, successfully mitigated the risk to the vulnerable.

The Committee noted that the Applicant had supplied a substantial amount of documentary evidence in support of the operation, none of which had been contested. The Premises has also traded without issue and there were no objections from the police, Environmental Health or the Safe Guarding Team.

Independent evidence was compelling and showed that neither this Premises or other AGCs in China Town caused an issue in the area or with vulnerable adults. This included ACG premises with 24 hour licences, no added conditions and fewer staff. In fact, to the contrary, the evidence is that the Premises is well managed.

It has been noted by the Committee that the premises has planning permission for the hours in this application, but this has been given no evidential weight. The Committee is mindful of The Gambling Commission Codes of Practice which cover all the gambling objectives and requiring operators to have procedures for age verification, customer interaction and self-exclusion, and exterior advertising must not be aimed at children. There is no evidence that these premises contravene any the Commission's Guidance.

The Committee notes from the evidence that the Premises has traded from 9 a.m. to midnight since August 2022 without issue. They have also traded an ACG at 426 Edgware Road for 24 hours on a licence without conditions since 2014, without issue.

DECISION

The Committee has a duty to consider the application on its individual merits and took into account the Gambling Act 2005, The Guidance, Westminster's Statement of Principles for Gambling all the committee papers, the additional written documents and the oral evidence given by all parties during the hearing in its determination of the matter.

The Applicant has built and maintained relationships with the local community and ensured its staff were highly trained in dealing with vulnerable people and difficult situations.

The Committee is aware of section 153 of the Gambling Act 2005 and that in exercising their functions under the Act, they shall aim to permit the use of premises for gambling in so far as the authority thinks it:

- (a) in accordance with any relevant code of practice [issued by the Gambling Commission]
- (b) in accordance with any relevant guidance issued by the Commission
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b))
- (d) in accordance with Westminster City Council's statement of licensing policy (subject to (a) to (c)).

The gambling licensing objectives are:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

In this case, there has been no evidence provided that the operation of this site currently or until 03.00, would harm or exploit the vulnerable. Therefore the criteria in section 153(a)-(d) have been satisfied.

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

1. To **GRANT** permission:

To extend permitted hours to 08.00 until 03.00 Mondays to Sundays.

2. All relevant Mandatory Conditions to apply.

3. To **REFUSE** the application to remove condition 41:

No facilities for gambling shall be provided on the premises between the hours of midnight and 9am the following day.

4. All existing conditions to be retained except:

To amend condition 20 to:

Between 18:00 and 03:00 the following morning there will be an SIA licensed door supervisor employed at the front entrance to the premises. The need for an SIA door supervisor at other times will be risk assessed. They shall display their licence at all times in a yellow high visibility arm band.

To amend condition 41 to:

No facilities for gambling shall be provided on the premises between the hours of 03:00 and 08:00 the following day.

To add the following condition.

There shall be no display, signage or advertisement inside or on the exterior of the premises which states or implies that the premises is authorised to provide gambling activities that this Premises Licence doesn't authorise, for example a Casino, Bingo or Betting.

INFORMATIVE:

The Applicant is reminded that they should comply with Westminster City Council's Pleasure Fairs (Amusement Premises) Byelaws made in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976, which will have the effect of reducing the opening hours of the business from those permitted under the Gambling Act 2005 and granted by this licence.

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

**The Licensing Sub-Committee
19 October 2023**

2. FOODWISE EXPRESS, 6 NORFOLK PLACE, W2 1QN

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.6
("The Committee")

Thursday 19 October 2023

Membership: Councillor Robert Eagleton (Chair) and Councillor Concia Albert
and Councillor Melvyn Caplan

Officer Support Legal Advisor: Steve Burnett
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

Others present: Jack Spiegler (Solicitor, Thomas & Thomas), Asif Gul
(Applicant),

Kudzy Mondhiani (Environmental Health Service) and Richard
Brown (Solicitor, Westminster's Citizens Advice), representing
Susie Burbridge (Hyde Park Estate Association and South East
Bayswater Resident Association) and John Zamit (South East
Bayswater Resident Association).

**Application for Variation of Premises Licence in respect of Foodwise Express,
6 Norfolk Place, London, W2 1QN - 23/04048/LIPV**

Full Decision

Premises

Foodwise Express
6 Norfolk Place
London W2 1QN

Applicant

Mr Asif Gul

Ward

Hyde Park

Cumulative Impact

N/A

Special Consideration Zone

N/A

Activities and Hours applied for:

- To vary the hours for Sale by Retail of Alcohol Monday to Saturday 08:00 to 00:00 hours
- To vary the opening hours to Monday to Saturday 08:00 to 00:00 hours

Summary of Application

This is an application for a variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises currently operate as a retail shop with an off-sales licence. This application proposes to vary the permitted terminal hour for the sale of alcohol to midnight on Monday to Saturday. There will be no change to Sunday.

The Premises has had the benefit of a Premises Licence since 2020.

There is a resident count of 249.

Representations Received

Environmental Health Service

34 representations from local residents (in support) including.
Councillor Patrick Lilley (in his capacity as a local resident)

Hyde Park Estate Association (Against)

South East Bayswater Association (SEBRA)(Against)

Issues raised by Objectors (Against)

- The hours requested will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
- The area is mainly residential with only a few commercial shops.
- The Premises is likely to become a destination point for non-locals, hotel visitors, rough sleepers and late-night commuters.
- Potential noise nuisance and anti-social behaviour.
- Detrimental to the Licensing Objectives.
- It is a challenging task keeping the balancing act with both commercial and residential happy – 23:00 hours meet this balance.

Issues raised by Objectors (support)

- Professionally managed Premises
- It will be beneficial to the local area.
- No concerns about trouble, crime or nuisance.

Policy Position/Considerations

HRS1 and SHP1

SUBMISSIONS AND REASONS

The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application to the Committee.

Mr Jack Spiegler (Solicitor, Thomas & Thomas), outlined the application along with Mr Asif Gul (Applicant).

The Committee was advised that the application proposes to vary the permitted terminal hour for the sale of alcohol by 1 hour to midnight on Monday to Saturday. There would be no change on Sunday.

Mr Spiegler emphasised that there had been no representations from the Licensing Authority or the Metropolitan Police Force and how Mr Gul was a very community minded businessman with a proven track record of operating a responsible and compliant business. He highlighted the strong support from individual local residents who wished for the application to be granted and who had submitted in writing their support to the Licensing Service.

Mr Spiegler advised that the Premises was not located in a Cumulative Impact Area, or a Special Consideration Zone and that the late-night operation was limited which aligned with the relevant factors listed in the Council's Licensing Policy HRS1. He added that the Premises intended to sell non-alcoholic drinks and foods to cater for the whole community and shift workers between 23:00 and 00:00 hours. He highlighted that the existing condition nine on the Premises Licence would need to be amended if the application was granted.

In response to questions from the Committee, Mr Gul advised that the notice for the variation to the Premises Licence had been displayed outside of his Premises and, if asked, he had directed local residents to the link they could use to contact the Council. He confirmed that he had recently undertaken the Personal Holder Licencing Training. He outlined that there were already conditions on the Premises Licence which restricted the sale of cheap priced, super strength alcohol. He advised that when he first opened in early 2022 there had been issues with young people/street drinkers, however, he had eliminated these problems. He now wished to operate until midnight as there was demand and support by the community and it would provide an extra revenue stream.

He gave examples of where he had helped the Police with their inquiries and how his CCTV helped keep the area safe from crime and disorder and anti-social behaviour. He confirmed that the condition preventing him from selling miniatures of spirits was removed from the Premises Licence under delegated authority and allowed his patrons to buy single measures of spirits instead of whole bottles.

Ms Kudzy Mondhiani (Environmental Health Service, EHS) advised that the EHS had maintained their representation as the application was seeking to operate beyond the Council's Core Hours Policy. She outlined that the Premises was well managed and there had been no complaints in relation to public nuisance. She advised that the Applicant had agreed to add a further condition to the Premises Licence 'that the external door will be kept closed after 23:00 hours' to minimise any additional nuisance from patrons arriving and leaving the Premises.

Mr Richard Brown (Solicitor, Westminster's Citizens Advice), representing Hyde Park Estate Association and South East Bayswater Resident Association) outlined that the representations had been made as the Applicant was requesting an extension of hours to sale alcohol beyond the Council's Core Hours Policy. He highlighted how the area had issues with street drinkers and hence the anti-social behaviour and the crime and disorder that this creates within the area. He emphasised that the Council expected all Premises Holders to manage their Premises well and that the Resident Associations had nothing against the Applicant, however, they did not want to see the granting of this application as it would set a precedent for all Premises in the area to apply to operate until midnight.

Mr John Zamit (Chairman of the South East Bayswater Resident Association, SEBRA) advised that the application was against the Council's Core Hours Policy. He outlined how important (but difficult) it was to keep the balance between commercial and residential amenity within the area and how he considered the Core Hours Policy of a terminal hour of 23:00 hours maintained the balance. He advised that he had not heard sufficient reasons to justify changing the Council's policy and/or to make this a personal Premises Licence. He requested the Committee refuse the application.

During his summing up, Mr Brown emphasised the issues with street drinking in the area and that the reality was that granting this application would encourage other Premises to apply for an extension in hours. He advised of his disappointment regarding the removal of the condition preventing the sale of miniature bottles of spirits.

During his summing up, Mr Spiegler advised that each application should be considered on its own merits and subject to the relevant criteria listed in the Council's Licensing Policies.

He emphasised that the Core Hours were a guide and not an absolute and that the Committee had granted many applications beyond Core Hours. He advised that the crucial question was whether the extension of the hours would be detrimental to the promotion of the Licensing Objectives.

Mr Kerry Simpkin, Policy Advisor to the Committee, clarified the Council's policy position and confirmed that the Applicant did not have to prove exceptional circumstances in this instance for the extension to sale alcohol.

Conclusion

The Committee has determined an application for a grant of a Variation to a Premises Licence under the Licensing Act 2003. The Committee is aware that it has a duty to consider each application on its individual merits when determining this application.

The Committee in its determination noted that the area had a transient population as well as issues with street drinkers. However, these issues were not evidenced to be directly attributable to the Premises or its operation. To the contrary, there is substantial evidence from residents living in close proximity to the Premises who

gives compelling written evidence that the operation is professional, and a benefit to the area and community. Some residents also commend the operation for not causing nuisance or anti-social behaviour (ASB).

The Committee noted that the EHO did not comment on ASB in the area and there were no objections from the Metropolitan Police Services. In fact, the Premises Licence Holder had eradicated a previous issue with street drinkers entering the Premises when he took over its operation. He has also assisted the police by providing vital CCTV evidence.

The risk of 'opening the flood gates' or creating a precedent is not an issue to be considered under the Act and it is known that each case will be decided on its own merits. This Decision shall not be used to sway Licensing Sub-Committees or support future application from Premises in the area.

Westminster's the Core Hours Policy is guide and not an absolute. The Premises is not located in the CIZ or SCZ and therefore the hours for licensed premises in the area is not limited to Core Hours generally. On balance, the Applicant has shown through his own evidence and the evidence of a number of residents living in the vicinity, that the operation of the Premises is unlikely to adversely affect the Licensing Objectives.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, The Committee has decided, 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:

Sale by Retail of Alcohol (off sales)

Monday-Saturday: 08:00 - 00:00 hours

Sundays: 10.00 22.30

Hours Premises Are Open to the Public

Monday-Saturday: 08:00 - 00:00 hours

Sundays 10.00 – 22.30

2. To add relevant Mandatory Conditions to apply.
3. To add conditions proposed to form part of the operating schedule:

Conditions consistent with the operating schedule

6.
 - (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.

7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

8. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

9. Should the premises ever trade after 00:00 (22:30 Sundays) or before 8am. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store-room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

10. No super-strength beer, lagers, ciders, or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.

11. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

12. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

13. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

15. 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.

16. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and 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.

17. All serving staff shall receive training in the sale of alcohol as set out in the 2003 Licensing Act prior to starting employment and receive refresher training at 6 monthly intervals. They shall sign a training record confirm the above. All training records shall be available for inspection upon request by the Responsible Authorities.

18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale. Conditions proposed by the Environmental Health Service and agreed by the applicant to form part of the operating schedule.

19. 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.

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

21. 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.

22. Deliveries to the premises shall only take place between 08:00 and 22:00 hours.

23. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.

24. 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.

25. 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.

26. All serving staff shall receive training in the responsible sale of alcohol and the restrictions on the sale of alcohol to intoxicated persons prior to starting employment and receive refresher training at 6 Months intervals. They shall sign a training record confirm the above. All training records shall be available for inspection upon request by the Responsible Authorities.

27. The external door shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.

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

**The Licensing Sub-Committee
19 October 2023**

3. 8-10 GROSVENOR GARDENS, SW1W 0DH

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.6

("The Committee")

Thursday 19 October 2023

Membership: Councillor Robert Eagleton (Chair) and Councillor Concia Albert and Councillor Melvyn Caplan.

Officer Support Legal Advisor: Steve Burnett
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

Others present: Luke Elford (Solicitor, John Gaunt & Partners), Victoria Morrison
(Operations Director for the Applicant) and Sally Fabbriatore
(Environmental Health Service)

**Application for a New Premises Licence in respect of 8-10 Grosvenor Gardens,
London, SW1W 0DH - 23/04220/LIPN**

Full Decision

Premises

8-10 Grosvenor Gardens
London SW1W 0DH

Applicant

X & Why Limited

Ward

Knightsbridge and Belgravia

Cumulative Impact

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by Retail of Alcohol on Sales

Monday-Friday: 11:00 - 22:00 hours

Films

Monday-Friday: 11:00 - 22:00 hours

Hours Premises Are Open to the Public

Monday-Friday: 11:00 – 22:00 hours

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises is a members' workspace located within the newly redeveloped building at 8 – 10 Grosvenor Gardens. The Applicant will be occupying the whole building and offers members' workspaces for businesses seeking flexible working. This includes private offices, dedicated desks, or hot desks to business members. Membership costs are all-inclusive and include the space, furniture, utilities, maintenance, and use of meeting rooms.

The Applicant has provided the following submissions:

- Amended hours and licensable activities
- Amended list of conditions
- A brochure • Correspondence with the Environmental Health Service
- Mediation with the interested parties

Representations Received

Environmental Health Service
Four Local Residents (one withdrawn)

Issues raised by Objectors

- The hours requested will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
- Very near residential amenity.
- Car parking/car noise.

Policy Position/Considerations

HRS1 and PB1

SUBMISSIONS AND REASONS

The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application to the Sub-Committee.

Mr Luke Elford (Solicitor, John Gaunt & Partners), outlined the application along with Ms Victoria Morrison (Operations Director, for the Applicant). He advised that the Applicant provided high quality office space to individuals and office tenants in the third sector. He referred to the Brochure contained in the Agenda Pack and how the Applicant had several Premises all over the country including another site in Westminster in Greater Cumberland Street. He advised that the original application had requested to operate within Westminster's Core Hours Policy however during the consultation period the Applicant had significantly reduced the hours to Monday to Friday until 22:00 hours with no activities taking place during the weekend. He referred to the schedule of proposed conditions which included MC81 the works conditions.

Mr Elford explained that activities/events taking place would be drinks/nibbles and occasionally an event where a talk is given by a notable person in the charity sector, followed by networking drinks. He advised there would be no high-energy events and that this Premises was never intended to be a nightclub or a free for all venue. He confirmed that there would always be a member of staff present at all events and that the Applicant had engaged extensively with the objectors and had tried to address all their concerns.

In response to questions from the Committee, Mr Elford confirmed that the space would only be available for tenants and their guests (not to the general public) and that the whole space was licenced so there would be no concern with people taking alcohol off site. He advised that the primary area for events/networking would be the lower ground floor and the auditorium. He confirmed that X & Why may host events themselves however there would never be third party promoted events held at the Premises and a proposed conditions to that effect had been included on the operating schedule.

Ms Victoria Morrison (Operations Director for the Applicant) explained that the building would be 24/7/365 accessible for members. She advised how her team would operate an event from greeting guests, ensuring they are in the correct space and making sure everyone vacates the space at the end of the night. She confirmed that the building had multiple areas, however, people did not have access to the whole of the building and there were very strict access controls.

Ms Sally Fabbricatore (Environmental Health Service, EHS) advised that EHS had maintained their representation to address any residential concerns. She further advised that the EHS did not have any major concerns regarding public nuisance and public safety because of the conditions that had been proposed by the Applicant. She confirmed that EHS's concern had further reduced with the scaling back of the terminal hour to 22:00 hours and that activities would mainly take place in the lower ground floor and auditorium. She confirmed that the proposed conditions and the amended hours should alleviate residential concerns.

Conclusion

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits.

The Sub-Committee in its determination noted that the Environmental Health Service was satisfied with the application and that the conditions imposed on the Premises Licence would alleviate the resident's concerns.

In reaching its decision the Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not undermine the licensing objectives.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, The Committee has decided, 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:**

Sale by Retail of Alcohol On Sales

Monday-Friday: 11:00 - 22:00 hours

Films

Monday-Friday: 11:00 - 22:00 hours

Hours Premises Are Open to the Public

Monday-Friday: 11:00 – 22:00 hours

3. **To add relevant Mandatory Conditions.**

4. **To add conditions proposed to form part of the operating schedule:**

11. The provision of Licensable Activities at the premises shall be ancillary to the use of the premises as a members' workspace.

12. Licensable Activities may not be provided other than to:

- a. Members and their guests (not exceeding 4 guests per member);
- b. The proprietors, directors, shareholders, and management of the operating company (and their guests);
- c. Persons attending a private, pre-booked event at the premises.

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

14. No person shall be admitted to membership of the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 24 hours between their nomination or application for membership and their admission.

15. No person shall be permitted to host a private, pre-booked event at the premises without an interval of at least 24 hours between the event booking being made and the event taking place.

16. A list of the names and addresses of members of the premises (which may be electronic) shall be kept at the premises at all times together with a list showing the names and dates of attendance of any guests (which may be electronic) introduced by members. Both lists shall be produced on demand for inspection by Responsible Authority officers.

17. The premises licence holder shall keep a register of all private, pre-booked events held at the premises. The register shall (as a minimum) record the following details:

- a. The full name (first and surname) of the person booking the event;
- b. The home address of the person booking the event;
- c. The date of birth of the person booking the event;
- d. A colour copy of photographic ID (passport, driving licence, or PASS ID card) for the person booking the event;

- e. A telephone number and/or email address for the person booking the event;
- f. The nature of the event; and
- g. The number of persons attending the event.

Details of each event shall be kept for a minimum period of 6 months from the date of the event.

18. Any private, pre-booked events to be held at the premises shall be subject to being risk assessed by the premises licence holder and a written risk assessment produced. A copy of the risk assessment for each event shall be kept at the premises for a period of 6 months from the date of the event and made available to Responsible Authority officers on request.

19. At least one (1) member of staff from the premises licence holder shall be on duty for the duration of any private, pre-booked events. The premises licence holder shall risk assess the need for further staff members to be present at private, pre-booked events.

20. Where indicated by the risk assessment the premises licence holder shall employ a suitable number of SIA registered door supervisors for the duration of any private, prebooked events.

21. A direct telephone number for the manager at the premises shall be available when the premises is open for licensable activities. This telephone number is to be made available to residents and businesses in the vicinity.

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

23. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.

24. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system

- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

25. Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

26. 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

27. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

28. Loudspeakers shall not be located in the entrance lobby or on the terraces.

29. All windows and external doors shall be kept closed after 20:00 hours except for the immediate access and egress of persons.

30. The terrace at second floor level shall only be used between 10:00 and 17:00 Monday to Friday (excluding bank holidays and public holidays) and access to the terrace (except in emergencies) shall be prevented at all other times.

31. The premises licence holder shall display a suitable sign or signs on the terrace reminding users to respect the needs of residents and to use the area appropriately.

32. The premises licence holder shall not permit smoking on the second-floor terrace. Smoking shall only be permitted at ground floor level on Grosvenor Gardens.

33. The premises licence holder shall not play Live or Recorded Music or use an amplified public address system on the second-floor terrace.

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

35. 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.

36. 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.

37. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.

38. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00 on the following day.

39. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.

40. There shall be no deliveries of goods or services relating to Licensable Activities at the premises via Grosvenor Gardens Mews North. All deliveries of goods and services relating to Licensable Activities shall be via Grosvenor Gardens.

41. The premises licence holder shall ensure that any lights either inside or outside the premises shall not cause a nuisance to nearby properties.

42. 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.

43. The edges of the treads of steps and stairways shall be maintained to be conspicuous.

44. The fire evacuation meeting point shall not be in Grosvenor Gardens Mews North unless that is directed by the London Fire Brigade.

45. 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.

46. 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
19 October 2022**

The Meeting ended at 2.30 pm