

# Licensing Sub-Committee Report

Item No:	
Date:	17 August 2017
Licensing Ref No:	17/06659/LIPN - New Premises Licence
Title of Report:	11-15 Grosvenor Crescent London SW1X 7EE
Report of:	Director of Public Protection and Licensing
Wards involved:	Knightsbridge And Belgravia
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance 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>	14 June 2017		
<b>Applicant:</b>	Collection Properties Limited		
<b>Premises:</b>			
<b>Premises address:</b>	11 -15 Grosvenor Crescent London SW1X 7EE	<b>Ward:</b>	Knightsbridge And Belgravia
		<b>Cumulative Impact Area:</b>	None.
<b>Premises description:</b>	<p>According to the applicant the premises are high end serviced apartments/town houses which will allow residents and their guests to have access to a wine cellar where they may store and taste wine.</p> <p>The lobby area on the ground floor will be used for the provision of alcohol and it is proposed that alcohol may also be served in the meeting room.</p> <p>Late night refreshment will also be served in the licensed areas.</p>		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	Please see Appendix 1 for applicants submissions.		
<b>Plans:</b>	Copies of the premises plans are available on request and for display at the hearing.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>		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>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	05:00	05:00	05:00	05:00	05:00	05:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			The provision of Late Night Refreshment shall be limited to the residents of 11-15 Grosvenor Crescent and their bona fide guests.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			The sale of alcohol shall be limited to the residents of 11-15 Grosvenor Crescent and their bona fide guest.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			None.				
Adult Entertainment:			Not applicable.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team (withdrawn)
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	26 <sup>th</sup> June 2017
<p>This representation is based on the operating schedule and accompanying plans of Ground Floor; Lower Ground Floor &amp; Basement Floor by CUNDALL consulting engineers ref 1008019.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> <li>1. Provision of late night refreshment "Indoors &amp; outdoors" for residents &amp; their bona fide guests from 23:00 – 05:00 Monday to Sunday</li> <li>2. Supply of Alcohol for consumption "On &amp; off the premises" for residents &amp; their bona fide guests 24 hours Monday to Sunday</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. The provision of late night refreshment (LNR) and the hours requested will have the likely effect of causing an increase in Public Nuisance and impact on Public</li> </ol>	

Safety within the area

2. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

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.

***Following the agreement of the conditions attached at Appendix 4, Environmental Health has withdrawn their representations in relation to this application.***

## 2-B Other Persons

<b>Name:</b>	Charlotte Foulds
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	6 <sup>th</sup> July 2017

The development of 11-15 Grosvenor Crescent Mews has always been presented as residential, vide all the successive planning applications, available on Westminster's website. In this context, a proposal for the sale of alcohol is unexpected, to say the least.

Further, the application is for 24 hours a day, 7 days a week, both inside and outside the premises.

The application would create a licensed premises in three different locations, on three different floors in number 15:

- A ground floor lounge just inside the entrance from Grosvenor Crescent
- A bar / dinning room on the lower ground floor
- A wine cellar in the basement 2.

What sort of establishment do the proposers have in mind.

The application refers to restricting access to residents of 11-15 Grosvenor Crescent, and their 'bona fide guests'. However, the verification of status is apparently to be by remotely monitored CCTV. Unless there is member of staff present in the ground floor lounge 24 hours of the day, checking all entrants, it seems unlikely that the applicant will be able to meet this obligation.

I object to the creation of an unsupervised alcohol outlet operating in unsuitable premises, and allowed to do so at all hours.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(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.</p> <p>(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.</p>
<b>Policy FFP1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<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> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of 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,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>

## 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</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 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	14 <sup>th</sup> June 2017
<b>5</b>	Representation – Environmental Health	26 <sup>th</sup> June 2017
<b>6</b>	Representation - Charlotte Foulds	6 <sup>th</sup> July 2017

## **Applicant Supporting Documents**

**11-15 Grosvenor Crescent, London, SW1X 7EE**

### **Premises Licence Application**

#### **Proposed Conditions (Part P)**

1. The extent of the premises licensed for licensable activity shall be as follows:
  - The wine store in the basement.
  - The meeting room on the lower ground floor.
  - The lobby on the ground floor.
2. The sale of alcohol and the provision of late night refreshment shall be limited to the residents of 11-15 Grosvenor Crescent and their bona fide guests.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. The entry and exit points will be covered enabling frontal identification of every person entering the lobby to the premises 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
10. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
11. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
12. The certificates listed below shall be submitted to the licensing authority upon written request:
  - a. Any permanent or temporary emergency lighting battery or system.
  - b. Any permanent or temporary electrical installation.
  - c. Any permanent or temporary emergency warning system.
13. The licence holder shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance to nearby residents.



## **Premises History**

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**

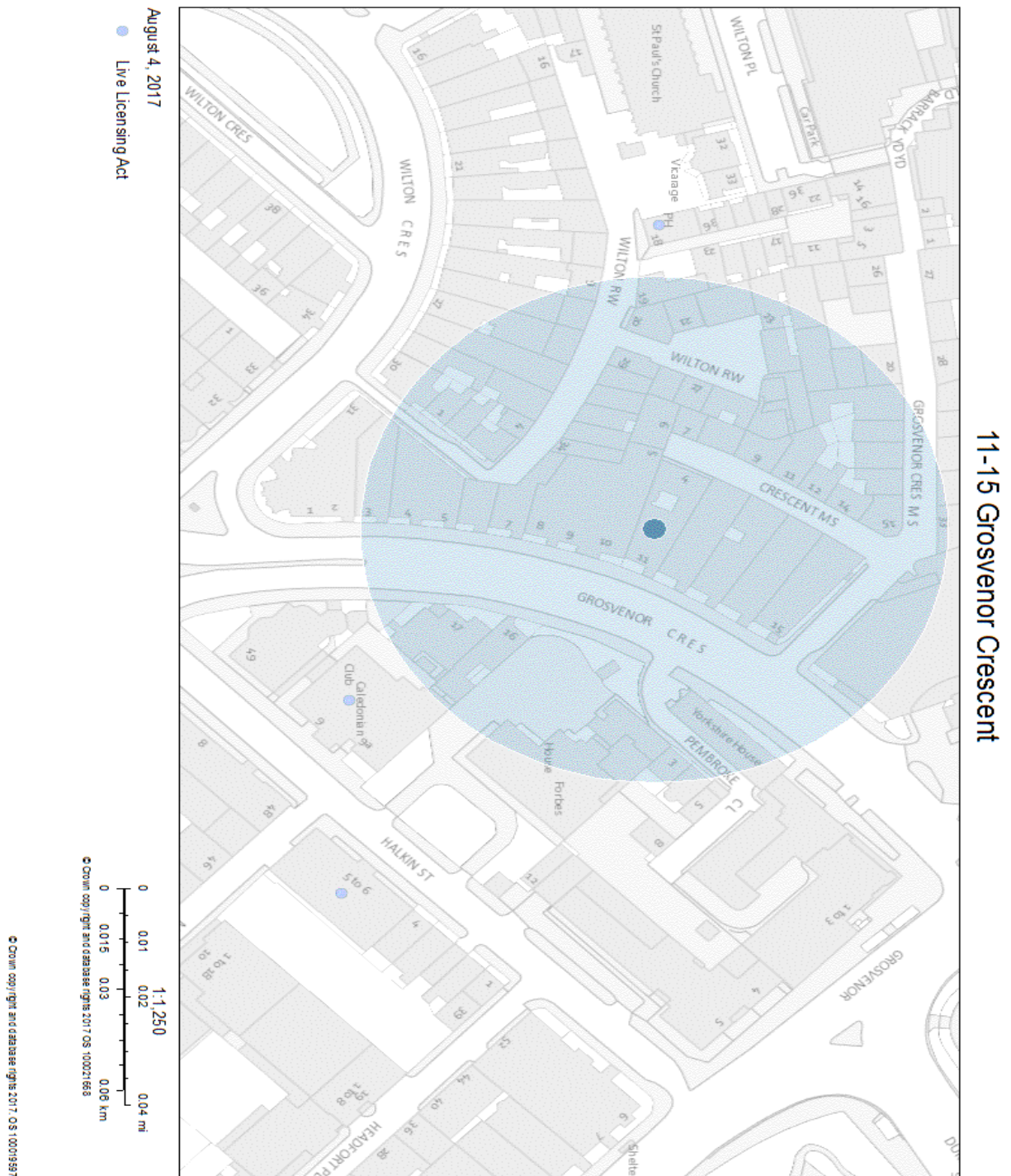
9. The extend of the premises licensed for licensable activity shall be as follows:
  - The wine store in the basement
  - The meeting room on the lower ground floor
  - The lobby on the ground floor
10. The sale of alcohol and the provision of late night freshmen shall be limited to the residents of 11-15 Grosvenor Crescent and their bona fide guest.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. The entry and exit points will be covered enabling frontal identification of every person entering the lobby to the premises 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 immediately upon request of Police or authorised officer throughout the entire 31 day period.
12. 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.
13. 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 PASS Hologram.
14. 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.
15. 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.

16. 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.
17. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
18. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
19. Curtains and hangings shall be arranged so as not to obstruct emergency

**Conditions proposed by Environmental Health agreed by the applicant.**

20. All sales of alcohol for consumption off the premises shall be in sealed containers only
21. 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
22. No licensable activities shall take place at the premises until the premises have 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

# Residential Map and List of Premises in the Vicinity



Resident Count: 77