

Licensing Sub-Committee Report

Item No:	
Date:	3 August 2017
Licensing Ref No:	17/06102/LIPN - New Premises Licence
Title of Report:	Host Coffee 31 Henrietta Street London WC2E 8NA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	3 rd July 2017
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered. The application is currently seeking to go beyond core hours for the sale of alcohol (on and off the premises) and opening hours. Recorded music is also sort from 08:00 hours, which is again outside of core hours.</p> <p>We are concerned that as there are no proposed conditions this premises will operate as a bar in the heart of the West End Cumulative Impact Area. CIP1i and PB2 states that it is the Licensing Authority's policy to refuse applications in the cumulative impact area for pubs and bars. We would like to suggest that the applicants consider amending the application by proposing additional conditions that will prevent the premises from operating as a bar.</p> <p>Please accept this as formal objection, we look forward to receiving additional information from the applicant to address our concerns and why the application should be exempt from policy. We would welcome a meeting to discuss the application further and ask the applicant to consider Westminster Statement of Licensing Policy 2016 attached to this email.</p>	
Responsible Authority:	The Environmental Health Service
Representative:	Anil Drayan
Received:	3 rd July 2017
<p>I refer to the application for a new premises licence for the above premises which is located in the West End Cumulative Impact Area.</p> <p>The applicant has submitted plans of the premises showing the existing ground floor, drawing no 1322-0101 revision B, dated 16.09.13 and the existing lower ground floor, drawing no 1322-0100 revision B, dated 16.09.13.</p>	

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 12:00 and 22:00 Monday to Saturday and 12:00 to 18:00 Sunday
2. To provide Recorded Music 'indoors' between 08:00 and 22.20 Monday to Friday, 09:00 to 22:00 Saturday and 11:00 and 18:00 Sunday

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

1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to increase in Public Nuisance in the West End Cumulative Impact Area
2. The hours requested for and the provision of Recorded Music may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following comments:

- Although some undertakings have been offered in the operating schedule there are no conditions provided for the licensable activities proposed.
- It is also noted that the application may not be consistent with Westminster's Statement Licensing policy in the West End Cumulative Impact Area in that the 'On' sale of alcohol is not covered by model condition 66 (see list of model conditions on the Council's website).
- The applicant should be advised that if the applicant accepts operating under model condition 66 then the premises may need to also apply for a planning change use to an A3 Use premises if that is not its current designation. The premises will in any case need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or from the operation of any plant and machinery.
- It is unclear from the application if the premises have already undergone refurbishment for the proposed use and it will nevertheless need to be inspected for Public Safety prior to commencement of the licensable activities. .
- The provision of sanitary accommodation for any proposed capacity must 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. In addition compliance with Food Hygiene requirements may also require separate facilities for staff if the overall capacity at the premises is more than 25 persons.

Responsible Authority:	The Metropolitan Police
Representative:	PC Toby Janes
Received:	4 th July 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder, we have concerns that this application will cause further policing problems in an already demanding area.

Police would like you to consider the following conditions as we believe these will address our concerns in relation to crime and disorder.

1. 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.
2. 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.
3. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a café.
4. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated at tables or bar counter.
5. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold for consumption on the premises.
6. 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.
7. No draught beer shall be sold or supplied at the premises.
8. 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) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.
9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
10. There shall be no self-service of alcohol for consumption on the premises.
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

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

In addition to these conditions the terminal hour for the supply of alcohol should be amended to 2000 hours as set out in Westminster City Council 2.4.21 as the premises is in the cumulative impact area.

2-B Other Persons	
Name:	Mr David Kaner – CGCA (withdrawn)
Address and/or Residents Association:	[REDACTED]
Received:	4 th July 2017
<p>3:36 PM on 04 Jul 2017 This is Representation is being made without sight of the application detail as this has not been properly uploaded. It may therefore be amended or withdrawn.</p> <p>The CGCA objects to the grant of an additional licence for the sale of alcohol within the CIA because of the impact on public nuisance of an additional premise serving alcohol on the Licensing Objective of the Prevention of Public Nuisance caused the the behaviour of customers once they have left it. This impact is likely to happen even for premises which, like this one, cease to serve alcohol at 22:00.</p>	
Name:	Mrs Linda Campin
Address and/or Residents Association:	[REDACTED]
Received:	29 th June 2017
<p>1:11 PM on 29 Jun 2017 We note that Host Coffee London Ltd have made an application for the playing of recorded music and for the sale of alcohol.</p> <p>There are 3 documents shown on the website but the only one that is possible to view is a summary of the application. Therefore it is impossible to understand the full extent of the application. Whether alcohol is only to be served to those eating in the cafe or whether it will be possible to take it away.</p> <p>These premises were previously a newsagent shop and since then there have been various retail pop up ventures. It is a very small space, which previously would only have traded until 7pm.</p> <p>There has been no consultation with neighbours about the plans. If it is to be a coffee shop, it is</p>	

difficult to see why it might need a licence to serve alcohol.

Henrietta Street is a mix of retail, commercial and residential properties. The number of residential properties has been increasing over the past few years There are already several licensed premises in the area and it is hard to see why there should be another one.

We are concerned how this cafe will operate, whether there will be more people outside on the street outside our front door later into the evening causing a disturbance. If this license is granted we are worried that the coffee shop would operate in a "bar like" way which would be inappropriate in this very small area. It also sets a precedent for any future use of this site.

Therefore we strongly object to the issue of the license.

3. Policy & Guidance

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

Policy CIA1 applies:	<ul style="list-style-type: none"> (i) It is the Licensing Authoritys 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. (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. Policy HRS1 applies:
Policy HRS1 applies:	<ul style="list-style-type: none"> (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 PB2 applies:	It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

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 Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@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	The Application Form	5 th June 2017
5	The Licensing Authority	3 rd July 2017
6	The Environmental Health Service	3 rd July 2017
7	The Metropolitan Police	4 th July 2017
8	David Kane c/o CGCA Rep	4 th July 2017
9	Linda Campin Rep	29 th June 2017

To view the plans of the premises please contact the Licensing Department.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

Applicant Supporting Documents
(None)

Appendix 2

There is no licence or appeal history for the premises.

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

9. Secure anything that would give cause for a person to break in or steal from the premises.
10. Minimizing the exposure of customers to potentially scalding drinks and preventing trip hazards.
11. Refusing to serve those we believe have had too much alcohol or who we feel is going to cause nuisance.
12. All current safety procedures will apply to children, with the added feature that they will not be allowed inside the premises while we are in our evening hours. (17:00 onwards)
13. We have security shutters on our premises, alarms and locks on all the places where we would be keeping the money
14. All hot drinks are prepared away from customers and we will be vigilant in keeping all pathways into and out of the premises clear.
15. Refusing service to those within our premises we believe have already consumed enough alcohol.
16. During our opening hours in the evening, (17:00 onwards) children will not be allowed inside the premises, otherwise, all public safety efforts will apply to them as well.
17. All off sales must be made only in sealed containers
18. Noise levels will be kept at a minimum is that we have a seated capacity of less than 25 and all patrons must be seated to consume on the premises.
19. Music will be strictly background therefore reducing the escalation of conversational noise.

Conditions proposed by the Police

17. 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.
18. 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.
19. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a café.
20. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated at tables or bar counter.

21. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold for consumption on the premises.
22. 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.
23. No draught beer shall be sold or supplied at the premises.
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) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.
25. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
26. There shall be no self-service of alcohol for consumption on the premises.
27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
28. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Conditions proposed by CGCA and agreed with applicant

29. No noise shall emanate from the premises which gives rise to a nuisance
30. Sale of alcohol is made ancillary to the primary use of the premises as a coffee shop
31. Sale of alcohol is for consumption on the premises only after 17:00
32. Sale is restricted to wine and bottled beer/cider and similar. No draught beer but will serve spirits.

Conditions proposed by EH

33. The premises shall only operate as a cafe:
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption and
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

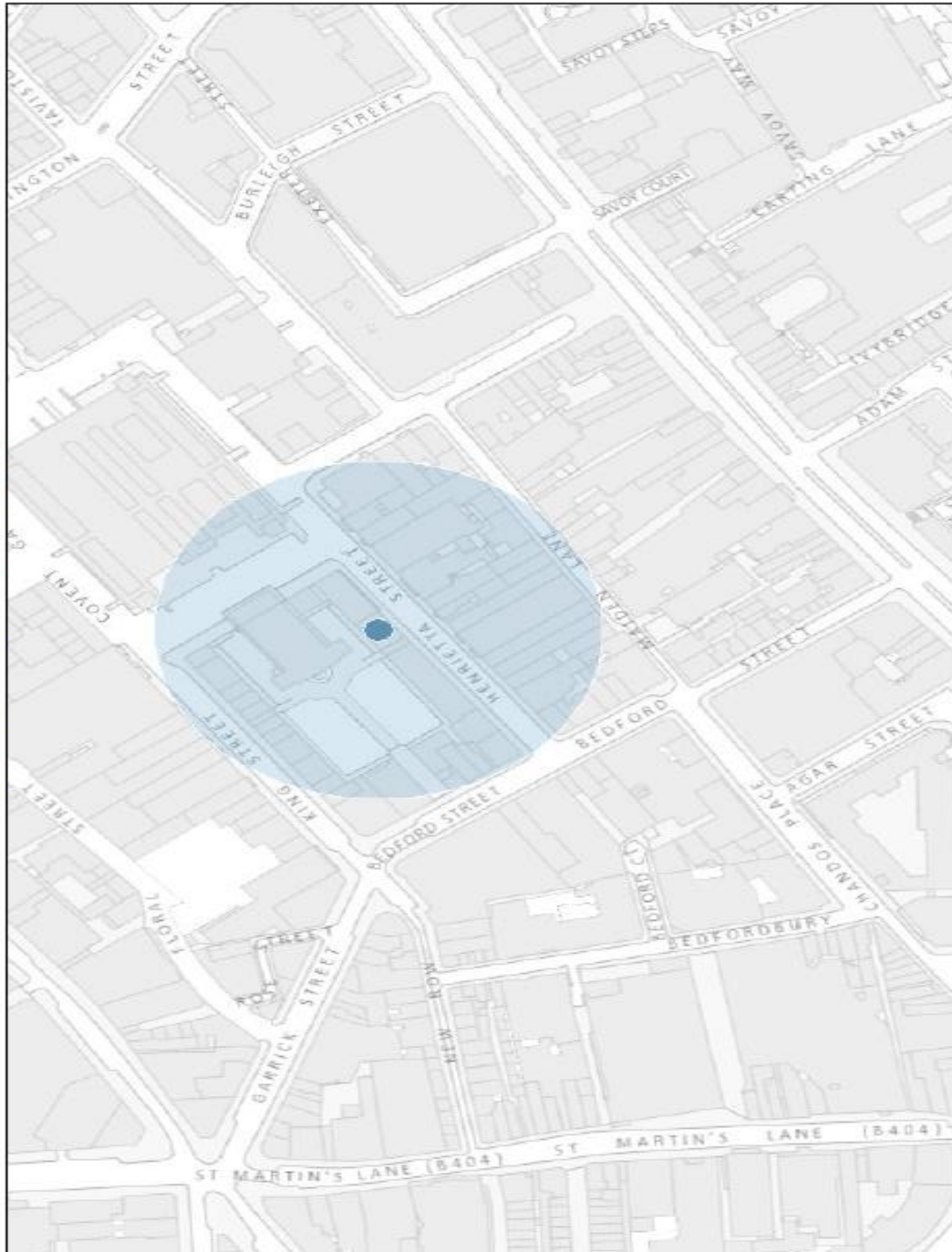
Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

34. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
35. 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 preceding 31 day period.
36. 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 are 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.
37. 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.
38. The number of persons permitted in the premises at any one time (including staff) shall not exceed 25 persons.
39. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
41. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
42. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
43. 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 washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
44. 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.
45. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
46. 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.
47. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from

the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device

48. 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 Premises Licence by the Licensing Authority

Host Coffee 31 Henrietta Street



July 20, 2017

Resident Count: 58