

# Licensing Sub-Committee Report

Item No:	
Date:	12 November 2015
Licensing Ref No:	15/07388/LIPN - New Premises Licence
Title of Report:	Boxcar Butchers 23 New Quebec Street London W1H 7SD
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	3 September 2015		
<b>Applicant:</b>	Boxcar Butchers		
<b>Premises:</b>	Boxcar Butchers		
<b>Premises address:</b>	23 New Quebec Street London W1H 7SD	<b>Ward:</b>	Bryanston & Dorset Square
		<b>Stress Area:</b>	No
<b>Premises description:</b>	The premises propose to operate as a Butcher's and Deli together with a restaurant.		
<b>Premises licence history:</b>	This is a new premises licence application.		
<b>Applicant submissions:</b>			

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations:</b>							
<b>Non-standard timings:</b>				Sundays immediately prior to Bank Holidays 23:00 to 00:00			

Sale by retail of alcohol				On or off sales or both:			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:20	00:00	00:00	22:30
<b>Seasonal variations:</b>							
<b>Non-standard timings:</b>				Sundays immediately prior to Bank Holidays 12:00 to 00:00.  From the end of permitted hours in New Years Eve until the start of permitted hours on New Years Day.			

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	07:30	07:30
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>							
<b>Non-standard timings:</b>		Sundays immediately prior to Bank Holiday 07:30 to 00:00  From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.					
<b>Adult Entertainment:</b>		Not applicable.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr David Nevitt
<b>Received:</b>	30 <sup>th</sup> September 2015
<b><u>The Licensing Act 2003</u></b>	
<b><u>Boxcar Butchers, 23 New Quebec Street, W1</u></b>	
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted plans of the ground and basement floors dates 17/8/15.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday between 10.00 and 23.30 hours, Friday and Saturday 10.00 to 00.00 hours and Sunday 12.00 to 22.30 hours. Sunday before a Bank Holiday 12.00 to 00.00 hours and New Year's Eve to New Years Day.</li> <li>2. To provide Late Night Refreshment 'Indoors' Monday to Thursday between 23.00 and 23.30 hours, Friday and Saturday 23.00 to 00.00 hours. Sunday before a Bank Holiday 23.00 to 00.00 hours and New Year's Eve to New Year's Day.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. The provision and hours requested for the Supply of Alcohol will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.</li> <li>2. The provision and hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.</li> </ol>	

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

**2-B Other Persons**

**Name:** Harald Floeter

**Address and/or Residents Association:** Flat 1  
22A New Quebec Street  
London  
W1H 7SB

**Received:** 28<sup>th</sup> September 2015

Dear Sir or Madam,

I really like living in my neighbour hood and enjoy the local area and restaurants. I have received the application letter regarding Boxcar Butchers and in general are not opposed to having a butcher below my flat. I live right above the new butcher/ eatery.

The only thing I am concerned about are the long opening hours (very early opening from 7:30 in the morning until as late as 23:30 and 00:00 on Fridays the evening) which includes late night sale of alcohol.

I am worried about noise impact and reduced quality of living in this residential neighborhood.

**3. Policy & Guidance**

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
RNT1 applies:	(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
PB1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

#### **Background Documents – Local Government (Access to Information) Act 1972**

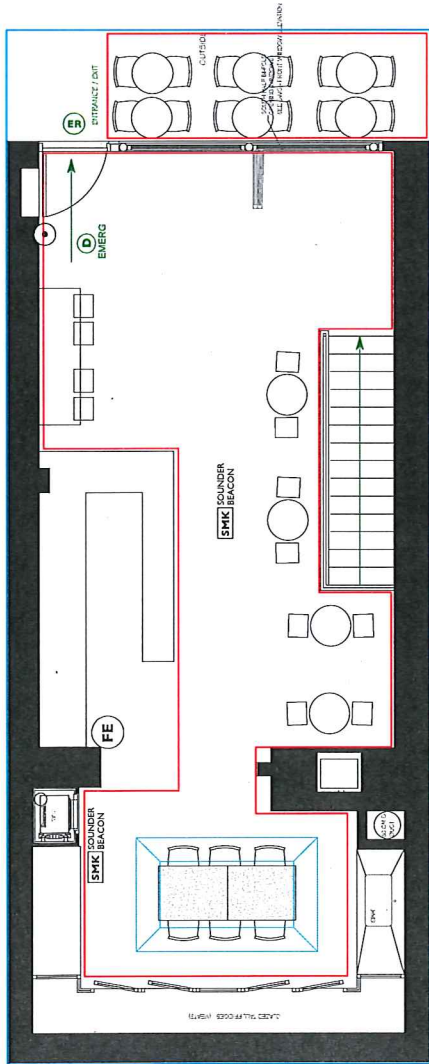
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2011
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>		
<b>5</b>		
<b>6</b>		
<b>7</b>		
<b>8</b>		
<b>9</b>		
<b>10</b>		

# APPENDIX 1

LEGEND:	
EXTENT OF BOUNDARY	—
ESCAPE ROUTE	➔
LICENSABLE ACTIVITIES	—
SMOKE DETECTOR	SMK
SOUNDER ALARM DETECTOR WITH BEACON	SHK
SOUNDER ALARM DETECTOR WITH HEAT BEACON	SHK
EMERGENCY DOWNLIGHT	EMERG
FIRE EXTINGUISHERS CO2 & FOAM	FE
MANUAL CALL POINT	⊙
FIRE BLANKET	FB

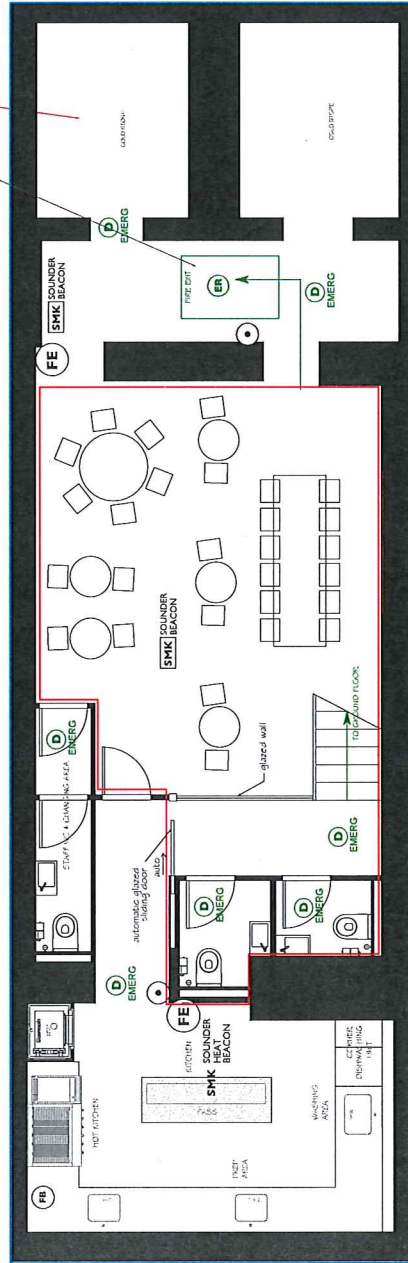
## NOTE:

1. The location of the fire and safety equipment as date hereof but may be moved in consultation with Fire Officer.
2. Location of movable furniture for indicative purposes only.
3. Demolitions subject to Eng. specs.



GROUND - PROPOSED

USE RED-GRACE FIRE COMPARTMENT WITH DIRECT ACCESS OUTSIDE TO BE SUBJECT TO FIRE RISK, UNDERWRITERS' ACCEPTANCE.



BASEMENT - PROPOSED



## Appendix 2

No supporting documentation submitted

## Appendix 3

No supporting documentation submitted



*CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions:**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph

shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions consistent with the operating Schedule:**

9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of the local resident and use of the area quietly.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. A proof of age scheme, such as challenge 21, shall be operated at the premises when only acceptable forms of identification are recognised photographic identification cards, such as a driving licence.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
13. No rubbish, including bottles, shall be moved, removed or place in outside areas between 23:00hours and 08:00hours.
14. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the schedule collection time.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exits 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. Recording shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
16. A staff member from the premises who is conversant with the operating of the CCTV system shall be on the premises at all time when the premises are open to the public. The staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
17. A 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which 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 or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any wish by a relevant authority or emergency service.

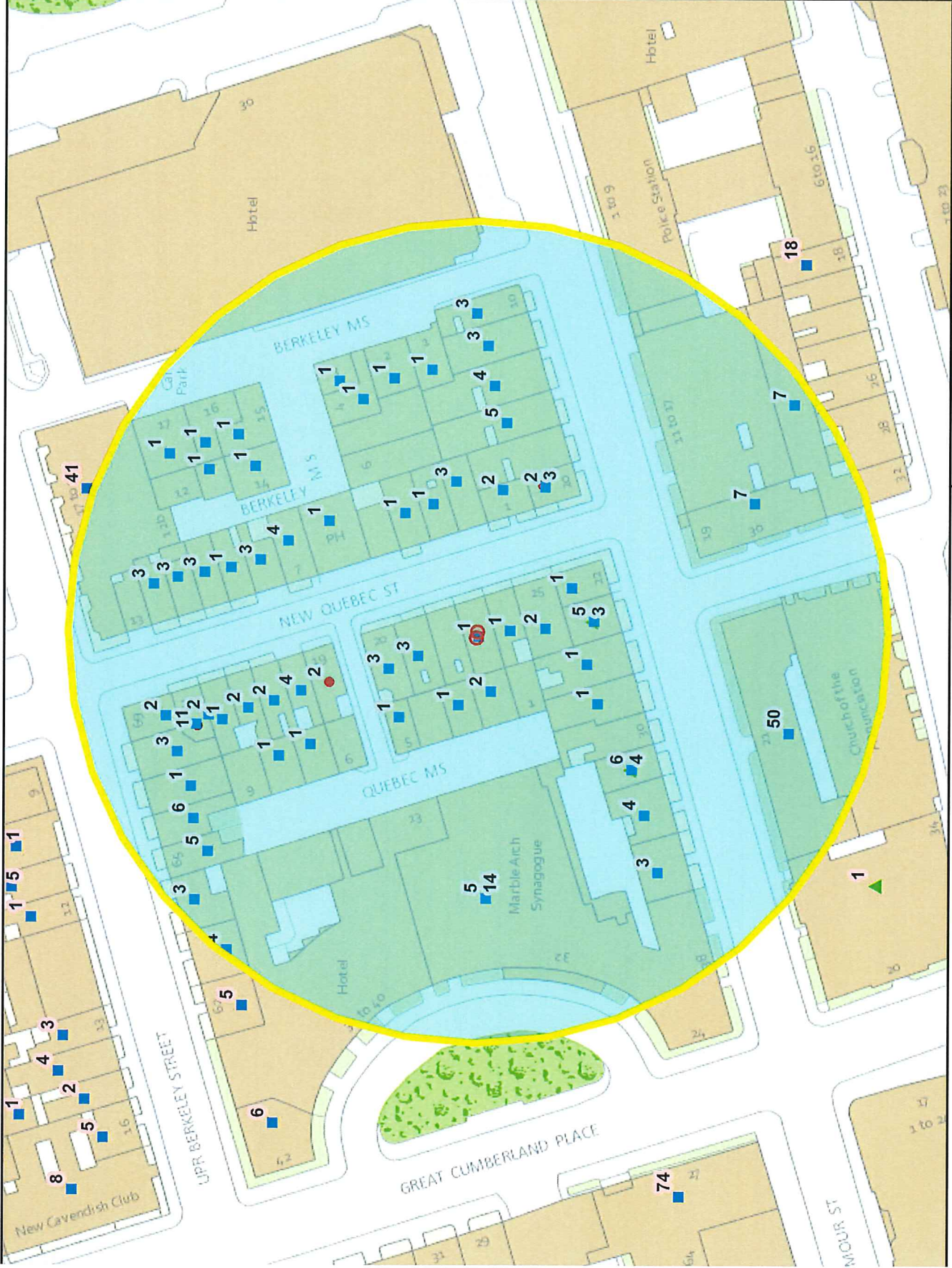
**Conditions proposed by Environmental Health and agreed by applicant:**

19. Save for off-sales in sealed containers for consumption away from the immediate proximity of the premises, alcohol consumed shall only be by patrons in seated at tables.
20. No more than 15% of the sales area shall be used at any one time for the sale, exposure of sale, or display of alcohol.
21. The supply of alcohol shall only be by waiter or waitress service only.



# Boxcar Butchers, 23 New Quebec Street, London W1H 7SD

City of Westminster



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Meters

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Date: 27/10/2015

# APPENDIX 5

Residential / Proposed Residential	65
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

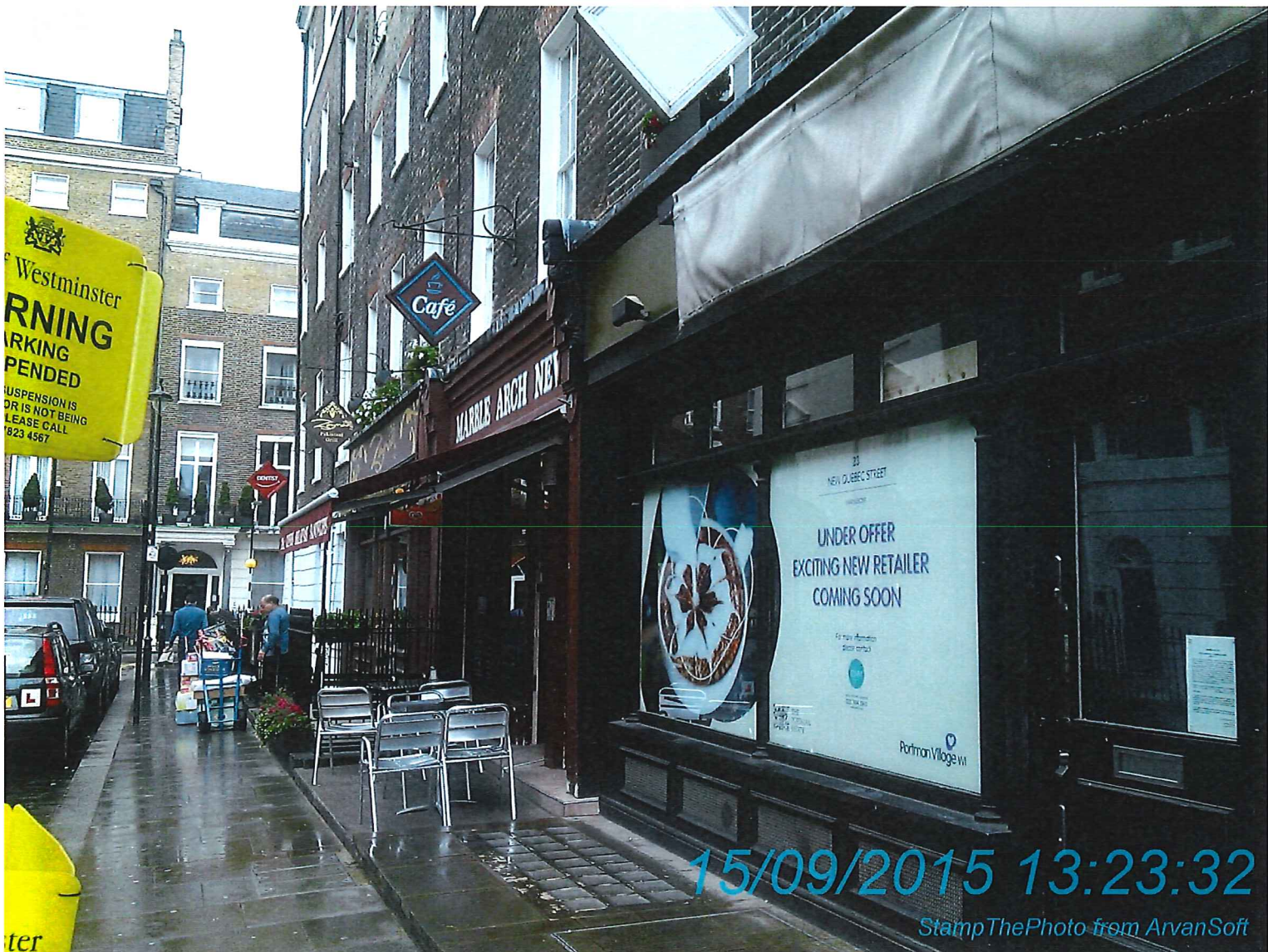
Premises within 75 metres of:			
p / n	Name of Premises	Premises Address	Licensed Hours
5244	La Petite Poissonnerie	Basement And Ground Floor 19 New Quebec Street London W1H 7R	Tuesday to Saturday 09:30 - 19:30
26525	Little Orient	Ground Floor 2A New Quebec Street London W1H 7RD	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-24929	Philglas & Swigot	First Floor To Third Floor 22 New Quebec Street London W1H 7SF	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-18388	Zayna Restaurant	25 New Quebec Street London W1H 7SF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-16355	The Leonard Hotel	11-17 Seymour Street London W1H 7JW	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-12208	The Grazing Goat	6 New Quebec Street London W1H 7RQ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-11607	Montcalm Hotel And Grand Ballroom	Entire Building 34 - 40 Great Cumberland Place London W1H 7TW	Monday to Sunday 00:00 - 00:00
585	The Zetter Townhouse	Ground Floor To Fourth Floor 28 - 30 Seymour Street London W1H 7J	Monday to Sunday 00:00 - 00:00
16539	Daisy Green	Basement And Ground Floor 20 Seymour Street London W1H 7HX	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-30994	La Porte Des Indes	32 Bryanston Street London W1H 7EG	Monday to Saturday 10:00 - 23:00 Sunday 12:00 - 23:00



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Cafe

MARBLE ARCH NEW

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NEW QUEBEC STREET  
UNDER OFFER  
EXCITING NEW RETAILER  
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