

Licensing Sub-Committee Report

Item No:	
Date:	1 February 2018
Licensing Ref No:	17/14697/LIPN - New Premises Licence
Title of Report:	Mariage Freres 38 King Street Covent Garden London WC2E 8JS
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: 0207 641 2727 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 December 2017		
Applicant:	Mariage Freres Royaume Uni Limited		
Premises:	Mariage Freres		
Premises address:	38 King Street Covent Garden London WC2E 8JS	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	<p>According to the application, the premises will operate as a Parisian-Style Tea Emporium, Salon and Museum.</p> <p>Mariage Freres currently operate seven premises in Paris, and more across France, along with premises in Berlin & Hamburg in Germany, and in Tokyo, Kyoto and Kobe in Japan.</p> <p>The premises at King Street will consist of:</p> <p>Basement – Kitchen, Staff Facilities and public WCs Ground Floor – Tea Shop First Floor – Tea Room Second Floor – Tea Museum and tea display Third Floor – Offices and Back of House Fourth Floor – Function Room</p> <p>The application follows pre-application advice reference 16/11061/PREAPM and is in accordance with Planning Permission ref 16/08343/FULL.</p> <p>The proposals are for:</p> <p>a) ancillary use of part of the store for the sale of alcohol until 8pm, in accordance with that retail use and paragraph 2.4 of the Statement of Licensing Policy; b) Restaurant use until 11pm; and c) use for private pre-booked functions until 11pm consistent with the existing licence.</p>		
Premises licence history:	<p>Part of the premises currently benefits from a premises licence (reference 14/05543/LIPT) which the applicant advised will be surrendered should this application be granted.</p> <p>The existing licence however is currently suspended due to non-payment of annual fees to date. Full licence history can be found at Appendix 3 of the report.</p>		
Applicant submissions:	None		

Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.
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1-B Proposed licensable activities and hours							
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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Ms Shannon Pring
Received:	9 th January 2018
<p>I write in relation to the application submitted for a New Premises Licence for the following premises –</p> <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.</p> <p>The premises can be considered alongside RNT2 and PVC2 and therefore it is for the applicant to demonstrate how the proposed additional 250 patrons plus an additional 35 staff will not add to cumulative impact in the cumulative impact area. No additional information has been received which addresses the policy concerns and we ask that this is addressed by further submissions.</p> <p>We would ask that the applicant provide further information relating to the private functions</p>	

that they intend to hold. We would ask that the applicant provide:

- an indication as to how many private functions will be held in a calendar year and,
- further information on how these private functions will be managed and will these events be primarily alcohol-led?
- will there be a capacity limit on the number of patrons that can attend the private functions and will there be a staggered dispersal or will there be 250 patrons leaving the premises at 23:00?

Finally we would be grateful if the applicant provided further information relating to the opening times of the museum and the tea retail shop? Please confirm whether the museum and the tea retail shop will be open for the duration that the tea room and private function room is in use?

Please accept this as a formal objection and we look forward to receiving further submissions as soon as possible.

Responsible Authority:	The Metropolitan Police
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Representative:	PC Bryan Lewis
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Received:	3 rd January 2018
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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 as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Responsible Authority:	The Environmental Health Service
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Representative:	Mr Anil Drayan
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Received:	5 th January 2018
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I refer to the application for a new premises licence for the above premises which is located in the West End Cumulative Impact Area.

The applicant has submitted the following plans of the premises:

- Basement, drawing no GA (90)01, dated 10.11.17
- Ground Floor, drawing no GA (90)02, dated 10.11.17
- First Floor drawing no GA (90)03, dated 10.11.17
- Second Floor, drawing no GA (90)04, dated 10.11.17
- Third Floor drawing no GA (90)05, dated 10.11.17
- Fourth Floor drawing no GA (90)06, dated 10.11.17

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 and 23.00 hours Monday to Saturday and 12:00 to 22:30 hours Sunday

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

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

Environmental Health also makes the following comments:

I understand that this application has been made on the basis of surrendering the existing Premises Licence, 14/05543/LIPT, and following pre-application advice sought from Environmental Health (*see underneath – FOR INFORMATION*). Although an extensive list of conditions has been offered in the operating schedule they are under consideration as to whether they are sufficient to allay Environmental Health concerns and also whether they are sufficient to comply with Westminster's Statement of Licensing policy within Cumulative Impact Areas.

It is unclear from the application if the premises have already undergone refurbishment for the proposed use. Nevertheless, it will need to be inspected for Public Safety prior to commencement of licensable activities.

Clarification is sought on the nature of '*private pre booked functions*' and activities envisaged as the application also states '*consistent with the existing licence*'

The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 so as to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area.

Additionally, the plans show the premises operating over several floors and the sufficiency of the provision of sanitary accommodation shall also require an assessment of travel distances as stated in BS 6465.

Please note Environmental Health shall require the final capacity for the premises to be determined by whichever gives the lower figure from an assessment of the safe capacity and the provision of sanitary accommodation.

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 noise from the operation of any plant and machinery.

The applicant is advised to contact the undersigned to discuss the above issues and possibly to include arranging a site visit after which Environmental Health may propose additional conditions to allay its concerns.

FOR INFORMATION – pre-application advice:

At the time of the pre-application advice request precise details on all the licensing activities, site layout etc being sought were not clear and the following main advice was therefore provided verbally:

Any request in a new licence for 'On' sale of alcohol that was not to be controlled under Model Condition 66 was advised to have equivalent restrictions, at the very least, as specified in conditions 10 to 12 of the existing licence 14/05543/LIPT - opinion was also provided that

condition 10 appeared to be sufficiently imprecise that an application consisting of a variation of Model Condition 38 together with adhering to sections 2.4.21 and 2.4.22 of the Policy may be sufficient. However final determination as to whether any proposals will be consistent with the Policy is likely to be a matter for the Licensing Sub-Committee.

A premises history check showed that whilst operating as the Africa Centre under licence 14/05543/LIPT the premises generated noise complaints particularly when providing functions involving amplified musical entertainments. Advice was provided that if regulated entertainments was to be requested then any refurbishment works should include enhanced sound insulation measures and any amplified music to be provided under the control of a suitable sound limiter device.

At the time of the pre-application request the intention was for a capacity of upto 250 patrons and upto 35 staff. Advice was provided that being in the Cumulative Impact Area the provision of sanitary accommodation must be in line with British Standard 6465 - the actual number being dependant on when the precise mix of activities being sought was known.

The proposals appeared to include enhanced kitchen facilities, additional plant, internal/ external layout changes etc and advice was given that advice should be sought from the Planning Department as to whether a planning application was also required.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<p>(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.</p> <p>(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.</p>
Policy HRS1 applies:	<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>
Policy PB2 applies:	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.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Copy of Pre-App Report
Appendix 5	Copy of Existing Licence
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Ms Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 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	April 2017
4	Application Form	12 th December 2017
5	The Licensing Authority- Representation	9 th January 2018
6	The Metropolitan Police- Representation	3 rd January 2018
7	The Environmental Health Service- Representation	5 th January 2018

Applicant Supporting Documents

Appendix 1

None submitted

Licence & Appeal History

Application	Details of Application	Decision	Date Determined
05/10766/LIPC	Conversion application	Granted Under Delegated Authority	06.10.2005
06/08096/WCCMAP	New Premises Application	Granted Under Delegated Authority	06.10.2005
08/10412/LIPD	Duplicate Application	Granted Under Delegated Authority	06.01.2009
09/02600/LIPV	Variation Application	Invalid Application	25.06.2009
09/05222/LIPT	Application to Transfer	Granted Under Delegated Authority	24.09.2009
09/05223/LIPV	Variation Application	Application Withdrawn	08.10.2009
14/05543/LIPT	Application to Transfer	Granted Under Delegated Authority	14.07.2014

There is no appeal history

Temporary Event

Application	Details of Application	Decision	Date Determined
12/04401/LITENP	Temporary Event Notice	Notice Granted	06.06.2012
12/04519/LITENP	Temporary Event Notice	Invalid Application	30.05.2012
12/04708/LITENP	Temporary Event Notice	Invalid Application	07.06.2012

12/07733/LITENN	Temporary Event Notice	Notice Granted	26.09.2012
12/08153/LITENN	Temporary Event Notice	Notice Granted	20.09.2012
12/08159/LITENN	Temporary Event Notice	Licence Refused	17.09.2012
12/10900/LITENN	Temporary Event Notice	Notice Granted	18.12.2012
12/11072/LITENN	Temporary Event Notice	Notice Granted	18.12.2012
13/03035/LITENN	Temporary Event Notice	Notice Granted	15.05.2013
13/06029/LITENN	Temporary Event Notice	Notice Granted	20.08.2013
13/06189/LITENN	Temporary Event Notice	Notice Granted	27.08.2013
13/06190/LITENN	Temporary Event Notice	Application Withdrawn	19.08.2013
13/06191/LITENN	Temporary Event Notice	Notice Granted	27.08.2013
13/06417/LITENN	Temporary Event Notice	Notice Granted	02.09.2013

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. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Environmental Health propose to amend condition 9 to read as the following:

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.

10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. 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.
12. 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.
13. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

15. Only the sale of alcohol for consumption off the premises shall be permitted on the ground floor.
16. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed in any part of the premises.
17. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol
18. The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a tea retail shop.
19. On the first floor the supply of alcohol for consumption on the premises shall be by waiter or waitress service only to persons seated at tables or bar counter.
20. Save for private pre-booked functions, there will be no direct access from the street to any area where alcohol is sold for consumption on the premises.
21. After 20:00 the sale of alcohol for consumption on the premises shall be limited to:
 - a) Those taking a table meal at the first floor Tea Room; or
 - b) Those attending a pre-booked private event.

Environmental Health propose to amend condition 21 to read as the following:

- After 20:00 the sale of alcohol for consumption on the premises shall be limited to:
- a) persons taking a table meal at the first floor Tea Room and for consumption by such persons as ancillary to their meal; or
 - b) those attending a pre-booked private event.
22. 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.
 23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.

Environmental Health propose to amend condition 24 to read as the following:

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23:00) hours and (07:00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

25. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.

Environmental Health propose to amend condition 25 to read as the following:

No collections of waste or recycling materials (including bottles) from the premises shall take place between (23:00) and (07:00) on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

26. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
27. 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.
28. 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.
29. There will be no sale of alcohol until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Environmental Health propose to amend condition 29 to read as the following:

There will be no sale of alcohol until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence. If there are minor changes to the layout during the course of construction new plans shall be provided when applying to remove this condition.

30. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:

First Floor xxx persons

Second Floor xxx persons

Fourth Floor xxx persons

With no more than xxx persons at any one time.

The capacities are subject to a final inspection of the premises and satisfactory plans being submitted and agreed by the District Surveyor.

Environmental Health propose to amend condition 30 to read as the following:

The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:

First Floor xxx persons

Second Floor xxx persons

Fourth Floor xxx persons

With no more than 250 persons in the whole premises at any one time. (*Final patron capabilities for each of the floors to be determined on clearance of the works condition*).

31. No licensable activities shall take place at the premises until premises licence 14/05543/LIPT (or such other number subsequently issued for the premises) has been surrendered.

Conditions proposed by Environmental Health

32. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
33. 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.

**CITY OF WESTMINSTER
MEMORANDUM**

TO Ms Daisy Gadd

REFERENCE 17/14697/LIPN

FROM EH Consultation Team, 4th Floor, City Hall

REFERENCE 17/061991/EHCT

BEING DEALT WITH BY Anil Drayan

TELEPHONE EXT. 1774

DATE 5 January 2018

MARIAGE FRERES ROYAUME UNI, 38 KING STREET, COVENT GARDEN, LONDON

I refer to the application for a new premises licence for the above premises which is located in the West End Cumulative Impact Area.

The applicant has submitted the following plans of the premises:

- Basement, drawing no GA (90)01, dated 10.11.17
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I wish to make the following representations based on the plans submitted and the supporting operating schedule:

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

Environmental Health also makes the following comments:

- I understand that this application has been made on the basis of surrendering the existing Premises Licence, 14/05543/LIPT, and following pre-application advice sought from Environmental Health (*see underneath – FOR INFORMATION*).

Although an extensive list of conditions has been offered in the operating schedule they are under consideration as to whether they are sufficient to allay Environmental Health concerns and also whether they are sufficient to comply with Westminster's Statement of Licensing policy within Cumulative Impact Areas.

- It is unclear from the application if the premises have already undergone refurbishment for the proposed use. Nevertheless, it will need to be inspected for Public Safety prior to commencement of licensable activities.
- Clarification is sought on the nature of '*private pre booked functions*' and activities envisaged as the application also states '*consistent with the existing licence*'
- The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 so as to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area.

Additionally, the plans show the premises operating over several floors and the sufficiency of the provision of sanitary accommodation shall also require an assessment of travel distances as stated in BS 6465.

Please note Environmental Health shall require the final capacity for the premises to be determined by whichever gives the lower figure from an assessment of the safe capacity and the provision of sanitary accommodation.

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The applicant is advised to contact the undersigned to discuss the above issues and possibly to include arranging a site visit after which Environmental Health may propose additional conditions to allay its concerns.

FOR INFORMATION – pre-application advice:

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- Any request in a new licence for 'On' sale of alcohol that was not to be controlled under Model Condition 66 was advised to have equivalent restrictions, at the very least, as specified in conditions 10 to 12 of the existing licence 14/05543/LIPT - opinion was also provided that condition 10 appeared to be sufficiently imprecise that an application consisting of a variation of Model Condition 38 together with adhering to sections 2.4.21 and 2.4.22 of the Policy may be sufficient. However final determination as to whether any proposals will be consistent with the Policy is likely to be a matter for the Licensing Sub-Committee.
- A premises history check showed that whilst operating as the Africa Centre under licence 14/05543/LIPT the premises generated noise complaints particularly when providing functions involving amplified musical entertainments. Advice was provided that if regulated entertainments was to be requested then any

refurbishment works should include enhanced sound insulation measures and any amplified music to be provided under the control of a suitable sound limiter device.

- At the time of the pre-application request the intention was for a capacity of up to 250 patrons and upto 35 staff. Advice was provided that being in the Cumulative Impact Area the provision of sanitary accommodation must be in line with British Standard 6465 - the actual number being dependant on when the precise mix of activities being sought was known.
- The proposals appeared to include enhanced kitchen facilities, additional plant, internal/ external layout changes etc and advice was given that advice should be sought from the Planning Department as to whether a planning application was also required.



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: St James's
UPRN: 100023430967

Premises licence

Regulation 33, 34

Premises licence number:	14/05543/LIPT
Original Reference:	05/10766/LIPC

Part 1 – Premises details

Postal address of premises:

The Africa Centre
38 King Street
Covent Garden
London
WC2E 8JS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music	Unrestricted
Late Night Refreshment Monday to Saturday:	23:00 to 23:30
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday:	10:00 to 23:30
Sunday:	12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Capital & Counties CG Limited
15 Grosvenor Street
London
W1K 4QZ

Registered number of holder, for example company number, charity number (where applicable)

05860223

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Adotey Bing

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: Not Supplied
Licensing Authority: Not Supplied

Date: 14 July 2014

Signed: pp
Operational Director - Premises Management

Annex 1 – 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

9. (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.
 - (ii) For the purposes of the condition set out in paragraph 9(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.
- (iii) Where the permitted price given by Paragraph 9(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.
- (iv) (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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 reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions related to the Sale of Alcohol

10. Intoxicating liquor shall not be sold or supplied otherwise than to : a) Directors of the Africa Centre Ltd. Members of the committee & Staff of the Africa Centre (herein after called "The Centre") & their respective guests. b) Persons attending conferences, lectures, meetings, exhibitions & also functions such as dinners, concerts, plays and social evenings held at the centre. c) Persons attending courses, classes or seminars run by the centre & their guests. d) Persons taking table meals at the restaurant at the centre & then only as an ancillary to the meal e) Persons attending functions at the centre organised by persons or bodies approved by the Centre.
11. There shall be no direct access from the street to any bar.
12. No external advertisement of the licensed facilities.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.

- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: St James's
UPRN: 100023430967

Premises licence
summary

Regulation 33, 34

Premises licence number:

14/05543/LIPT

Part 1 – Premises details

Postal address of premises:

The Africa Centre
38 King Street
Covent Garden
London
WC2E 8JS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Capital & Counties CG Limited
15 Grosvenor Street
London
W1K 4QZ

Registered number of holder, for example company number, charity number (where applicable)

05860223

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Adotey Bing

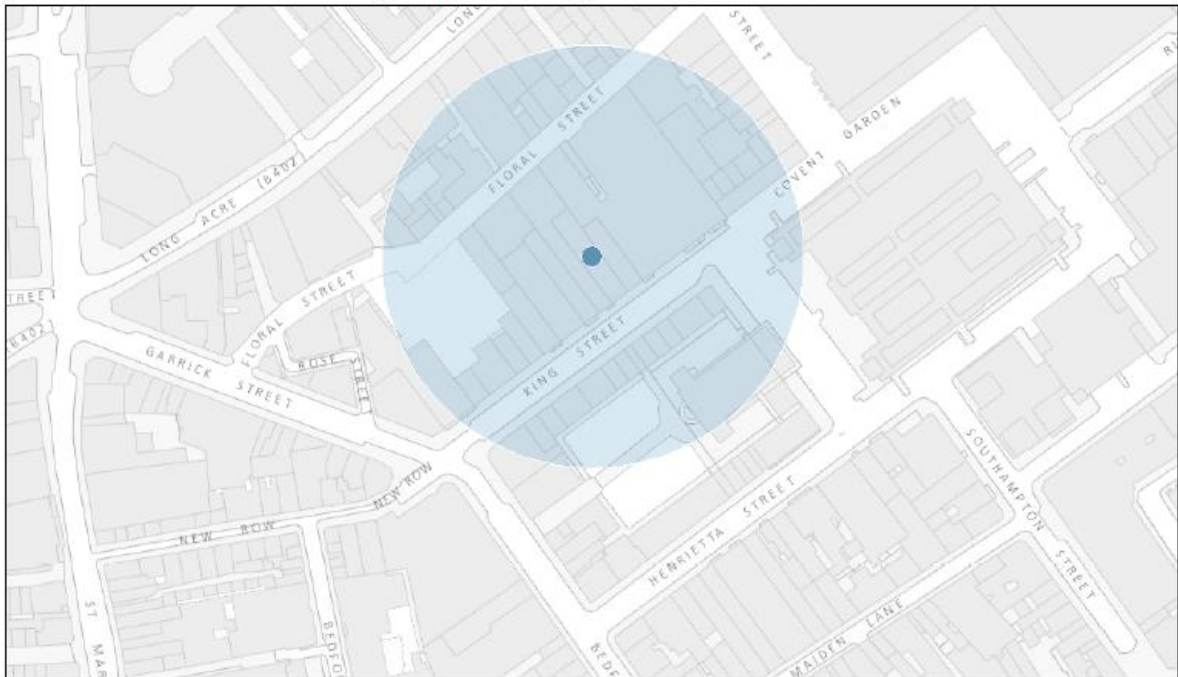
State whether access to the premises by children is restricted or prohibited:

Restricted

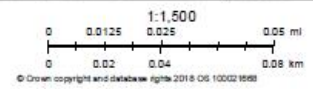
Date: 14 July 2014

Signed: pp
Operational Director - Premises Management

Marriage Freres 38 King Street Covent Garden



January 17, 2018



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DISTANCE	Licence Number	Trading Name	Address	Premises Type	Time Period
7.567744	16/01378/LIPDPS	Palm Court Brasserie	39 King Street Covent Garden London WC2E 8JS	Restaurant	Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 00:00