

Licensing Sub-Committee Report

Item No:	
Date:	21 March 2019
Licensing Ref No:	19/00112/LIPN - New Premises Licence
Title of Report:	Les Filles Ground Floor 27 Craven Terrace London W2 3EL
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn</i>)
Representative:	PC Cheryl Boon
Received:	7 January 2019
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting at this stage in the process.</p> <p>The venue is situated outside Westminster's Cumulative Impact Area but it is our belief that if granted the application would undermine the Licensing Objectives with regards to the prevention of crime and disorder.</p> <p>Conditions were agreed between the Applicant and the Police and the Metropolitan Police Service withdrew their representation on 17 January 2019</p>	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	21 January 2019
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>This representation is based on the Operating Schedule and the submitted plans for the ground floor and basement, drawing number 1369-100 and dated 11/6/18.</p> <p>The applicant is seeking the following on the ground floor:</p> <ol style="list-style-type: none">1. To allow the Supply of Alcohol 'on' the premises Monday to Sunday 11:00-23:00 hours. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none">1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety. <p>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.</p> <p>The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</p>	

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	South East Bayswater Residents' Association [REDACTED] [REDACTED] [REDACTED]
Received:	31 January 2019

SEBRA welcomes the new business to our area and wish them all the very best.

We note proposals and hours applied for on Premises Licence application and conditions offered in Section P.

We note no 'Off Sales' applied for nor any 'Late night refreshment' licence.

We have no objection for hours of sale of alcohol applied for on Monday to Saturday but object to hours applied for to sell alcohol on a Sunday and they should be reduced to 12.00 to 22.30 to line up with WCC Core Hours policy.

We also require sale of alcohol to be ancillary to taking of food to persons seated and by waiter or waitress service. We would also wish standard conditions re CCTV, hours of deliveries, refuse and recycling hours of collection, patrons to off the premises at 23.00 (22.30 Sundays), no undue noise from premises (residential use above and opposite and along most of street), no vertical drinking outside premises etc to be on the licence.

We are not fully clear from the plans as to proposals for tables and chairs outside on front forecourt.

We would ask that the conditions on the previous licence for these premises when it was Come Together Coffee (Premises licence number 12/08923/LIPN) should be on licence granted on this new application. In relation to condition 19 on previous licence we are content for beer, lager or cider to be served provided no draft beer and alcohol strength to be limited to 5.5%.

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></p> <p>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></p> <p>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 RTN1 applies	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

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.

5. 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:	Kevin Jackaman Senior Licensing Officer
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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 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service Representation (<i>withdrawn</i>)	7 January 2019
5	Environmental Health Service Representation	21 January 2019
6	Interested Party Representation	31 January 2019

Applicant Supporting Documents

Appendix 2

No documents have been submitted

Premises History

Appendix 3

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. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
10. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
11. Prevention and vigilance in illegal drug use at the retail unit.
12. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit
13. Internal and external lighting fixed to promote the public safety objective
14. Well trained staff adherence to environmental health requirements.
15. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
16. The premises will be fitted out with soundproofing and 30 minutes fire separations walls.
17. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
18. Customers will be asked not to stand around loudly talking in the street outside the premises.
19. Children under the age of age 16 years must be accompanied by an adult to access licensed premises

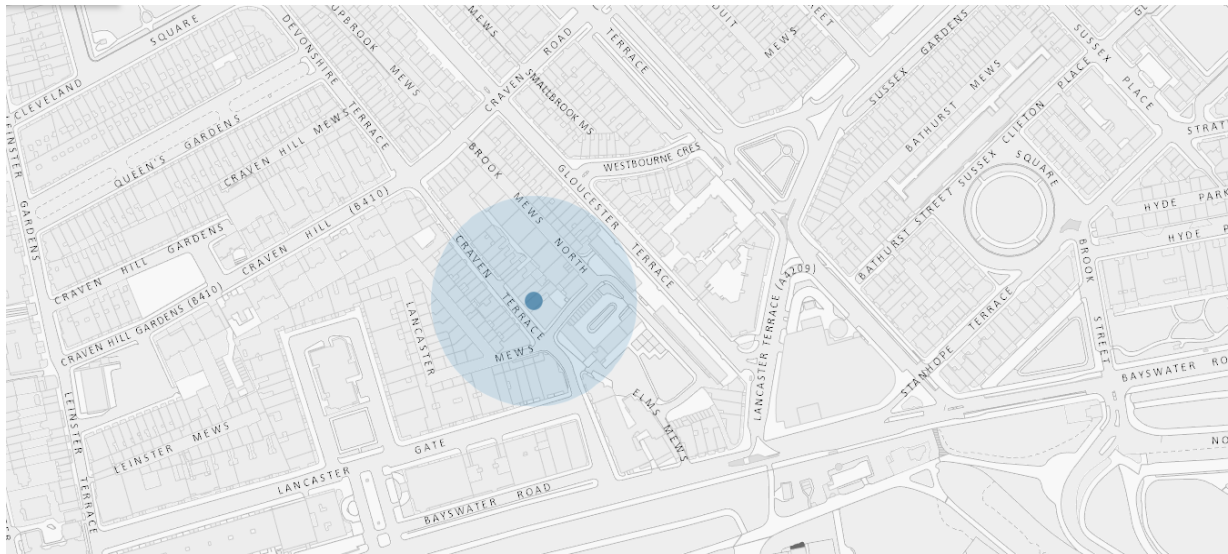
Conditions proposed by the Environmental Health

20. The number of seated persons inside the premises (excluding staff) shall not exceed 25 persons.
21. All external tables and chairs shall be rendered unusable after 23:00 hours daily.
22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. 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.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. 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.

26. 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.

Conditions proposed by the Police and agreed with the applicant so as to form part of the operating schedule.

27. 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.
28. 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.
29. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
30. The supply of alcohol shall be by waiter or waitress service.
31. 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.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. A Challenge 21 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.
34. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
35. There shall be no self-service of alcohol.



Resident Count 330

Licensed premises within 75 metres of 27 Craven Terrace, London, W2 3EL

Licence Number	Trading Name	Address	Premises Type	Time Period
14/10656/LIPT	Elysee Hotel	25-26 Craven Terrace London W2 3EL	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
13/07510/LIPVM	The Mitre Public House	24 Craven Terrace London W2 3QH	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
08/06035/LIPD	Taormina	19 Craven Terrace London W2 3QH	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/09928/WCCMAP	Craven Cafe	Ground Floor 15 Craven Terrace London W2 3QD	Cafe	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

16/01850/LIPDPS	Best Western Mornington Hotel	12 Lancaster Gate London W2 3LG	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
06/09824/WCCMAP	Lancaster Hall Hotel	Ground Floor To Third Floor 35 Craven Terrace London W2 3EL	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
07/00088/WCCMAP	Royal Court Apartments	Royal Court Apartments 51 Gloucester Terrace London W2 3DQ	Hotel, 3 star or under	Monday to Saturday; 00:00 - 00:00
16/08748/LIPN	The Westbourne Hyde Park	Royal Court Apartments 51 Gloucester Terrace London W2 3DQ	Self catering holiday accom.	Monday to Sunday; 00:00 - 00:00
12/08990/LIPDPS	Lancaster Deli Bar	9 Craven Terrace London W2 3QD	Shop	Monday to Sunday; 07:00 - 23:00