

Licensing Sub-Committee Report

Item No:	
Date:	16 February 2017
Licensing Ref No:	16/11987/LIPN - New Premises Licence
Title of Report:	The Star Public House 38 St John's Wood Terrace London NW8 6LS
Report of:	Director of Public Protection and Licensing
Wards involved:	Abbey Road
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			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 November 2016		
Applicant:	West End Investments Limited		
Premises:	The Star Public House		
Premises address:	38 St John's Wood Terrace London NW8 6LS	Ward:	Abbey Road
		Cumulative Impact Area:	None.
Premises description:	<p>The premises will operate as a Public House.</p> <p>This is an application for a shadow licence on the same terms and conditions as the new application (ref: 16/11471/LIPN; please see licence history box below).</p>		
Premises licence history:	<p>This premises did have a premises licence (06/11460/WCCMAP) which was surrendered on 24th April 2015.</p> <p>An application for a new premises licence was put before the Licensing Sub-Committee on 26th January 2017 which was granted with conditions. (16/11417/LIPN). We are awaiting a copy of the decision which shall be circulated to all parties before the hearing on 16th February 2017.</p>		
Applicant submissions:	None submitted.		

1-B Proposed licensable activities and hours							
Playing of Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Days					

Late Night Refreshment				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	23:30	23:30	
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
Adult Entertainment:			Not applicable.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	30 th November 2016

The applicant has submitted a plan of the premises, no reference, showing the basement and ground floor with the area for licensable activities marked.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Saturday from 10:00 to 23:00, 12:00 to 22:30 Sunday and from end of trade on New Year's Eve to start of trade on New Year's Day.
2. Provision of Recorded Music 'Indoors' from 10:00 to 23:00 hours Monday to

Sunday and from end of trade on New Year's Eve to start of trade on New Year's Day.

3. Provision of Late Night Refreshment 'Indoors' from 23:00 to 23:30 Monday to Saturday and from end of trade on New Year's Eve to start of trade on New Year's Day.

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol for 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area.
2. Provision of Recorded Music and for the hours requested may have the effect of increasing Public Nuisance in the area.
3. Provision of Late Night Refreshment and for the hours requested may have the effect of increasing Public Nuisance in the area.

Environmental Health also makes the following comments:

- I understand the premises were previously licensed and that that operation ceased on 20th March 2015. Whilst operating under that previous licence a premises history check of Environmental Health records show numerous noise complaints made against the premises
- It is not clear if the premises have undergone refurbishment for the proposed use and will in any case need to be inspected for Public Safety prior to public use.
- The provision and standards of sanitary accommodation for any proposed capacity is recommended to be at least in line with British Standard 6465, as amended.
- Some conditions have been offered in the operating schedule but they do not address all Environmental Health concerns, particularly for the use of any external areas

2-B Other Persons	
Name:	Mr Matthew Stevens
Address and/or Residents Association:	60 Charles Lane Flat 1 London NW8 7SB
Received:	19 th November 2016
I am delighted to see an application for a new premises license for The Star public house. It was a travesty that the pub was shuttered in the first place; the neighbourhood lost a well-managed, friendly pub, in an area where there are very few evening options	

for community social life.

I live within 30 yards of The Star, and will be very happy to see it come back to life. I strongly urge approval of the application.

Name:	Mr Stephen Lindsay
Address and/or Residents Association:	37 Cameron House St Johns Wood Terrace London NW8 6LR
Received:	23 rd November 2016

I Stephen Lindsay have just got off the phone with phone (REF: 16-11987-LIPN) who has informed that there is no record of my complaint to the Westminster Licensing Department in the fact my family & I totally disapprove of the chance that Westminster Licensing will actually approve the licence of 38 St John's Wood Terrace to be opened as a public house on 29th December 2016. 100% as my previous e-mail shows below(that is forwarded to you I was told to resubmit my complaint & all forwarded e-mails/complaints to licence-reps@westminster.gov.uk but there was never any reply to this e-mail & i sent it 3 times at that moment on 4th November 2016(well before the date of 16th November 2016). Hanna has 100% now informed me that I now have until the 1st Dec 2016 to send these e-mails/complaints.

I would appreciate if you could give this matter your immediate & urgent attention & let me know as soon as possible that you have 100% received my opposition to the licence being granted to 38 St John's Wood Terrace & that I am given an official record of this.

Please be sure to read all my e-mails(which include 100% my complaints too & as a further witness my Mother too) But please in future address ALL future correspondence to me NOT my mother as she is elderly & lives at least 3 & half hours outside London. The only reason I could not directly respond to this matter myself at the time was because I was sick. In saying this 100% I stand by my mother's complaints to the licence being granted for the business premises 38 St John's Wood Terrace.(as agreed & verified

Respectfully failure to respond this matter will result in me having no alternative but to contact my lawyers in connection with this very serious & important matter. I am adamant anyway if this licence should be granted to the lease holders of 38 St John's Wood Terrace on the 29th December 2016 that I will 100% take this matter all the way up to the Royal Courts of Justice.

Name:	Mrs Mary Nolan (Mother of Mr Lindsey)
Address and/or Residents Association:	
Received:	28 th October 2016

I am mortified to hear another pub is opening where the Star Pub was in St Johns Wood

Terrace NW8 6LR.

How can you expect families with young children to put up with the horrendous behaviour that went on there every single night? People out in the middle of the road screaming and shouting and smoking until all hours. I have a young grandson who lives there and every night he was crying with exhaustion through lack of sleep. He couldn't even do his homework for the noise of vulgar people swearing and shouting. This carried on into the small hours with the police being called every night several times and men running up the road with knives.

How can you possibly agree planning permission to open yet another pub in a residential area? It is not a 'family or community' place to go. It is rowdy and a nightmare to residents who have to try to go to work each day. It was running at a severe loss. The woman who ran it was given a substantial sum to leave. I has been absolute heaven since it closed. It is nothing short of child abuse to allow little children to hear behaviour like that every night. I know you are thinking of profit but do not put money above children's welfare.

I have stayed overnight at my grandsons and didn't sleep a wink until the early hours. It is cruelty beyond belief! There is a club on the opposite corner but that does not disturb people because they are not drinking and smoking outside all evening getting louder by the amount they drink. When there are cricket matches the supporters are standing in the middle of the road because there are so many of them. You would think they were in the room with you. We cant hear each other talk. In any other situation there would be a noise abatement order slapped on them. The police are sick and tired of being called out to them. Do please check!

This planning application has to be declined. Nowhere in London or anywhere would this application be approved. The expense alone for police being called out is horrendous. Far out weighing the rates the council would get for it.

I will have to take this to Downing Street if you allow it. It is sickening to see my grandchild crying because he cannot get to sleep and falling asleep in class because of these selfish drinkers and smokers. There has been young underage people going in there as well as many people selling stolen goods in there and this will continue I am certain.

So make a stand and do the correct think and reject this application with immediate effect. It is a no brainer.

My son lives at St Johns Wood Terrace, London. He has been through so much. He lost his wife because the ambulance didnt show up for over three hours and his wife died in the ambulance after screaming with internal bleeding all that time. Now my grandson, who saw the whole thing going on as well, cant even get a night's sleep which is every child's right.

It is because they are allowed to drink and smoke in the street. The smoke is coming into my son's apartment which is illegal. The noise is unbearable.

This application must not go ahead.

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. (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.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

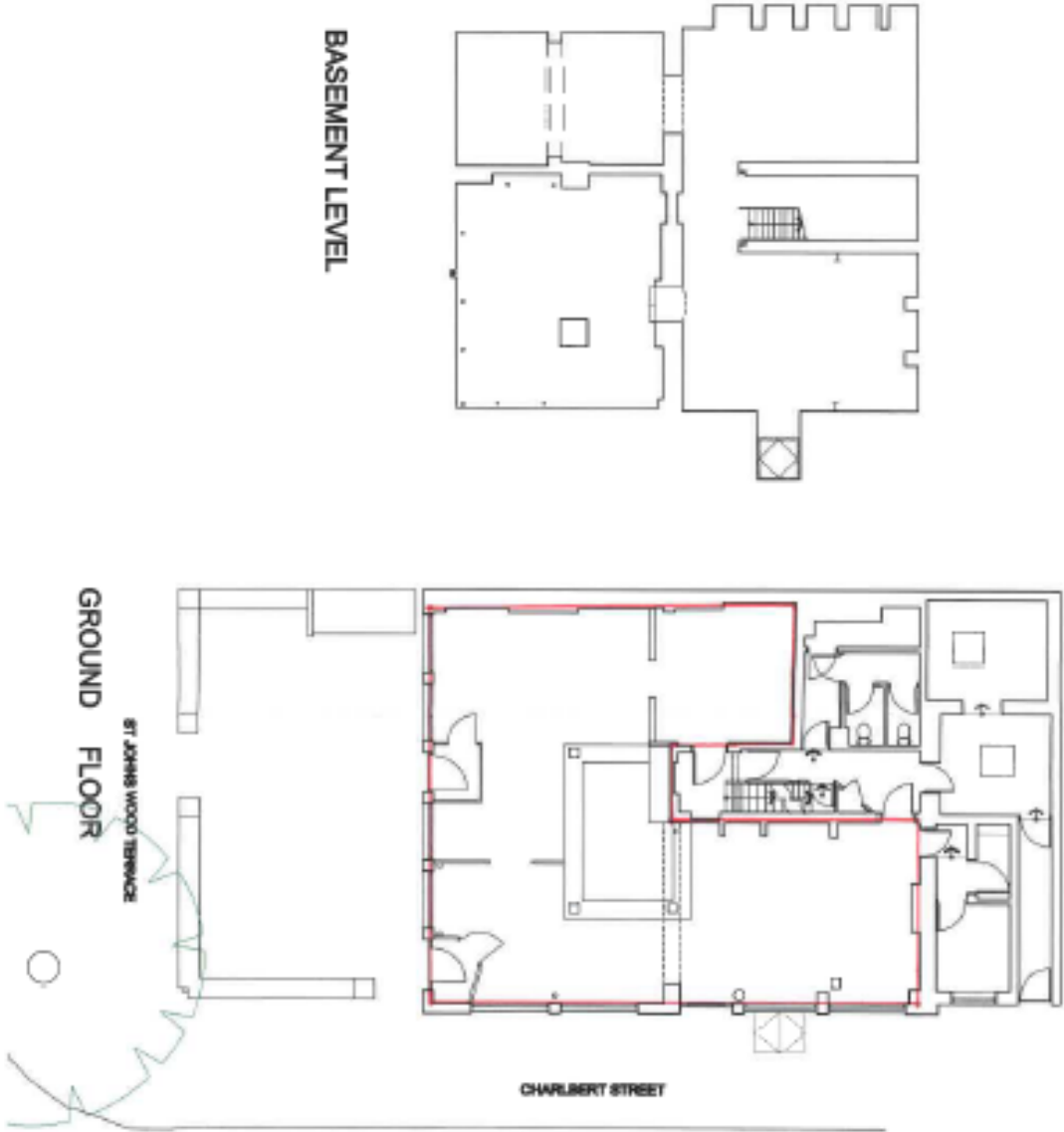
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation – Environmental Health	30 th November 2016
5	Representation – Mr M Stevens	19 th November 2016
6	Representation – Mr Lindsay	23 rd November 2016
7	Representation – Mrs Nolan	28 th October 2016

Premises Plans



Area to be used for the sale of alcohol,
regulated entertainment and late night
refreshment



Applicant Supporting Documents

Premises History - 06/11460/WCCMAP

Application	Details of Application	Date Determined	Decision
05/08420/LIPC & 06/11460/WCCMAP	Conversion application (new legislation)	30/09/2005	Granted under Delegated Authority
Licence surrendered on 24 th April 2015			

New Premises Licence

Application	Details of Application	Date Determined	Decision
16/11417/LIPN	New Premises Licence	26/01/2017	Granted by Licensing Sub-Committee

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 necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary 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

Mandatory Conditions

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 and agreed with Environmental Health

9. 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.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. 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.
14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
15. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (100) persons, with a maximum of 35 in the enclosed external area shown on the plans (within the red line)
16. 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.
17. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
20. 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, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
21. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given. • dry ice and cryogenic fog • smoke

machines and fog generators • pyrotechnics including fireworks • firearms • lasers • explosives and highly flammable substances. • real flame. • strobe lighting.

22. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
23. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
24. 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.
25. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
26. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
27. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
28. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible
29. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
30. All outside tables and chairs shall be rendered unusable by 23:00 hours Mon-Sat and by 22.30 Sun
31. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
32. Alcohol shall only be consumed outside the premises building in the enclosed external area shown on the plans (within the red line) and shall only be consumed by patrons seated at tables
33. From 18.00 until 23.00 Mon Sat and until 22.30 Sun alcohol consumed outside the premises building (in the enclosed external area shown on the plans (within the red line) shall only be consumed by patrons as an ancillary to taking a table meal.
34. After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time. For the avoidance of doubt this number does not include the patrons seated outside in accordance with conditions [XXXXX]

35. 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.
36. Loudspeakers shall not be located outside the premises building
37. No fumes, steam or odours from cooking 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
38. 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.
39. Prior to the Licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority

Residential Map and List of Premises in the Vicinity

