

Licensing Sub-Committee Report

Item No:	
Date:	25 July 2019
Licensing Ref No:	19/05826/LIPN - New Premises Licence
Title of Report:	SAID 29 Rathbone Place London W1T 1JG
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
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:	14 May 2019		
Applicant:	Italian Bear Chocolate Ltd		
Premises:	SAID		
Premises address:	29 Rathbone Place London W1T 1JG	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	According the application form, this is a new premises licence application for a chocolate shop, patisserie with an ancillary cafe.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	There are no submissions from the applicant.		

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	10:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:00
Seasonal variations/ Non-standard timings:			None				

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	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			None				

2. Representations

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	31 May 2019
<p>Thank you for the notification letter of 15/05/19, however, the online comments section for the said licence application does not appear to be working using the reference number.</p> <p>I object to the licence being granted as the [REDACTED] [REDACTED] and I am concerned about the noise, nuisance, and disruption that will inevitably be caused to my quiet enjoyment and privacy from granting of such licence.</p> <p>The area already has a number of licensed commercial premises which already causes disruptions and granting a further licence will simply add to the nuisance.</p>	

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>For premises for the supply of alcohol for consumption on the premises:</p> <p>Monday to Thursday: 10:00 to 23:30</p> <p>Friday and Saturday: 10:00 to midnight</p> <p>Sundays immediately prior to Bank Holidays: Midday to midnight</p> <p>Other Sundays: Midday to 22:30</p> <p>For premises for the supply of alcohol for consumption off the premises:</p> <p>Monday to Saturday: 08:00 to 23:00</p> <p>Sundays: 10:00 to 22:30</p> <p>For premises for the provision of other licensable activities:</p> <p>Monday to Thursday: 09:00 to 23.30</p> <p>Friday and Saturday: 09:00 to midnight</p> <p>Sundays immediately prior to Bank Holidays: 09:00 to midnight</p> <p>Other Sundays: 09:00 to 22:30</p>
Policy PB1 applies	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</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

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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 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Public Representation 1	31 May 2019

Applicant Supporting Documents

Appendix 2

None

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 proposed by the applicant so as to form part of the operating schedule:

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
12. The Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
13. There shall be no self-service of alcohol.
14. 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.
15. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
16. All cashiers and relevant staff will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
17. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

18. Notices shall be prominently displayed at the exit/entrance requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. No rubbish, including bottles, will be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and /or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

None

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident Count: 155

Licensed Premises within 75 metres of SAID, 29 Rathbone Place, London, W1T 1JG				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/02075/LIPCH	Wahaca	Basement To First Floor 19 - 23 Charlotte Street London W1T 1RB	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/02096/LIPCH	Deli	Basement To First Floor 19 - 23 Charlotte Street London W1T 1RB	Restaurant	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00
10/06203/LIPRW	El Burrito	5 Charlotte Place London W1T 1SF	Restaurant	Monday to Saturday; 10:00 - 22:00 Sunday; 12:00 - 22:00
14/07273/LIPDPS	Rathbone Hotel	30 Rathbone Street London W1T 1LB	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 23:30 Sunday;

				12:00 - 23:00
17/11626/LIPDPS	Vagabond Wines	Basement And Ground Floor 25 Charlotte Street London W1T 1RW	Shop	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 10:00 - 00:00
18/04213/LIPV	Newman Arms Public House	23 Rathbone Street London W1T 1NG	Public house or pub restaurant	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:30
10/10061/LIPD	Duke Of York Public House	Duke Of York 47 Rathbone Street London W1T 1NW	Public house or pub restaurant	Monday to Sunday; 10:00 - 00:30
17/14372/LIPDPS	Charlotte Street Hotel	15-17 Charlotte Street London W1T 1RJ	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 00:30 Monday to Sunday; 00:00 - 00:00 Monday to Sunday; 10:00 - 03:00 Sunday; 12:00 - 00:00
18/09846/LIPDPS	Nordic Bar	25 Newman Street London W1T 1PN	Wine bar	Monday to Wednesday; 10:00 - 00:30 Thursday to Saturday; 10:00 - 02:30 Sunday; 12:00 - 23:00
15/02653/LIPDPS	Obika	Basement And Ground Floor 11 - 13 Charlotte Street London W1T 1RQ	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
06/05905/WCCMAP	Da Paolo Restaurant	3 Charlotte Place St George'S London W1T 1SD	Restaurant	Monday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:30
18/16284/LIPDPS	PizzaExpress	Basement To First Floor 7-9 Charlotte Street London W1T 1RG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

