

Licensing Sub-Committee Report

Item No:	
Date:	24 January 2019
Licensing Ref No:	18/15141/LIPN - New Premises Licence
Title of Report:	Bateaux London Attached To Embankment Pier Victoria Embankment London WC2N 6NU
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:	Michelle Steward Senior Licensing Officer
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1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	26 November 2018		
Applicant:	Sodexo Limited		
Premises:	Bateaux London		
Premises address:	Attached To Embankment Pier Victoria Embankment London WC2N 6NU	Ward:	St James's
		Cumulative Impact Area:	None
Premises description:	The premises is an embarkation and disembarkation point for pleasure cruises. The proposal is for the premises to offer breakfasts, snacks, lunches and food throughout the day with the facility for those customers who wish to purchase alcoholic and non alcoholic drinks. The premises will be open to members of the public as well as catering for private functions.		
Premises licence history:	This is a new premises licence application and as such no premises licence history exists.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:			From the terminal hour on New Year's Eve to the end of the terminal hour on New Year's Day. Sundays immediately prior to Bank Holiday Mondays, midday to midnight.				
Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			From the terminal hour on New Year's Eve to the end of the terminal hour on New Year's Day. Sundays immediately prior to Bank Holiday Mondays, midday to midnight.				
Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-			From the terminal hour on New Year's Eve to the end of the				

standard timings:	terminal hour on New Year's Day. Sundays immediately prior to Bank Holiday Mondays, midday to midnight.
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Recorded Music:				Indoors, outdoors 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:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the terminal hour on New Year's Eve to the end of the terminal hour on New Year's Day. Sundays immediately prior to Bank Holiday Mondays, midday to midnight.					
Performance of Dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the terminal hour on New Year's Eve to the end of the terminal hour on New Year's Day. Sundays immediately prior to Bank Holiday Mondays, midday to midnight.					

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:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the terminal hour on New Year's Eve to the end of the terminal hour on New Year's Day. Sundays immediately prior to Bank Holiday Mondays, midday to midnight.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:		The premises will remain open to allow access for embarkation and disembarkation from vessels.					
Relevant Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	21 December 2018

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted the following plans, main deck and lower deck and dated 28.01.18.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities:

1. The Supply of Alcohol for consumption on and off the premises Monday to Thursday 10:00-23:30 hours, Friday and Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours.
2. To provide the following Regulated Entertainment indoors: Films, Live Music, Recorded Music (both indoors and outdoors), Performance of Dance, Monday to Thursday 10:00-23:30 hours, Friday and Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours.
3. To provide Late Night Refreshment both indoors and outdoors Monday to Thursday 23:00-23:30 hours and Friday and Saturday 23:00-00:00 hours.
4. To also allow from the end of permitted hours on New Year's Eve to the terminal hour on New Year's Day (2nd January) and from 12:00-00:00 hours on Sundays prior to bank holidays.

I wish to make the following representations in relation to the above application:

1. The Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.
2. The provision of Regulated Entertainment may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.
3. The provision of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the area.
4. The non-standard timings may have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the new Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

Responsible Authority:	Metropolitan Police
Representative:	PC Bryan Lewis
Received:	13 December 2018

My objection relates to the following:

- The effect of this licence is that it may lead to an increase in crime and disorder.
- Insufficient steps offered to promote the prevention of crime and disorder.

I will make contact with you, to discuss further.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	24 December 2018

I object to this application.

Us residents already face signification noise disturbance and antisocial behaviour from licenced establishments.

Further submission from ██████████ received on 10th January 2019:

I am writing to further object to application 18/15141/LIPN-Bateaux London.

I appreciate that consultation period has closed. However, the lack of representations from residents is due to ██████████s and I mistakenly thinking that the application was to repeat the existing service. Now that we are of its actual nature, we are very concerned about the noise, contribution to antisocial behaviour and impact on the historic area that will ensue if it were to be approved. Therefore, I would be grateful if you would take our concerns into consideration nevertheless.

I find it impossible to believe that no noise or vibration will "emanate so as to cause us a nuisance". People often don't realise how easily and far noise can travel. For example, noise from buskers is very loud in our rooms and even the Noise Team have been surprised by how their music travels up to our flats. We have also heard noise from special events on the Southbank's terrace despite the distance to our homes. Bateaux London is close to our homes and we have bedroom and living room windows facing its location. The application asks for permission for a DJ or jukebox to play outdoor music until 22:30 on Sunday, 23:30 Monday to Thursday and midnight on Friday and Saturday nights. It also asks permission to play recorded and live music "indoors" but this is in a boat with poor sound insulation formed by glass panels and with doors which will frequently be opened and closed by patrons. We already suffer from noise from a venue immediately below our flats and from buskers, and Bateaux London would significantly exacerbate this and make it impossible for us to enjoy an evening at home and to sleep at a reasonable hour.

The application states that the venue is not in a stress area. While I do not know whether this is technically correct, it will undoubtedly contribute to the Embankment/Villiers Street stress area which suffers from significant noise and antisocial behaviour issues. We face nightly antisocial behaviour from people walking down [REDACTED] having left pubs, bars and wine bars. This includes people shouting in the street until the early hours of the morning as they walk down or linger. We have to call the police due to fights that take place. Buskers are also attracted by the number of people and they play on [REDACTED] every night and return despite noise complaints and efforts by the council's Noise Team. We also have issues with drug taking, crime and homelessness in our area.

When the applicant's patrons leave the boat, I expect that the majority of them will cross over the Victoria Embankment, at which point we will hear their talking, laughing and shouting from our bedroom and living room windows. They will then either take a tube from Embankment station or walk through the station (adding to its congestion) and walk-up Villiers Street on their way to other transport hubs (Charing Cross Station, Trafalgar Square) to other nightspots (e.g. Covent Garden, Soho), at which point they will contribute to existing congestion and noise issues on the street.

The noise and sight of partygoers will detract from the historical location for Londoners and tourists who pass by the proposed location. Furthermore, this part of Westminster already has many bars, wine bars and music venues, some of which are struggling financially. It does not need another venue of this type.

Sodexo already has a long-established business with their upmarket restaurant cruise service which complements the historic location it uses for embarkation and disembarkation. Continuing with its existing cruise service would be better for local residents and the local environment.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy PS1 applies	<p>To promote public safety the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:</p> <p><u>Criteria</u></p> <p>Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises</p>
Policy COMB1 applies	<p>(i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1, CH1, CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1 & PB2, FFP1 & FFP2, MD1 & MD2.</p>

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 a 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.

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

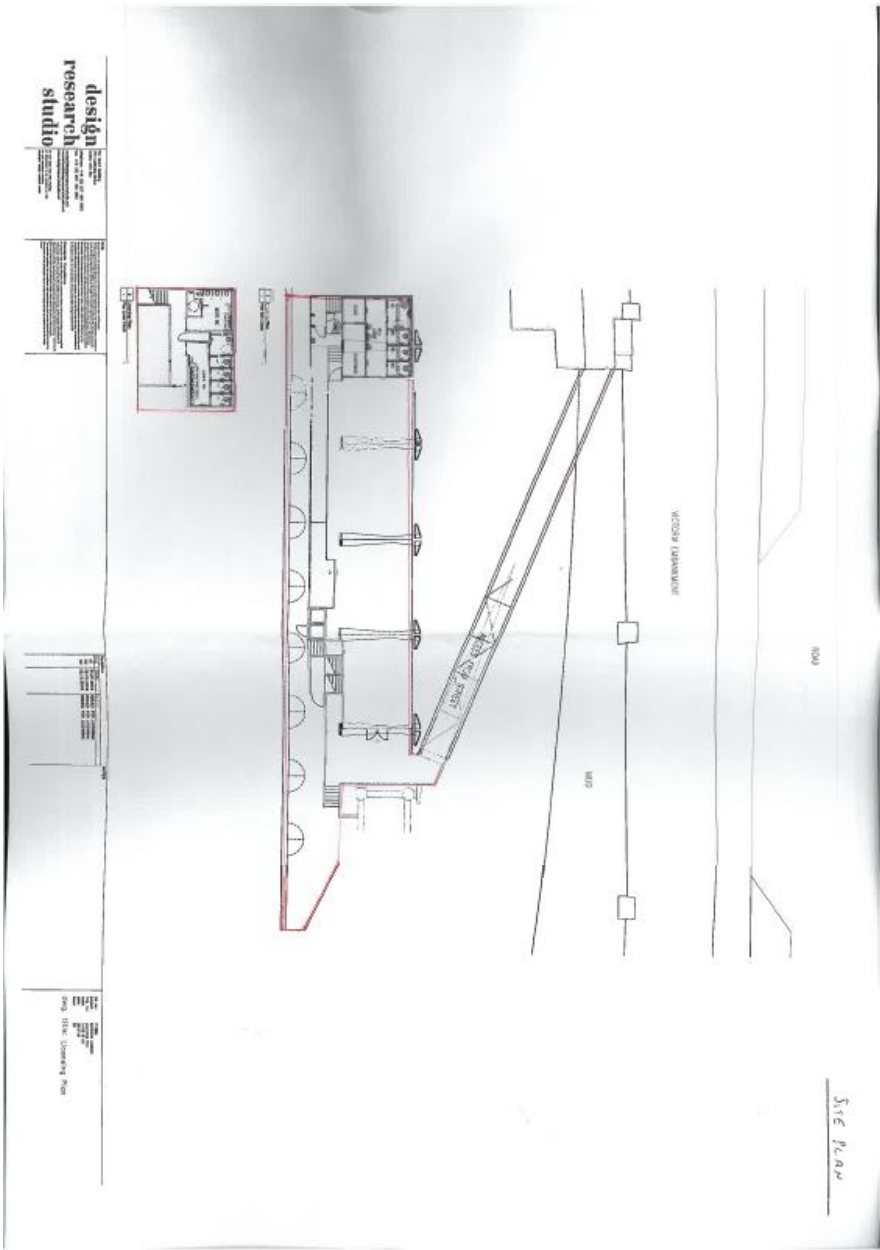
Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

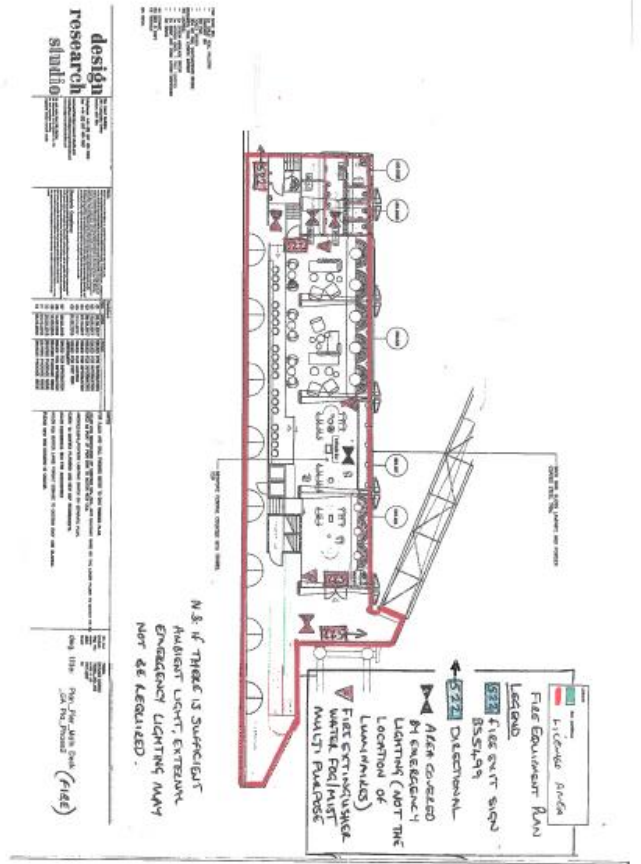
Background Documents – Local Government (Access to Information) Act 1972

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 2018
4	Environmental Health	21 December 2018
5	Metropolitan Police	13 December 2018
6	Resident Representation 1	24 December 2018

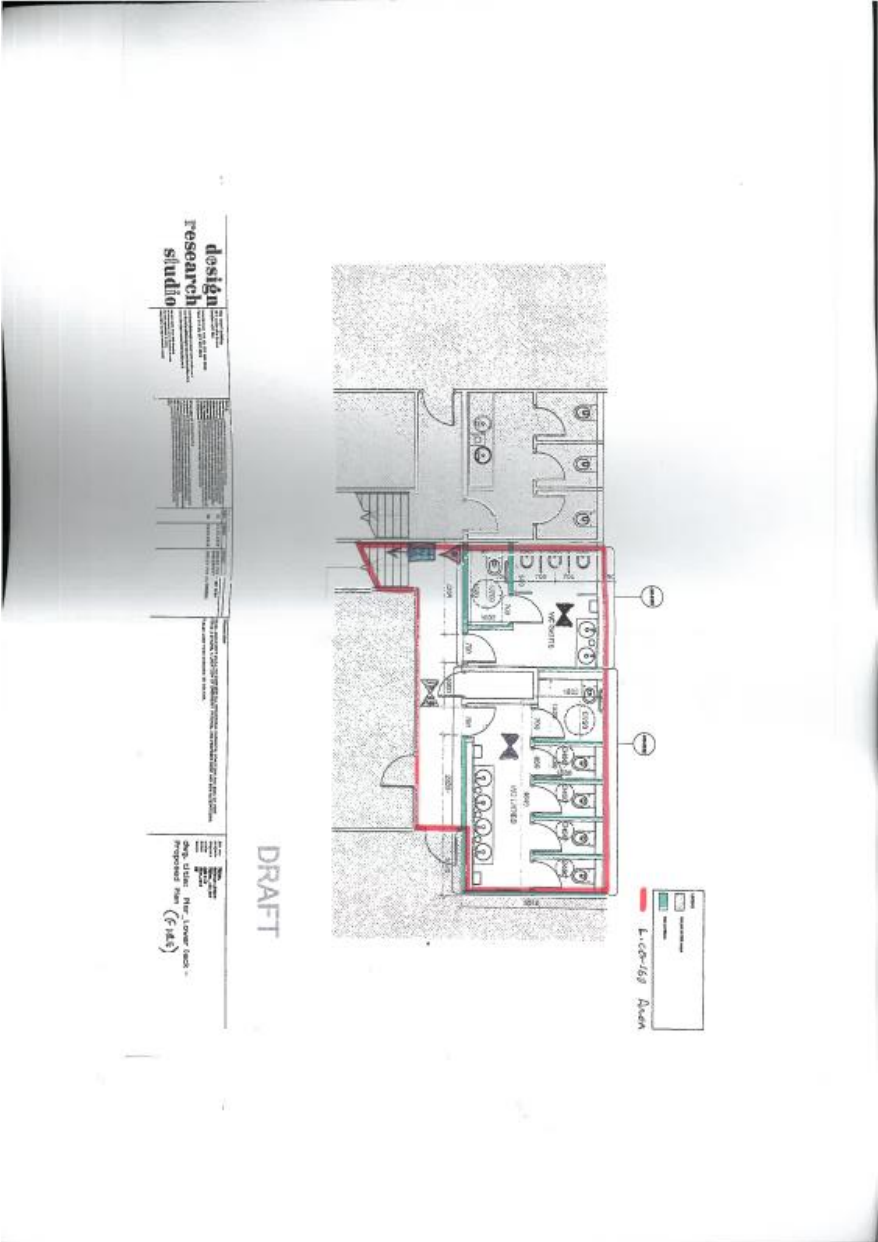
Site Plan



Café Plan



Toilet Plan



Applicant Supporting Documents

Appendix 2

None

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 use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
10. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
11. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
12. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
13. The management of the premises will liaise with police on issues of local concern or disorder.
14. The premises shall install and maintain a comprehensive CCTV system as per minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV system shall be continually record when the premises is open for licensable activities and 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 request of Police or authorised officer throughout the preceding 31 day period.
15. 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. The 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.
16. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
17. To comply with the reasonable requirements of the fire officer from time to time.
18. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
19. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
20. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
21. Toughened glasses will be used in the premises where appropriate.
22. Fire Exits and means of escape shall be kept clear and in good operational condition.
23. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

24. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
25. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
26. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
27. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
28. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or embarking on a vessel.
29. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
30. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
31. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

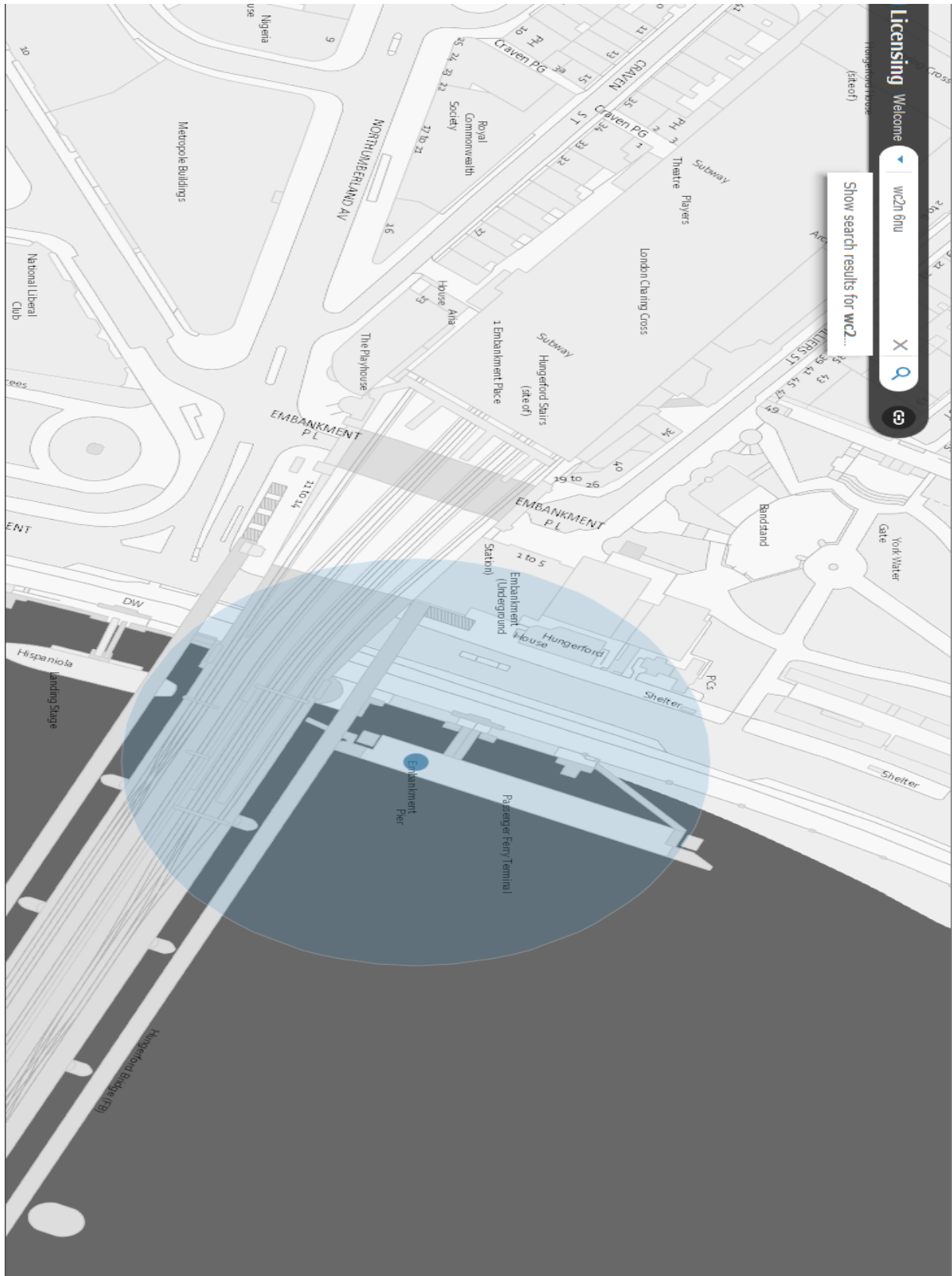
Conditions proposed by the Environmental Health

32. No licensable activities shall take place on the deck until the capacity has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
33. The number of persons permitted at any one time (excluding staff) on the deck shall not exceed 110 persons.
34. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
35. 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.
36. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
37. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
38. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
39. 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.

40. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
41. There shall be no regulated entertainment in the outside areas.
42. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
43. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
44. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
45. 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.

Conditions proposed by the Police

None



Resident Count: 0

Licensed Premises within 75 metres of the premises: None