

WCC LICENSING SUB-COMMITTEE NO. 4
(“The Committee”)

Thursday, 12 November 2020

Membership: Councillor Karen Scarborough (Chairman) and Councillor Rita Begum

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Cameron Maclean
Presenting Officer: Jessica Donovan

APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF TWIST CONNUBIO LTD, 42 CRAWFORD STREET, LONDON W1H 1JW (20/07199/LIPN)

FULL DECISION

Premises

Twist Connubio Ltd, 42 Crawford Street, London W1H 1JW

Applicant

Fabiola Aguzzi

Cumulative Impact Area?

None

Ward

Bryanston and Dorset Square

Summary of Application

The application was for a new Premises Licence. The Premises intends to operate as a two-floor restaurant in a residential area of Marylebone. The restaurant can potentially serve up to 60 covers at any one time, there is no outside seating area. There is an open plan kitchen and seating area both upstairs and downstairs. There is a bar in the basement area where drinks are served, this will close at the same time as the restaurant. The only licensable activity sought is the On Sale of Alcohol. The premises previously benefited from a premises licence (14/06978/LIPDPS). However, this licence lapsed on 24 June 2020 due to the licence holder going into insolvency and no interim authority notice or transfer application was received within the statutory timescale. The Premises are not located within any area of Cumulative Impact.

Activities and Hours applied for

Sale by Retail of Alcohol (On Sales)

Monday to Sunday: 12:00 hours to 23:30 hours

Seasonal variations/non-standard timings –

- New Year’s Eve until 01:00 hours

Hours Premises Are Open to the Public

Monday to Sunday: 18:00 hours to 23:00 hours

Representations Received

- Metropolitan Police Service (Adam Dweltz) (withdrawn)
- Environmental Health (Dave Nevitt) (withdrawn)
- John Barham (local resident) (withdrawn)
- Tony Frazer-Price (local resident) (withdrawn)
- Gwendoline Murray

Summary of issues raised by objectors

- Minimal information has been provided showing how the premises would promote the licensing objectives;
- Clarification is needed on how the applicant defines a vulnerable person;

Policy Position

There is no policy to refuse this application and so the matter will be determined on merit based upon the promotion of the licensing objectives. Policies RNT1, HRS1, CD1, PS1, PN1 and CH1 apply under the City Council's Statement of Licensing Policy.

DECISION AND REASONS

Ms Donovan, Senior Licensing Officer, stated this was an application for a new premises licence which included the sale by retail of alcohol on the premises. She noted that the applicant, Mr Aguzzi, after submitting the application, had subsequently withdrawn that part of the application relating to the provision of live and recorded music.

Ms Donovan summarised the representations that had been received. She noted that all but one of the representations had subsequently been withdrawn after agreement had been reached between the Objectors and the Applicant on proposed conditions that would attach to the licence, should the licence be granted. Consequently, there remained only one written representation objecting to the application by a local resident who was not present at the meeting.

In conclusion, Ms Donovan confirmed that the premises, which were in the Bryanston and Dorset Square Ward, did not fall within a Cumulative Impact Area.

Mr Fabio Aguzzi, the Applicant, stated he had recently taken over the premises and, in so doing, it had been necessary to apply for a new premises licence as he wished to sell alcohol.

Regarding the objections to the application by residents, Mr Aguzzi stated that he had previously been unaware of noise complaints by residents and he had invited those residents who had objected to his application to meet with him to discuss their objections. Following the meeting, during which Mr Aguzzi agreed with the residents what steps he would take to address their concerns, two of the three objectors withdrew their objections to the application.

Mr Aguzzi went on to say he believed that the main cause of complaints was the premises windows being kept open during the summertime and the sound of customers causing a nuisance to residents. He stated that it would be his preference to keep the windows closed during the summer and rely on the premises' air-conditioning to control the temperature inside the premises. In response to a question by the Chairman regarding having the windows open, Mr Aguzzi stated he was willing to accept the proposed Condition 15: All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

In response to further questions by the Members of the Sub Committee and officers, Mr Aguzzi provided the following information.

- (a) That he had removed the bar counter in the basement area and had installed a coffeemaker and glass washer in that space. The bar counter had only recently been removed following the start of the current coronavirus lockdown period while the premises was closed.
- (b) In response to the Coronavirus Regulations, the layout of the restaurant had been reconfigured to ensure adherence to social distancing; hand sanitisers had been provided for customers; and the waiters were required to wear facemasks.
- (c) The premises were currently closed because of the lockdown. Consideration had been given to providing a food delivery service, but significant local competition had not made this a commercially viable option.
- (d) A revised plan of the basement area where the bar counter had been removed could be provided to the licensing authority within 28 days of today's meeting.
- (e) He had no objection to agreeing to the proposed Conditions as set out in Appendix 5 of the report.
- (f) The removal of the bar counter and the basement area had not significantly increased the capacity of the premises as there was now more space between the tables than had previously been the case.

In conclusion, the Chairman stated it was commendable that Mr Aguzzi had engaged with residents to address their concerns. She noted that, if the licence was granted, and to avoid the possibility of a review of the premises licence, it was essential that Mr Aguzzi complied with any conditions that might be attached to the licence.

Conclusion

The Sub Committee were grateful to the Applicant for clarifying in the hearing that there would be no off sales of alcohol and that the Bar Counter located in the basement of the Premises would be removed from the licensable area as shown on the plan. In this respect the Applicant has agreed to provide the Licensing Authority prior to the issuing of the Premises Licence with a revised plan (*now received*) for the purposes of this application.

Having considered the papers before it and having heard representations by the Applicant, the Sub Committee was satisfied that it was appropriate to grant the application, as amended, subject to the Applicant submitting an updated Floor Plan of the basement area where the bar/counter had been removed.

Specifically, the Sub Committee noted that the Police and the Environmental Health Service had withdrawn their representations following agreement by the Applicant to withdraw that part of the application relating to live and recorded music and to bring the premises opening hours on Sunday in line with core hours. It was also noted that the Applicant had agreed with the Police and the Environmental Health Service to proposed conditions to prevent crime and disorder and public nuisance.

The Sub Committee also took into consideration the Applicant's meeting with residents to discuss their objections to the application which focused, primarily, on noise nuisance during the summer months when the windows of the premises were left open. Following the meeting with residents, all but one of the objections had been withdrawn.

The Sub Committee was of the view that the application, as amended, and the proposed conditions, met the requirement of the licensing objectives, in particular, the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for **the On Sale of Alcohol Monday to Saturday from 12:00 to 23:30 hours and Sunday from 12:00 to 22:30 hours.**
2. To grant permission for **the Hours the Premises are Open to the Public**
Monday to Sunday: 18:00 to 23:00 hours
Seasonal Variations: Until 01:00 New Year's Eve.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

5. 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.
6. 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.

7. 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.
8. 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.
9. 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. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. The supply of alcohol shall only be by waiter or waitress service and for consumption by patrons who are seated.
14. 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.
15. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
16. 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.

If problems are experienced, then an application for a review of the Premises licence can be made.

This is the Full Decision of the Licensing Sub Committee which takes effect forthwith.

**The Licensing Sub-Committee
12 November 2020**