

# Licensing Sub-Committee Report

Item No:

Date:

17 November 2022

Licensing Ref No:

22/08751/LIPN - New Premises Licence

Title of Report:

Golden Sunrise - Passenger Vessel Moored on the Thames At Temple Pier

Victoria Embankment

London WC2R 2PN

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:

Roxsana Haq

Senior Licensing Officer

Contact details

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1.	Application				
1-A	Applicant and premis	ses			
Applic	ation Type:	New Premises Licence, Licen	nsing Act 2003		
Applic	ation received date:	16 September 2022			
Applic	ant:	Capital Pleasure Boats Ltd			
Premis	ses:	Golden Sunrise			
Premis	ses address:	Golden Sunrise - Passenger Vessel Moored	Ward:	St James's	
		On The Thames At Temple Pier	Cumulative Impact Area:	None	
		Victoria Embankment London	Special Consideration Zone:	None	
Premis	ses description:	According to the application form the Golden Sunrise is a two decked passenger vessel moored on the Thames at Temple Pier. With two bars, full-service galley, a dance floor and outside sun deck. The vessel is marketed as holding 240 passengers and is primarily used for family celebrations, corporate events, club nights and sightseeing cruises on the river Thames. Clients can choose from various drinks, food, and entertainment options.			
Premis	ses licence history:	This application is for a new premises licence, and therefore repremises licence history exists.			
Applic	ant submissions:	There have been no submissions from the applicant			
Applic	ant amendments:	None.			

1-B	roposed licensable activities and hours							
Late Night Refreshment:				Indoors / Outdoors or both Indoors			Indoors	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun	
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00	
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00	
Seasonal variations/ Non- standard timings:			n New Year's	s Eve finish t	ime will be 0	4:00	_	

Sale by retail of alcohol				On or off s	Both		
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non- standard timings:			On New Year's	Eve finish t	ime will be 0	4:00	

Live Music:				Indoors / Outdoors or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non- standard timings:		Non-	On New Year's	Eve finish t	ime will be 0	4:00	

Recorded Music				Indoors / 0	Both		
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non- standard timings:		Non-	On New Year's	Eve finish t	ime will be 0	4:00	

Anything of a similar description:				Indoors / 0	Both		
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non- standard timings:			n New Year's	s Eve finish t	ime will be 0	4:00	

Hours prei	Hours premises are open to the public							
Day:	Mon	Tues	3	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	)	07:00	07:00	07:00	07:00	07:00
End:	01:00	01:00	)	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non- standard timings:			On	New Year's	Eve finish ti	ime will be 0	4:00	
Adult Entertainment:			Nor	ne				

2.	Representa	Representations				
2-A Responsible Authorities						
Responsible Authority:		Metropolitan Police Service				
Repres	entative:	PC Reaz Guerra				
Receiv	ed:	11 October 2022				

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

There is insufficient detail within the operating schedule to promote the Licensing Objectives. The Hours sought exceed Westminster's Core Hours Policy.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

Should you wish to discuss the matter further please contact PC Reaz Guerra.

Responsible	Environmental Health Service
Authority:	
Representative:	Mr Dave Nevitt
Received:	13 October 2022

On Behalf Of: Environmental Health Administration

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.

2-B	Other Pers	sons		
Name:				
Address	and/or Res	sidents Association:		
Status:		Valid	In support or opposed:	Opposed
Receive	d:	12 October 2022		

I am writing on behalf of to object to the above application on the following grounds:

- 1. A number of our properties bound onto the Embankment and as such the proposed licensing hours, extending through to 1.00am including Sundays, has the potential to cause significant disturbance to our residential occupants. This will particularly be the case where passengers disembark from the vessel in the early hours of the morning to make their way along the Embankment to Blackfriars Station.
- 2. Likewise, the proposal to commence opening hours at 7.00am each day especially at weekends has the potential to cause disturbance to our residential and professional tenants, with the latter often working over weekend periods.
- 3. The potential to sell alcohol from 9.00am every day of the week also causes us concern. This is liable to add to the potential for rowdy behaviour particularly where functions extend throughout the day to the early hours of the morning.
- 4. Whilst open drinks may not be removed from the vessel (as stated in the application), there is a potential for sealed bottled drinks to be taken off the vessel and our concern is that these will be consumed as soon as passengers leave the vessel, leading to heightened unsociable behaviour in our immediate vicinity.
- 5. There are no public toilets in the vicinity of the vessel or indeed the other vessels moored between Temple Pier and Blackfriars. With the proposed consumption of alcohol up to 1.00am every morning and potentially continuing off the vessel after, the potential for misuse of our river frontage and immediate grounds as a public convenience increase. We are already suffering this problem due to the number of entertainment vessels and bars located along our stretch of the river.

We would ask that the Licensing Authority restricts the licensing hours, especially on Sundays and looks to impose a ban on removal of any alcoholic drinks (whether open or sealed) by passengers leaving the vessel at any time of the day.

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:

### Music and Dance Premises Policy MD1 applies:

- **A**. Applications outside the West End Cumulative Zone will generally be granted subject to:
  - 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
  - 2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
  - 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
  - 4. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.
  - 5. The application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D.
- **D.** For the purposes of this policy a music and dance premises is defined as a premises whereby the primary purpose of the venue is to:
  - 1. Provide regulated entertainment in the form of music, either in the form of live performances or recorded, to customers.
  - 2. Provide regulated entertainment in the form of music, either as live performances or recorded, and provide facilities for the provision of dance.
  - 3. The sale by retail of alcohol may be provided as either a considerable element of the operation of the premises or ancillary to the provision of regulated entertainment.
    - a. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing.
    - b. De-regulated entertainment (as set out in the glossary will not be subject to this policy).

# Hours Policy HRS1 applies

- **A.** Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- **B.** Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
- The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
- **2.** If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
- **3.** Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
- **4.** The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
- **5.** The proposed hours when any music, including incidental music, will be played.

- **6.** The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
- **7.** The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
- **8.** Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
- **9.** The capacity of the premises.
- **10.** The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
- **11**. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- **12**. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- **13.** The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- **C.** For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

#### 6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

- **D**. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- **E.** For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

#### 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.	Appendi	ppendices					
Appendi	ix 1	Premises plans					
Appendix 2		Applicant supporting documents					
Append	ix 3	Premises history					
Appendix 4		Proposed conditions					
Appendix 5		Residential map and list of premises in the vicinity					

Report author:	Miss Roxsana Haq
Contact:	Telephone: 020 7641 6500 Email: rhaq@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	01 October 2021						
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018						
4	Metropolitan Police Service	11 October 2022						
5	Environmental Health Service	13 October 2022						
6	Interested Party 1	12 October 2022						

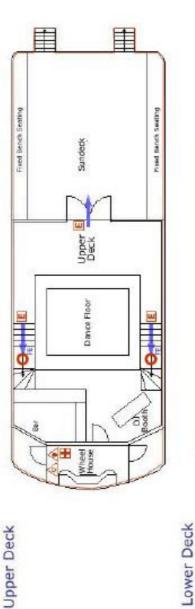
### **Premises Plans**

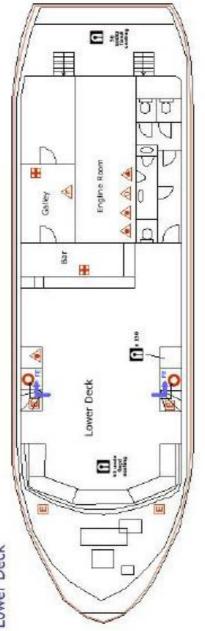
### **Appendix 1**

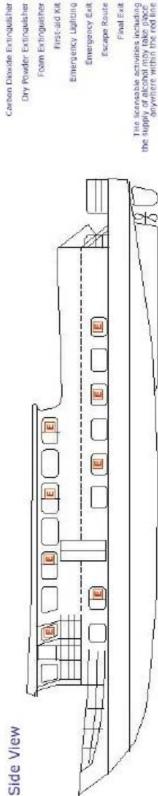


Golden Sunrise Temple pier Scale 1:100









## **Applicant Supporting Documents**

**Appendix 2** 

There have been no submissions from the applicant.

## **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+(DxV)

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 Environmental Health Service

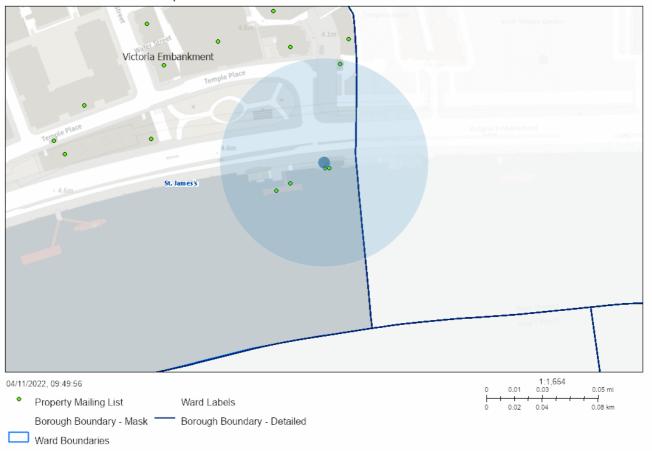
- 9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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 entire 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. 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.
- 11. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- 12. 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.
- 13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 240 persons.
- 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. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the boat is open for business.
- 16. 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.
- 17. Flashing or particularly bright lights on or outside the boat shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

- 18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 19. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- 20. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
- 21. Licensable activities authorised by this Licence shall only be provided to persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept by the Licence holder and made available for immediate inspection by police or an authorised officer of the Council.

### **Residential Map and List of Premises in the Vicinity**

### Appendix 5





Resident Count: 0

Licensed premises within 75 metres of Temple Pier, Victoria Embankment, London WC2R 2PN						
Licence Number	Trading Name	Address	Premises Type	Time Period		
17/03353/LIPVM	Golden Jubilee	Golden Jubilee - Passenger Vessel Moored On The Thames At Temple Pier Victoria Embankment London WC2R 2PN	Night clubs and discos	Monday to Sunday; 10:00 - 01:00		
20/04638/LIPVM	Golden Flame	Temple Pier Victoria Embankment London WC2R 2PN	Tourist attraction or dark ride	Monday to Sunday; 09:00 - 01:00		

17/03361/LIPVM	Golden Star	Golden Star - Passenger Vessel Moored On The Thames At Temple Pier Temple Pier Victoria Embankment London WC2R 2PN	Tourist attraction or dark ride	Monday to Sunday; 10:00 - 01:00
22/02813/LIPDPS	The Yacht London	Unit 2 Temple Pier Victoria Embankment London WC2R 2PN	Night clubs and discos	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Sunday; 10:00 - 23:00   Sunday; 09:00 - 03:00   Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sundays before Bank Holidays; 10:00 - 03:30
10/02291/LIPV	The Wilfred (Riverboat)	Unit 1 Temple Pier Victoria Embankment London WC2R 2PN	Restaurant	Monday to Sunday; 00:00 - 00:00
22/06975/LIPDPS	H Q S Wellington	H Q S Wellington Victoria Embankment London WC2R 2PN	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/14719/LIPRW	Woods Quay	Woods Quay Victoria Embankment London WC2N 6AY	Mooring	Monday to Sunday; 08:00 - 02:00