

Licensing Sub-Committee Report

Item No:	
Date:	31 st August 2017
Licensing Ref No:	17/06728/LIPN - New Premises Licence
Title of Report:	Ground Floor 31-31A Queensway London W2 4QJ
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 June 2017		
Applicant:	Mr Ahady Naiem Mahamad		
Premises:	Ground Floor		
Premises address:	31-31A Queensway London W2 4QJ	Ward:	Lancaster Gate
		Cumulative Impact Area:	Bayswater
Premises description:	<p>According to the application the premises will operate as a local convenience store selling staple goods, confectionery, drinks, grocery, news magazines and offering services such as Paypoint, lotto and oyster to customer.</p> <p>The applicant is seeking to sell alcohol (off sales) at the premises as part of the other services that will be provided.</p>		
Premises licence history:	The application is for a new premises licence therefore no history exists.		
Applicant submissions:	The Applicant has proposed conditions found at Appendix 1 of the report.		
Plans	Copies of the premises plans are available on request and for display at the hearing.		

1-B Proposed licensable activities and hours							
Sale of Alcohol:				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	10:00	10:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	08:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	David Sycamore
Received:	11 th July 2017
<p>I write in relation to the application submitted for a New Premises Licence for the following premises –</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the Queensway Cumulative Impact and as such a number of policy points must be considered.</p> <p>The applicants currently seek hours that our outside the Westminster Core Hours Policy, HRS1 and we believe the application if granted will undermine the licensing objectives. OS2 states applications will generally be granted but would need to have consideration of other policies such as HRS1. They would also need to show that the granting of such licence would not add to cumulative impact. We do not believe the proposed conditions support the exception to policy and we would ask that the hours sought be reduced to the core hours for off sales.</p> <p>Please accept this a formal objection and we look forward to seeing any additional documents which include additional conditions and amendments.</p>	
Responsible Authority:	The Metropolitan Police
Representative:	PC Brian Hunter
Received:	26 th June 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p>	

I have listed the following conditions the Police would like to see on the Premises Licence should it be granted

Core hours for OFF-SALES to be

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

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.

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.

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.

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.

Signage of the age verification scheme shall be displayed in a prominent position on the shop floor, at point of sale.

There shall be no beer, cider or lager sold above 5.5% Alcohol by Volume.

There shall be no self-service of spirits on the premises except for any mixtures below 5.5%

Alcohol by Volume.

No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.

All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

Responsible Authority:	The Environmental Health Service (Withdrawn)
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Representative:	Ian Watson
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Received:	7 th July 2017
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I refer to the application for a new Premises Licence.

The premises are located in the Queensway/Bayswater Cumulative Impact area.

This representation is based on the information provided within operating schedule and plan provided.

The applicant is seeking the following variation

1. To provide for the supply of alcohol 'Off' the premises Monday to Friday 08.00 to 00.00 hours and Saturday & Sunday 10.00 to 00.00 hours.

I wish to make the following representation.

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the Queensway/Bayswater CIA and impact on Public Safety.

The Environmental Health Service have withdrawn their representation to the application as the applicant have agreed their proposed conditions

2-B Other Persons

Name:	John Zamit
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Address and/or Residents Association:	[REDACTED]
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Received:

29th June 2017

We, the South East Bayswater Residents' Association (SEBRA) & the Bayswater Residents' Association (BRA) object to this application as far too many 'off licences' in Queensway already and premises in the Queensway / Bayswater Stress Area.

We have a 'street drinking' problem in Stress area as well as beggars in street etc

If Premises Licence to be granted hours need to be reduced to WCC 'Core Hours' or less

Also standard type conditions for 'off licences' in Westminster e.g. CCTV, no sale of beer / cider over 5.5% in strength, limit to amount of shop space given over to alcohol sales (say 15%), Challenge 25 in place, lockable metal cabinets for all alcohol to be used outside 'off licence' hours permitted, no sale of 'miniature' spirit bottles, spirits only to be served from behind cash desk counter, usual refuse / recycling collection times and control over delivery hours etc.

3. Policy & Guidance

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

Policy CIA1 applies:

(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 applies:

(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.

(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.

Policy OS2 applies:

Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

Appendix 1

Applicant supporting documents

Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	16 th June 2017
5	The Environmental Health Service Rep	7 th July 2017
6	The Metropolitan Police Rep	26 th June 2017
7	The Licensing Authority Rep	11 th July 2017
8	John Zamit Rep	29 th June 2017

General

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the

requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behavior on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good

training for staff on the Licensing Act (Training Record), to make or authorize each sale

- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

- CCTV system installed with recording option available

- Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

Prevention of crime and disorder

CCTV System installed to monitor entrances, exits, exterior and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and leave the neighborhood quietly, respecting nearby residents.

Public Safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A refusal log book or recording system in addition to Epos system recorder shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply

with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

All fire escape(s) routes will be clearly marked and kept free from any obstruction at all times.

Prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Protection of Children from Harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol or age restricted products.

Staff will be trained to spot proxy purchase and refuse such a sale and report the adult involve to police.

Admission of underage after 8pm will be banned unless supervised by an adult

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 consistent with the operating schedule

9. Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times
10. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
11. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and leave the neighbourhood quietly, respecting nearby residents.
12. A refusal log book or recording system in addition to Epos system recorder shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation
13. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
14. All fire escape(s) routes will be clearly marked and kept free from any obstruction at all times.
15. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
16. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
17. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
18. Customers will be asked not to stand around loudly talking in the street outside the premises.
19. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
20. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
21. Staff will be trained to spot proxy purchase and refuse such a sale and report the adult involve to police.

22. Admission of underage after 8pm will be banned unless supervised by an adult

Conditions proposed by Environmental Health and agreed by the applicant

23. 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.
24. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol. **(also proposed by Police)**
25. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV **(also proposed by Police)**
26. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
27. 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.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
30. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 hours and 08.00 hours on the following day.
31. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.

Conditions proposed by the Police

32. Core hours for OFF-SALES to be

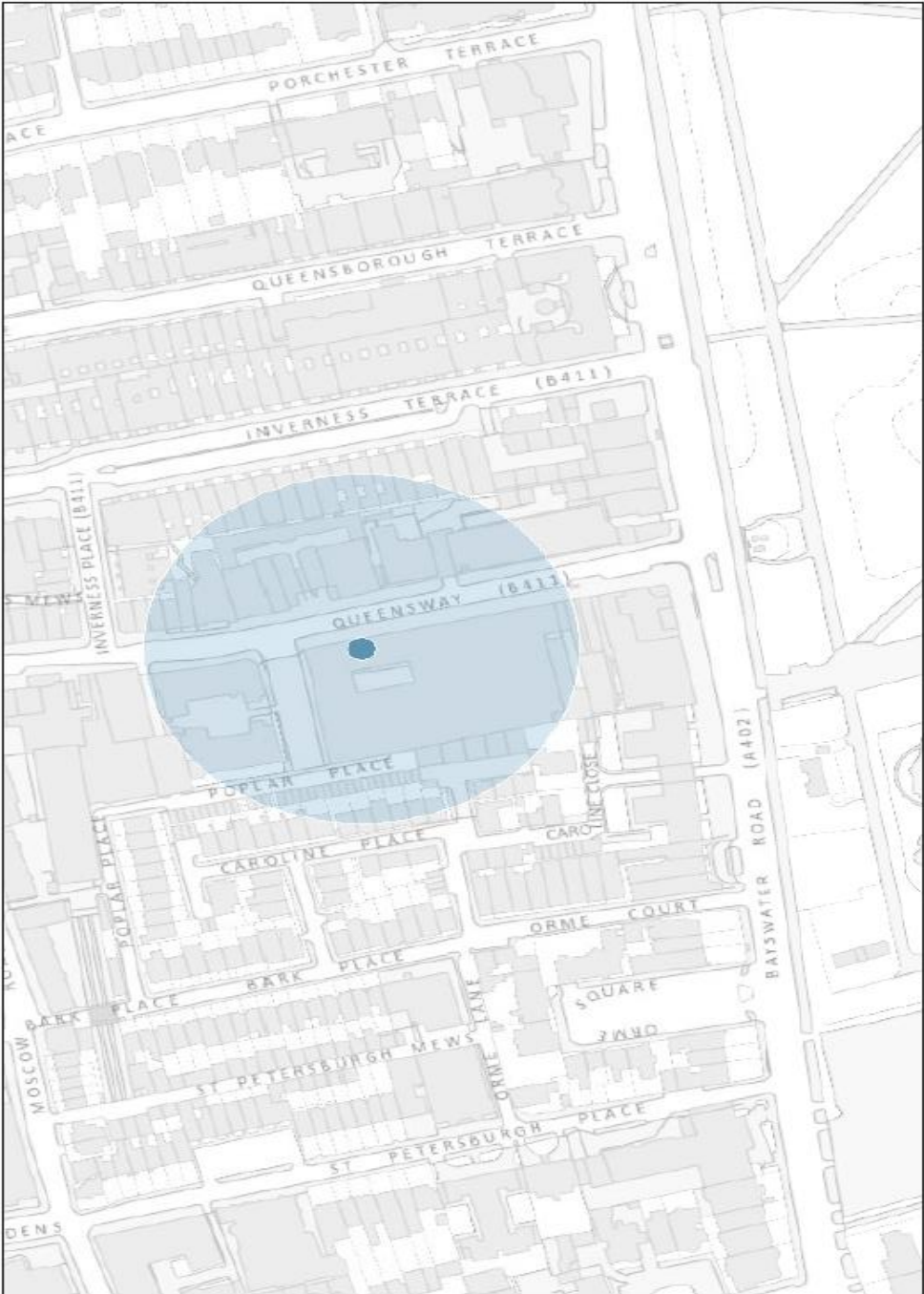
Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30
33. 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.

34. 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.
35. 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.
36. 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.
37. Signage of the age verification scheme shall be displayed in a prominent position on the shop floor, at point of sale.
38. There shall be no beer, cider or lager sold above 5.5% Alcohol by Volume.
39. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
40. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

Ground Floor 31-31A Queensway



August 15, 2017

Resident Count: 475