

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4**  
**("The Committee")**

**Thursday 26 August 2021**

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

**Application for a New Premises Licence in respect of Bar and Rooftop Terrace at Units 2 And 46 at Paddington Square Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London W2 6ZY 21/00851/LIPN**

**Summary Decision**

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premise proposes to as a operate as a bar with a rooftop terrace . The application follows pre-application advice. The Premises is located within the Hyde Park Road but is not within the West End Cumulative Area Zone nor Special Consideration Zone. There is a resident count of 28.

The Committee noted that 6 similar applications to be operated as restaurants went before a Licensing Sub-Committee on the 19 August 2021 in respect of the same development site. These applications were not considered binding on the Committee's overall decision making but were nevertheless helpful in ascertaining the background history to each application and when looking at matters.

The Committee noted that what had been applied for by the applicant in respect of this application was effectively a template for a premises licence due to many unknowns because tenants had yet to be found for the Premises. It was acknowledged and accepted that this would be subject to change at some stage in the future by a new operator most likely through a variation application process.

The Committee noted that the applicant had not engaged with the South East Bayswater Residents' Association (SEBRA) and took a dim view of this without being too critical. Whilst there may have been very little to consult upon the Committee considered it was however, incumbent upon the applicant to have engaged with all relevant stakeholders as a matter of good practice particularly with such a large-scale development. SEBRA holds a key function within the local area as an active resident's association and its views need to be properly considered as well as those other parties who also objected to the application.

It was apparent to the Committee during the hearing that there were still many contentious unresolved issues and if the applicant had engaged right from the outset this may have alleyed some of the fears SEBRA had displayed towards the application and may have assisted the negotiation process and the matters raised at the hearing. The Committee considers it vital for the applicant to foster a fruitful and meaningful dialogue going forward with SEBRA especially as the applications are likely to be revisited in a different guise once operators have been found.

The Committee noted that the applicant was granted planning permission for the development site on the 29 March 2019. Whilst the Committee recognises that Planning and Licensing are entirely two distinct functions with differing aims, objectives and outcomes there is sometimes a degree of overlap. It was decided that a similar condition should be imposed on the Premises Licence whereby the practical workings of Conditions 34-37 on the Planning Consent are translated into a similar condition on the Premises Licence in so far as they relate specifically to licensing thereby requiring the applicant to comply with matters such as dispersal, operational and servicing management plans together with a public realm strategy to ensure the promotion of the licensing objectives.

The Committee based on the evidence before it decided it was appropriate and proportionate to grant core hours for the licensable activities applied for and those reasons will be explained fully in the Full Decision.

### **Applicant**

Great Western Developments Limited

### **Summary Decision**

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

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 **Late Night Refreshment (Indoors and Outdoors)** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours Sunday N/A
2. To grant permission for **Live Music, Recorded Music (Indoors and Outdoors)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 09:00 to 22:30 hours
3. To grant permission for the **Sale by Retail of Alcohol (Indoors and Outdoors)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 09:00 to 22:30 hours
4. To grant permission for the **Opening Hours of the Premises:** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 09:00 to 22:30 hours
5. To grant permission for Seasonal Variations: Sundays immediately prior to a bank holiday: 12:00 to 00:00 hours.
6. That there shall be no off sales of alcohol other than for the permitted purposes as specified in Condition 31 below.

7. That the Licence is subject to any relevant mandatory conditions.
8. That the Licence is subject to the following additional conditions and Informative imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

### **Conditions imposed by the Committee after a hearing**

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 and will include the external area immediately outside the premises entrance(s). 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.
- 10.. A staff member from the premises who is conversant with the operation of the CCTV 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.
11. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
12. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
13. The number of persons permitted in the licensed areas of the premises at any one time shall not exceed ( persons) excluding staff.
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. 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.
16. 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.

17. 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, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
18. The Premises Licence Holder shall ensure that table service is to be available at all times.
19. No licensable activities shall take place at the premises until the premises has 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.
20. All SIA door staff on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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. BWV must be activated at an early stage during any incident involving conflict.
21. From 8pm Sundays to Wednesdays there shall be a minimum of (1) SIA and from 8pm Thursdays to Saturdays licensed door supervisors shall be on duty at the premises at all times whilst it is open for business and until 30 minutes after the premises close
22. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
23. There shall be no sales of alcohol for consumption off the premises after **(23.00)**.
24. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
25. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

26. 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.
27. The Premises shall develop and operate a Noise Management Policy and Dispersal Policy. Copies of these policies shall be made available upon the request of Police or authorised officer.
28. Notwithstanding Condition 28 above the Premises Licence Holder shall at all times comply with policies relating to , an operational management plan, servicing plan and public realm strategy as shall be amended from time to time. Such copies of these documents shall be made readily available to the Responsible Authorities upon request.
29. No licensable activities shall take place at the Premises until the capacity of the Premises 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.
30. A direct telephone number for the Manager at the Premises shall be publicly available at all times the premises is open. This telephone number is to be made available for residents and businesses in the vicinity.
31. Alcohol consumed outside the Premises Building shall only be consumed by patrons seated at tables.
32. All outside tables and chairs shall be rendered unusable by 22:00 each day as indicated in the blue line and marked Level 00 1:200 on the Premises Licence Plan.

### **INFORMATIVE**

33. **The Premises Licence Holder is strongly encouraged to consult with SEBRA regarding the various aspects of conditions 34-37 of the Planning Consent dated 29 March 2019. This is to ensure that SEBRA are fully involved in the process and can voice their views notwithstanding Condition 29 imposed on the Premises Licence**
34. **The Premises Licence Holder is strongly encouraged for all members of staff to undertake online Counter-Terrorism training with close consultation with the Metropolitan Police Service who can offer advice and assistance where necessary.**
35. **The Premises licence holder is strongly encouraged to engage with SEBRA, residents and businesses to facilitate regular meetings to discuss issues directly affecting them regarding the running and management of the Premises including any issues specifically connected to public nuisance.**

**This is the Summary Decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent to all parties as soon as possible. The date**

**for appealing the decision will not start until the full reasoned decision has been sent to the Parties.**