

# Licensing Sub-Committee Report

Item No:	
Date:	26 January 2017
Licensing Ref No:	16/11235/LIPN - New Premises Licence
Title of Report:	Premier Inn 90-104 Berwick Street London W1F 0QB
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
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# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 October 2016		
<b>Applicant:</b>	Whitbread Group Plc		
<b>Premises:</b>	Premier Inn		
<b>Premises address:</b>	90-104 Berwick Street London W1F 0QB	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	<p>According to the application, this is a redevelopment site where it is intended to create approximately 110 bed hub by Premier Inn at this location. It is intended that the proposed premises will operate as a stand-alone hotel with related licensed accommodation operating under the hub by Premier Inn brand.</p> <p>The proposed hotel will have at ground floor level, a secure entrance lobby and main hotel reception. The food and beverage provision usual in a development of this site will be situated at basement level. The bedrooms (which will be unlicensed) and which will comprise of the order of some 110 rooms, will be located in the basement, ground and upper floor levels.</p> <p>The entrance to the premises will be off Hopkins Street.</p>		
<b>Premises licence history:</b>	The site has not previously held a premises licence under the Licensing Act 2003.		
<b>Applicant submissions:</b>	<p>The applicant has stated the following on the application form:</p> <ul style="list-style-type: none"> <li>• The hotel reception and food and beverage area as identified on the licensing drawing (3646/LI-001 and 002) are intended to be used (as required) for all licensable activities.</li> <li>• It is not anticipated that the proposed development will adversely affect crime and disorder or public nuisance.</li> <li>• It is proposed that the redevelopment of the site will improve the area by providing jobs for the local community and a new Hotel facility at this location.</li> <li>• Premier Inn is a well-known and the leading budget Hotel brand within the United Kingdom, operated by</li> </ul>		

	<p>Whitbread Group Plc of which there are a number successfully operating within the Westminster City Council area.</p> <ul style="list-style-type: none"> <li>What is proposed at this site is one of the "hub by Premier Inn", a relatively new hotel concept which is a new generation of compact, city centre hotels. The first hub by Premier Inn opened in the not too distant past at St Martin's Lane within the Westminster Council licensing area. Two further hubs have been licensed subsequently namely on Dacre Street (due to open shortly) and 21 Tothill Street. The format of this Licence application follows the format of those other previously licensed developments.</li> </ul> <p>Following consultation with the responsible authorities, the applicant has agreed a schedule of conditions to be added to the licence, if granted (see <b>Appendix 4</b>).</p> <p>In a letter dated 8 December 2016, the applicant wrote to the residential objectors to attempt to mitigate any concerns (see <b>Appendix 2</b>). The same letter was sent to both the Soho Society and Mr Osbourne-Smith.</p>
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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>Thurs</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	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			<p>To extend the proposed hours as identified on New Year's Eve: 23:00 until New Year's Day: 05:00.</p> <p>The premises shall remain open to permit Late Night Refreshment to hotel residents 24 hours a day.</p> <p>Please note that under Schedule 2 Para 3 of the Licensing Act 2003, the premises is exempt from requiring Late Night Refreshment for any person staying at the hotel for the night in question.</p>				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</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	10:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			To extend the proposed hours as identified on New Year's Eve: 10:00 until New Year's Day: terminal hour as				

	<p>proposed being 00.30 on 2<sup>nd</sup> January.</p> <p>The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.</p>
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Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>	<p>The premises shall remain open 24 hours a day for hotel residents.</p> <p>For non-residents, the premises will close 30 minutes after the end of the non-standard timings for licensable activities.</p>						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	31 October 2016
<p>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</p> <ol style="list-style-type: none"> <li>1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.</li> <li>2. The hours requested for Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.</li> </ol> <p>Environmental Health also makes the following comments:</p> <ul style="list-style-type: none"> <li>• Some conditions and undertakings have been offered in the operating schedule and these are under consideration. Environmental Health would wish to ensure that conditions for licensable activities, particularly for the supply of alcohol, are consistent with Westminster's Statement of Licencing Policy for a premises operating in the West End Cumulative Impact area.</li> <li>• Clarification is sought on the circumstances and meaning of '<i>at the manager's discretion</i>' for the provision of Late Night Refreshment.</li> </ul>	

- The provision of sanitary accommodation for any proposed capacity should be in line with British Standard 6465 in order to help with preventing an increase in Public Nuisance in the West End Cumulative Impact Area
- Environmental Health needs to assess for Public Safety the layout of the premises using the submitted plans. The premises will in any case need to be inspected for Public Safety prior to public use and it is noted that the 'works' conditions have been offered in the application.
- The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or the operation of any plant and machinery.

The applicant is therefore requested to contact the undersigned to discuss all of the above issues. Environmental Health may then propose further conditions to allay its concerns.

Environmental Health has proposed a number of conditions which have been agreed by the applicant (see **Appendix 4**).

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	21 October 2016

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives. The premises are situated within the West End Cumulative Impact area.

Following consultation, the Police have proposed a number of conditions which have been agreed by the applicant (see **Appendix 4**).

***Following the agreement to these conditions, the Police withdrew their representation on 18 November 2016.***

<b>2-B Other Persons</b>	
<b>Name:</b>	Mr Simon Osborne-Smith
<b>Address and/or Residents Association:</b>	Flat 50, Ingestre Court Ingestre Place London W1F 0JL
<b>Received:</b>	8 November 2016

I write on behalf of my concerned residents as chairman of Ingestre Court Residents' Voice to object to late night refreshment and retail of alcohol. These sales would increase potential of noise from taxis, music playing pedi cabs and would draw drunk loud members of the public onto Hopkins street next to Ingestre Court and increase

public urination and other anti-social behaviour issues. Ingestre Court and Hopkins street are located in a stress area and such late night sales would clearly have a significant detrimental impact on residents.

On 10 December 2016, Mr Osbourne-Smith added:  
As a resident of Ingestre Court and chairman of Ingestre Court Residents Voice the application is objected to for the following reasons:-

The original application for the development was to be a high quality hotel without providing food or drink in order to support sales from local businesses. However this application would have a detrimental impact on local businesses.

The application ignores Westminster's stress area noise limits to protect the high density of local residents from noise disturbances between the hours of 10pm and 8pm.

Potential noise disturbances include:-

- Proposed putting out of waste at 6.30 am which would be further increased by bottle sales waste.
- Waste collection vehicles collecting before 8am.
- Noise from extract systems during preparation and operating hours.
- Smokers standing outside the premises who tend to be loud after having alcohol.
- Padi cabs who tend to play loud music when waiting and collecting passengers.
- Taxis using their horns to alert they have arrived to collect passengers or when Hopkins street is congested due to its narrow width.
- Noise from unmonitored children outside the premises, skateboarding is a current noise issue in the area.
- Noise and disorder from dissatisfied patrons ejected from the premises.
- Noise from an increased demand for police and emergency services.

There is a high drugs problem in the area and so permitting the general public in the hotel will be an attraction to dealers and users to conduct their activities away from the streets.

Public urination is an issue in the area and such an application may increase this issue.

Entrance lobby supervision will only address external noise disturbances once they

have occurred and disturbed the local residents and so would not be an effective preventative measure.

The development has already left the local businesses and residents with inadequate parking bays for deliveries and collections and such sales would further add to the existing unworkable provisions.

The application will increase duration and the amount of required roof plant. Current low level background noise monitored levels for this development are inadequate as they will not take into account high level plant noise directed up towards the high level resident's flats to Ingestre court and Kemp house. These flats being constructed in 1975 do not have sound proof windows and rely on opening windows for ventilation. It is requested that further existing noise level comparison levels are recorded from resident's high level flats on elevations facing the roof plant to ensure the development roof plant will not increase these levels.

The entrance to the hotel is in close proximity to Ingestre Courts residents entrance on Hopkins street and their flats above and so any form of approval of this application would have a significant detrimental impact on the residents and so it is requested that restrictions are imposed to prevent future applications to sell food and alcohol to the general public.

<b>Name:</b>	Mr David Gleeson
<b>Address and/or Residents Association:</b>	The Soho Society St Anne's Tower 55 Dean Street London W1D 6AF
<b>Received:</b>	15 November 2016

I write to make a relevant representation to the above application on behalf of The Soho Society. The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

New licensed premises in the West End Cumulative Impact Area:

The proposal is for a new licensed premises in the West End Cumulative Impact Area. The new Sale by Retail of Alcohol licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. If the council were minded to grant a new alcohol license in the cumulative impact area conditions must be inserted to ensure that any sale of alcohol is for bona fide hotel residents only.

Licensing policy and cumulative impact:

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public

nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

Conclusion:

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

On 19 December 2016, Mr Gleeson added:

I write on behalf of the Soho Society to expand on the points made in the representation we submitted on 15 November 2016, and to provide the applicant and the licensing authority with more detailed information as to our concerns.

As the recognised amenity society for Soho, we would have been happy to be contacted by the applicant prior to the application being submitted. We have checked and cannot find a record of any such contact.

The principle concern the Soho Society has relates to the proximity of the proposed public licensed facilities to residential blocks of flats, including Ingestre Court, Kemp House and nos. 7-8 Ingestre Place (no. 8 is Pargiter Court, where I live). The site of the former Trenchard House (bordering Ingestre Place, Broadwick and Hopkins Streets) has also recently been redeveloped and now has approximately 80 occupied residences. In addition, there are numerous single flats in the immediate vicinity (Broadwick Street, Berwick Street and Peter Street). This relatively small area is one of Soho's most densely populated residential corners, with close to three hundred individual homes.

Given that the residences include just about everything from single-person dwellings to family apartments, I would guess that the area around Hopkins Street, i.e. between Berwick Street and Ingestre Place, Peter Street and Broadwick Street, could be home to almost one thousand people. Some are elderly and a few have lived most of their lives here – Pargiter Court is a sheltered scheme run by Soho Housing Association –



and some have recently moved into the area. The new development on the former Trenchard House site brings more families back into the heart of Soho, and this building is crowned by a small number of millionaire apartments which are overlooked by the high-rise flats of Ingestre Court next door. I would estimate that most residents are unfamiliar with the licensing process but if they were aware of this application would be concerned about its impact on their immediate environment.

I note that the applicant states in the application that 'The format of this licence application follows the format of [the applicant's other] previously licensed developments. I am not quite sure what this means. I am aware that the applicant has obtained a premises licence for this brand in the West End Cumulative Impact Area (CIA), at 110 St Martin's Lane. I have studied that premises licence and read the Minutes of the relevant Sub-Committee hearing, and note that in fact the licence granted was on significantly lesser terms than the application now pending in Soho.

With the above in mind, I can confirm that our concerns are as follows:

1. The applicant premises is in the heart of the West End CIA as defined in the City Council's Statement of Licensing Policy 2016 (SLP).
2. The application is, in effect, for a bar open to the public.
3. As such, the application is directly contrary to policies CIP1 and PB2.
4. The hours sought for the public are outside the 'core hours' set out in HRS1 of the SLP.
5. The hours sought for licensable activities are also in excess of the hours granted to the applicant's premises at 110 St Martin's Lane.
6. It is difficult to ascertain from the plans submitted whether the bar is accessed directly or easily from the street. If so, para 2.5.57 of the SLP is engaged.
7. Although the postal address of the premises is Berwick Street, I understand that the main entrance will in fact be on Hopkins Street.
8. Hopkins Street has always been a quiet street, with Berwick Street businesses and shops backing onto it. This makes it a perfect location for private residences, and as I have said above, the street is abutted by numerous high- and low-rise residential properties.
9. The occupants of the numerous residential properties in the near vicinity would be impacted by an increase in public nuisance.
10. The planning permission granted for the development made it clear that the 'food and beverage area' shall not be open to the general public.
11. Although I am aware that a decision of the planning authority does not bind the licensing authority, I feel that the terms of the planning permission are so diametrically opposed to what is sought in the licence application that the considered decision of the planning authority must hold some relevance for the licensing authority when it reaches a decision on the licence application.

I hope that this submission will assist the parties in understanding the reasons for the Soho Society's representation.

We will of course consider any amendments to the application. We will attend the hearing on January 26<sup>th</sup> and we currently intend to call Mr Andrew Murray, a resident of Kemp House, as a witness.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	<ul style="list-style-type: none"> <li>(i) Applications for hours within the core hours will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</li> <li>(ii) Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.</li> </ul>
<b>Policy CIP1 applies</b>	<ul style="list-style-type: none"> <li>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</li> <li>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</li> </ul>
<b>Policy PB2 applies</b>	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>
<b>Policy HOT1 applies</b>	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <ul style="list-style-type: none"> <li>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</li> <li>(b) The hours of serving alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel.</li> <li>(c) The exhibition of film, in the form of recordings or non-</li> </ul>

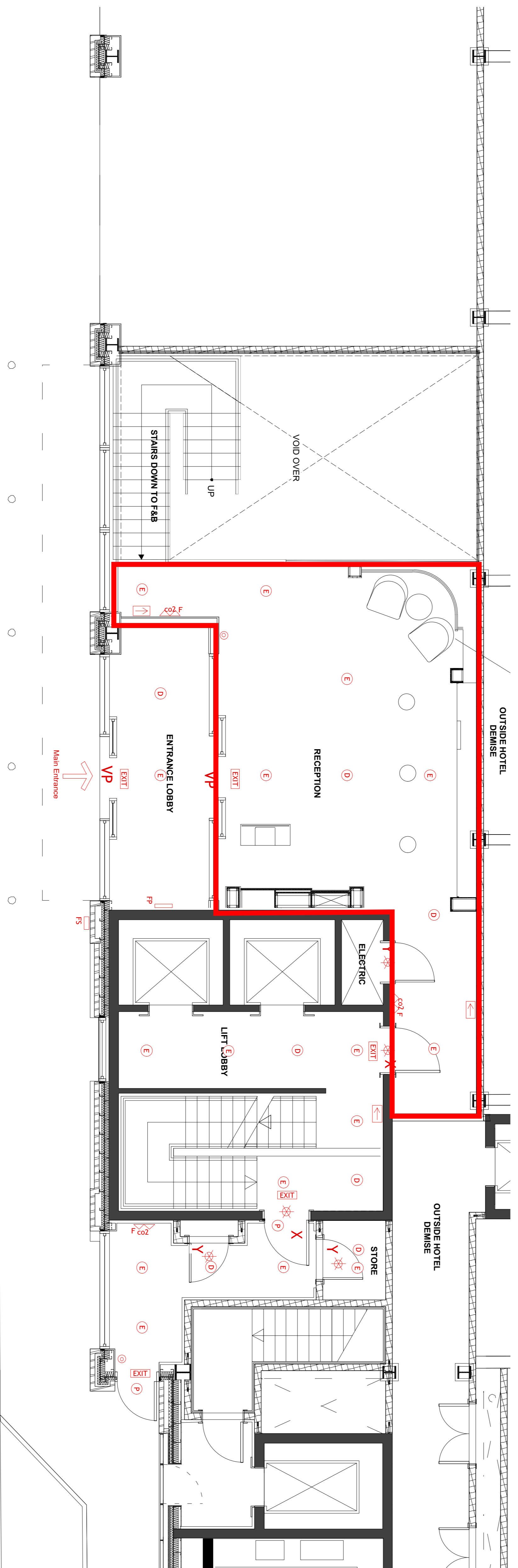
	broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.
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#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history - None
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

# Appendix 1 - Ground Floor



This drawing is the copyright of Axiom Architects. The contractor is to check all site dimensions and levels before work starts. This drawing is not to be used for any other purpose without the written consent of Axiom Architects. The contractor is to comply with all current British Standards and Building Regulations whether or not specifically stated on these drawings. **Do not scale** from drawings.

**NOTE :**

THE FIRE FIGHTING EQUIPMENT SHOWN ON THE PLANS IS INDICATIVE ONLY AS AT THE TIME OF THE PLAN. THERE MAY BE MINOR MODIFICATIONS TO SUCH EQUIPMENT OR IT MAY BE MOVED FROM TIME TO TIME WITH THE AGREEMENT OR AT THE DIRECTION OF THE FIRE SAFETY OFFICER. THIS SHALL NOT REQUIRE THE PLANS TO BE AMENDED.

LICENSEABLE ACTIVITIES MAY BE CARRIED OUT IN THE PUBLIC AREAS OF THE PREMISES.

ALL STAIRS AND STAIRCASES COMPLY WITH THE RELEVANT BUILDING REGULATIONS REQUIREMENTS IN FORCE AT THE TIME THEY WERE INSTALLED.

**KEY :**

- FP FIRE ALARM PANEL
- FS FIREMAN'S SWITCH
- CP FIRE ALARM SOUNDER (WALL MOUNTED)
- CP FIRE ALARM CALL POINT WITH FIRE PROCEDURES NOTICE OVER
- FB FIRE BLANKET
- FD FIRE RISER DUCT
- EL EMERGENCY LIGHT
- EB PUSH BUTTON TO EXIT
- ES GAS SHUT OFF BUTTON
- ED DETECTOR WITH SOUNDER
- ED ILLUMINATED EXIT SIGN
- ED NON-ILLUMINATED FIRE ESCAPE DIRECTIONAL SIGN
- HF HALF-HOUR FIRE DOOR
- V AUTOMATIC FIRE DOOR KEEP CLEAR SIGN, THESE DOORS HAVE ELECTROMAGNETIC HOLD OPEN DEVICES LINKED TO THE FIRE ALARM
- X FIRE DOOR KEEP SHUT SIGN
- Y FIRE DOOR KEEP LOCKED SIGN
- VP VISION PANEL
- PB PUSH BAR TO OPEN
- E FOAM EXTINGUISHER
- E POWDER EXTINGUISHER
- E CARBON DIOXIDE EXTINGUISHER
- E WATER EXTINGUISHER
- E WET CHEMICAL EXTINGUISHER
- PHR PH REFUGE

Rev	Date	Description	By
1		Brooklands Yard Southover High Street Lewes East Sussex BN1 1HU	

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**Whitbread PLC**

Project  
Hub by Premier Inn  
Benwick Street  
London

Drawing  
**Ground Floor Licensing Plan**

**Legend**

Licensed area is public area outlined in red.

Scale	Status	Date	Drawn	Checked
1:25 @ A1	INFO	24.11.15	JL	

Drawing No. **3646-L1-001**