

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2
("The Committee")

Thursday 4 August 2022

Membership: Councillor Maggie Carman (Chair)
Councillor Md Shamsed Chowdhury and Councillor Caroline Sargent

Application for a Variation of Premises Licence in respect of Java Whiskers
105 Great Portland Street London W1W 6QF 22/04134/LIPV

Confirmation of Verbal Decision (CVD)

The Committee has determined an application for a Variation of Premises Licence under the Licensing Act 2003 ("The Act").

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had 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 sale of alcohol in the basement area as shown on the Premises Licence Plan.
2. To grant permission to amend condition 28 of the current Premises Licence in the terms specified below.
3. To grant permission to add conditions in the terms specified below.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the Licence shall apply in all respects except in so far as they are varied by this Decision.
6. That the varied Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions on the Current Licence

9. Licensable activities shall be ancillary to the premises being used as a cafe.
10. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
11. There shall be no self-service of alcohol.
12. 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.

13. 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.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. 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.
18. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.
20. 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.
21. 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.
22. 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 are 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.
23. 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 are 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.

24. 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.
25. 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 unless seated in an authorised external area.
26. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
27. Alcohol shall only be sold for consumption by persons attending a booked appointment at the venue.
28. The supply of alcohol shall only be served to persons with a prebooked appointment seated in the lounge areas as shown on the Premises Licence Plan. The number of persons allowed to consume alcohol in the basement area at any one time shall be limited to 10 persons.

Conditions imposed by the Committee after a hearing

29. The operating hours for the sale of alcohol in the basement area shall be Sunday to Wednesday 09:00 to 20:00 hours Thursday to Saturday 09:00 to 21:00 hours.
30. The sale of alcohol at the premises shall be limited to bottled beers and wines/ prosecco.

Note:

The Applicant was advised by the Committee that the above permissions were subject to a revised Premises Plan been submitted to the Licensing Authority.

The date for appealing the decision will not start until the Full Reasoned Decision has been sent to the Parties.

**Licensing Sub-Committee
4 August 2022**