



City of Westminster

Follow-On Committee Agenda

Title:

Licensing Sub-Committee (6)

Meeting Date:

Thursday 13th July, 2017

Time:

10.00 am

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Jean Paul Floru
Heather Acton
Aziz Toki



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is by ticket, issued from the ground floor reception from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

Email: jdeacon@westminster.gov.uk **Tel:** 020 7641 2783
Corporate Website: www.westminster.gov.uk

AGENDA

PART 1 (IN PUBLIC)

9. 11 GREAT CUMBERLAND PLACE W1

(Pages 1 - 28)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
9.	Bryanston And Dorset Square Ward / not in cumulative impact area	11 Great Cumberland Place, W1	Temporary Event Notice	17/06451/LITE NP & 17/06445/LITE NP

Charlie Parker
Chief Executive
12 July 2017



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	13 th July 2017
Classification:	For General Release
Title of Report:	11 Great Cumberland Place London W1H 7AL
Uniform Reference:	17/06451/LITENP & 17/06445/LITENP
Report of:	Operational Director for Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Licensing Support Officer
Contact Details:	E-mail: jdonovan@westminster.gov.uk

1. TEMPORARY EVENT NOTICE DETAILS

Proposal:	<u>Permitted Temporary Activities:</u> <ul style="list-style-type: none"> Sale by Retail of Alcohol <i>(Please see Temporary Event Notice at Appendix A)</i>		
Premises User:	Mr Samirali Sunesara	Premises Name and Address:	11 Great Cumberland Place London W1H 7AL
Date Temporary Event Notice Received:	13 th June 2017	Period of Event:	<u>17/06445/LITENP</u> 28.07.2017 23:00-23:59 29.07.2017 23:00-23:59 <u>17/06451/LITENP</u> 05.08.2017 23:00-23:59
Ward Name:	Bryanston and Dorset Square	Stress Area:	No
Number of attendees at event (including staff):	25		
Details of Premises Licence:	The premises does have a Premises Licence. (Please See Appendix B)		
Notice of Objection by the Metropolitan Police Service :	<p>Metropolitan Police Service has given a notice of objection under s.104 (2) of the Licensing Act 2003. The notice of objection is based on the grounds that allowing the premises to be used in accordance with the notice would undermine the Prevention of Crime and Disorder objectives.</p> <p>The Metropolitan Police has stated: <i>'The Police object to these Temporary Event Notices for the following reason: Prevention of Crime and disorder. We have concerns that the temporary events would undermine the crime and prevention objective and that the extension of hours to sell alcohol will have a negative impact on crime and disorder in the area.'</i></p> <p>Further Information submitted by The Metropolitan Police:</p> <ul style="list-style-type: none"> <i>Can I please notify the LSC and yourselves that I intend to mention of a GBH assault that occurred on the 19/07/2016 at 21:00 (6531660/16) involving a member of staff who was arrested for assaulting a victim / customer following an incident of disorder in the shop. The suspect later didn't return on bail. The victim, who suffered a head injury, chose not to substantiate his allegation; however the CPS still requested the suspect was charged for an affray; had he returned on bail.</i> <i>Police seized the CCTV hard drive due to the suspect being a</i> 		

	<p><i>member of staff. On the 4th August I informed Thomas Thomas that following my visit, the shop was in breach of their CCTV condition and that the system would not capture a further incident of crime and disorder. I was not notified that this had been rectified until 6/1/2017, over 4 months later. I have the email chain to evidence this.</i></p> <p><i>(Please See Police Objection Appendix C)</i></p>
Recommendation:	<p>That the Sub-Committee consider the notice of objection given by Environmental Health and determine whether or not the Licensing Authority should issue a counter notice to the premises user, in accordance with s.105 of the Licensing Act 2003.</p>

Additional procedural information – please see Appendix D

If you have any questions about this report, please contact Jessica Donovan at
Jdonovan@westminster.gov.uk

Temporary Event Notice

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

I, the proposed premises user, hereby give notice under section 100 of the Licencing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Personal Details of Premises User *(Please read note 1)*

1. Your name

Title	First name	Last
Mr	Samirali	Sunesara

2. Previous names *(if relevant)*

3. Your date of birth

03/04/1981

4. Your place of birth

Gujarat India

5. National Insurance number

SG944472A

6. Your current address *(We will use this address to correspond with you unless you complete the separate correspondence box below)*

Cumberland Food & Wine
11 Great Cumberland Place
London

Postcode
W1H 7AL

7. Other contact details

Telephone numbers

Daytime	02070420417	
Mobile (optional)		
Email address	rpeermamode@tandtp.com	

Licensing Authority: **Westminster City Council**

Ref:

8. Alternative address for correspondence (Address for correspondence associated with this application, if different to the previous address)

Thomas & Thomas Partners Llp
38A Monmouth Street
London

Postcode
WC2H 9EP

9. Alternative contact details (if applicable)

Title	Mr	
First name	Ryan	
Last name	Peermamode	
Telephone numbers		
Daytime	02070420417	
Mobile (optional)		
E-Mail address (optional)	rpeermamode@tandtp.com	

The Premises

Please select the address of the premises where you intend to carry out the licensable activities. If there is no address please select the street record in the address lookup and supply further details of the location (including ordnance Survey references) (Please read note 2). Search for address

11 Great Cumberland Place
London

W1H 7AL

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	16/14114/LIPVM	
Additional address information		

Do you intend to use the whole of the premises at this address (Please read note 3)
 (If no, please give a description and details below)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please describe the nature of the premises below. (Please read note 4)

Shop

Please describe the nature of the event below. (Please read note 5)

Seasonal extension of permitted hours

All relevant conditions of the premises licence shall remain in effect during TEN

Licensing Authority: *Westminster City Council*

Ref:

The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the date and times on which you intend to use these premises for licensable activities. (Please read note 9) Please give times in 24 hour clock. eg. 19:00. (Please read note 10) How many days will your event cover?

Start date	28/07/2017	Time	23:00	End date	28/07/2017	Time	23:59	<input checked="" type="checkbox"/>
	29/07/2017		23:00		29/07/2017		23:59	

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

25

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)

On the premises only
Off the premises only
Both

☒

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 13)

Personal licence holders (please read note 14)

	Yes	No
Do you currently hold a valid personal licence? (please mark an "X" in the box that applies to you)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide the details of your personal licence below.		
Issuing licensing authority	London Borough Of Hounslow	
Licence number	H04300	
Date of issue	24/02/2015	
Date of expiry		
Any further relevant details		

Previous Temporary Event Notices you have given (please read note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
State the number of temporary event notices you have given for events in that same calendar year	2	
Have you already given a temporary event notice for the same premises in which the event period:		
a) ends 24 hours or less before; or	Yes	No
b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(please mark an "X" in the box that applies to you)		

Licensing Authority: *Westminster City Council*

Ref:

Associates and business colleagues (*please read note 16*)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

☐ ☒

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

Yes No

☐ ☒

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

☐ ☒

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

Yes No

☐ ☒**Condition** (*please read note 17*)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declarations (please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place an that a person is liable on conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.

Please tick the box if you agree with the declarations above.

☒

Date

13/06/2017

Name of person signing

Mr Ryan Peermamode

To enable the consultee's to fully assess your notice, we strongly recommend you upload an event management plan or Police 696 form

For events held outside, please upload a plan of the area.

Samirali, Sunesara

3Z1WSC9F1F5S9

Licensing Authority: *Westminster City Council*

Temporary Event Notice

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

I, the proposed premises user, hereby give notice under section 100 of the Licencing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Personal Details of Premises User <i>(Please read note 1)</i>		
1. Your name		
Title	First name	Last
Mr	Samirali	Sunesara
2. Previous names (if relevant)		
3. Your date of birth		03/04/1981
4. Your place of birth		Gujarat India
5. National Insurance number		SG944472A
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)		
Cumberland Food & Wine 11 Great Cumberland Place London		
		Postcode W1H 7AL
7. Other contact details		
Telephone numbers		
Daytime	02070420417	
Mobile (optional)		
Email address	rpeermamode@tandtp.com	

Licensing Authority: *Westminster City Council*

Ref:

8. Alternative address for correspondence (Address for correspondence associated with this application, if different to the previous address)

Thomas & Thomas Partners Llp
38A Monmouth Street
London

Postcode
WC2H 9EP

9. Alternative contact details (if applicable)

Title	Mr	
First name	Ryan	
Last name	Peermamode	
Telephone numbers		
Daytime	02070420417	
Mobile (optional)		
E-Mail address (optional)	rpeermamode@tandtp.com	

The Premises

Please select the address of the premises where you intend to carry out the licensable activities. If there is no address please select the street record in the address lookup and supply further details of the location (including ordnance Survey references) (Please read note 2). [Search for address](#)

11 Great Cumberland Place
London

W1H 7AL

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	16/14114/LIPVM					
Additional address information						
Do you intend to use the whole of the premises at this address (Please read note 3) (If no, please give a description and details below)		<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No					
<input checked="" type="checkbox"/>	<input type="checkbox"/>					

Please describe the nature of the premises below. (Please read note 4)

Shop

Please describe the nature of the event below. (Please read note 5)

Seasonal extension of permitted hours

All relevant conditions of the premises licence shall remain in effect during TEN

Licensing Authority: **Westminster City Council**

Ref:

The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the date and times on which you intend to use these premises for licensable activities. (Please read note 9) Please give times in 24 hour clock. eg. 19:00. (Please read note 10) How many days will your event cover?

Start date **05/08/2017** Time **23:00** End date **05/08/2017** Time **23:59**

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

25

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)

On the premises only
Off the premises only
Both

☒

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 13)

Personal licence holders (please read note 14)

		Yes	No
Do you currently hold a valid personal licence? (please mark an "X" in the box that applies to you)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide the details of your personal licence below.	Issuing licensing authority	London Borough Of Hounslow	
	Licence number	H04300	
	Date of issue	24/02/2015	
	Date of expiry		
	Any further relevant details		

Previous Temporary Event Notices you have given (please read note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
State the number of temporary event notices you have given for events in that same calendar year	3	
Have you already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(please mark an "X" in the box that applies to you)		

Licensing Authority: *Westminster City Council*

Ref:

Associates and business colleagues (*please read note 16*)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No
		✓
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or		✓
b) begins 24 hours or less after the event period proposed in this notice?		
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No
		✓
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or		✓
b) begins 24 hours or less after the event period proposed in this notice?		

Condition (*please read note 17*)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declarations (please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place an that a person is liable on conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.

Please tick the box if you agree with the declarations above.

☒

Date	13/06/2017
Name of person signing	Mr Ryan Peermamode

To enable the consultee's to fully assess your notice, we strongly recommend you upload an event management plan or Police 696 form

For events held outside, please upload a plan of the area.

Samirali, Sunesara

60VF8FXC6KMJ8



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12 Part A

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

Premises licence

Regulation 33, 34

Premises licence number:

16/14114/LIPVM

Original Reference:

05/10250/LIPC

Part 1 – Premises details

Postal address of premises:

Cumberland Food & Wine
11 Great Cumberland Place
London
W1H 7AL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Unrestricted

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Unrestricted

Late Night Refreshment

Monday to Sunday:

23:00 to 01:00 (Off sales)

Sale by Retail of Alcohol

Monday to Saturday:

08:00 to 23:00 (Off sales)

Monday to Saturday:

10:00 to 23:00 (On sales)

Sunday:

10:00 to 22:30 (Off sales)

Sunday:

12:00 to 22:30 (On sales)

The opening hours of the premises:

Monday to Sunday:

08:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Chelsea Food And Wine Company Limited
276 Preston Road
Harrow
Middlesex
HA3 0QA

Registered number of holder, for example company number, charity number (where applicable)

05729781

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Samirali Shaukatali Sunesara

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: H04300
Licensing Authority: London Borough Of Hounslow

Date: _____ 14 June 2017 _____

This licence has been authorised by Mr Daniel Ferrer on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.

- (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.
- (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.
- (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.

Annex 2 – Conditions consistent with the operating Schedule

9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.
10. Hot food and/or hot drink sold between 23:00 and 01:00 shall be for consumption off the premises (take away) only.
11. The licence holder shall ensure that the number of persons permitted in the premises between 23:00 and 01:00 at any one time (excluding staff) shall not exceed 20 persons.
12. 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.
13. The minor variation application shall have no effect until the premises have 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.

Annex 3 – Conditions attached after a hearing by the licensing authority

14. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. 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 to residents and businesses in the vicinity.
17. 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.
18. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
19. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
20. 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
21. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
22. The sale of alcohol for consumption on the premises shall not commence until 10:00 Monday to Saturday and 12:00 on Sunday.
23. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
24. 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 preceding 31 day period.
25. 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.

26. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
27. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
28. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
32. 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.
33. All tables and chairs shall be removed from outside the premises by 23.00 hours.
34. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
37. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
38. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
39. 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.
40. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
41. 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 premises is open.
42. 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.

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

**Schedule 12
Part B**

**WARD: Bryanston And
Dorset Square
UPRN: 200001911787**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

16/02975/LIPDPS

Part 1 – Premises details

Postal address of premises:

Cumberland Food & Wine
11 Great Cumberland Place
London
W1H 7AL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Late Night Refreshment

Monday to Sunday: 23:00 to 01:00 (Off sales)

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00 (Off sales)

Monday to Saturday: 10:00 to 23:00 (On sales)

Sunday: 10:00 to 22:30 (Off sales)

Sunday: 12:00 to 22:30 (On sales)

The opening hours of the premises:

Monday to Sunday: 08:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Chelsea Food And Wine Company Limited
276 Preston Road
Harrow
Middlesex
HA3 0QA

Registered number of holder, for example company number, charity number (where applicable)

05729781

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Samirali Shaukatali Sunesara

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: _____ 14 June 2017 _____

This licence has been authorised by Mr Daniel Ferrer on behalf of the Director - Public Protection and Licensing.

Consultee Comments for Licensing Application 17/06445/LITENP

Application Summary

Application Number: 17/06445/LITENP

Address: 11 Great Cumberland Place London W1H 7AL

Proposal: TEN Personal Licence Holder

Case Officer: Miss Jessica Donovan

Consultee Details

Name: Mr Toby Janes

Address: Westminster City Hall, 64 Victoria Street, London SW1E 6QP

Email: tjanes@westminster.gov.uk

On Behalf Of: Metropolitan Police Service For TENs (for Licensing)

Comments

Dear Ryan

Temporary Events notices for 11 Cumberland Place (13 in Total)

With reference to the above, Police object to these Temporary Event Notices for the following reason:

Prevention of Crime and disorder.

We have concerns that the temporary events would undermine the crime and prevention objective and that the extension of hours to sell alcohol will have a negative impact on crime and disorder in the area.

If you have any questions please do not hesitate to contact me.

Kind regards

Toby

PC Toby JANES 1275CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 3347

Consultee Comments for Licensing Application 17/06451/LITENP

Application Summary

Application Number: 17/06451/LITENP
Address: 11 Great Cumberland Place London W1H 7AL
Proposal: TEN Personal Licence Holder
Case Officer: Miss Jessica Donovan

Consultee Details

Name: Mr Toby Janes
Address: Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Email: tjanes@westminster.gov.uk
On Behalf Of: Metropolitan Police Service For TENs (for Licensing)

Comments

Dear Ryan

Temporary Events notices for 11 Cumberland Place (13 in Total)

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If you have any questions please do not hesitate to contact me.

Kind regards

Toby

PC Toby JANES 1275CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 3347

APPENDIX D

ADDITIONAL INFORMATION FOR TEMPORARY EVENT NOTICES

1. TEMPORARY EVENT NOTICE PROCEDURE

- 1.1 Under s.100 (1) of the Licensing Act 2003 certain temporary events, which include licensable activities, are permitted under the Act if they are notified to the Council and the Police/Environmental Health by giving a 'Temporary Event Notice'. The notice must be given by the 'premises user' (usually the event organiser responsible for all aspects of the event).
- 1.2 Permitted temporary events are events that take place in any premises, open space or temporary structure. The event must consist of one or more licensable activities; and the premises must be used over a period of no longer than 168 hours, with no more than 499 people in attendance.
- 1.3 Licensable activities include the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment (hot food or drink supplied between 11pm and 5am).
- 1.4 The premises user must send two copies of the temporary event notice to the Council, one copy to the environmental health department and one copy to the police leaving at least 10 clear working days before the event is due to begin. The Council must acknowledge receipt of the temporary event notice by the next working day.

2. NOTICE OF OBJECTION BY POLICE/ENVIRONMENTAL HEALTH

- 2.1 If the Police/ Environmental Health are satisfied that the event would undermine one or more of the licensing objectives, they must give a notice of objection stating their reasons as to why an objective would be undermined to the Council and premises user within 3 working days of receipt of the notice.

3. HEARING PROCEDURE FOLLOWING NOTICE OF OBJECTION BY POLICE/ENVIRONMENTAL HEALTH

- 3.1 The Sub-Committee is being asked to consider the notice of objection and hear any oral evidence given by or on behalf of the premises user and the Police/Environmental Health.
- 3.2 The Sub-Committee must consider whether to give a counter notice to the temporary event notice given by the premises user if it considers it necessary for the promotion of the licensing objectives.
- 3.3 The Council must convene a hearing to consider the notice of objection and give at least two day's notice to the premises user and the police.
- 3.4 The Sub-Committee must either reject the notice of objection to allow the event to take place, or issue a counter notice to prevent the event from taking place, or where or, after hearing the objections, allow the notice but attach relevant conditions from the premises licence. Please note not all premises will hold a premises licence.

- 3.5 The Council must, where it decides not to give a counter notice, give the premises user and the Police/Environmental Health a notice of the decision at least 24 hours before the beginning of the event period specified in the temporary event notice.
- 3.6 Where the Council decides to give a counter notice, it must give the premises user the counter notice and the reasons for its decision; and a copy of the counter notice and the reason for its decision to the police, at least 24 hours before the beginning of the event period specified in the temporary event notice.

4. APPEAL

- 4.1 Schedule 5, Part 3 of the Licensing Act 2003 provides a right of appeal to the premises user against the giving of a counter notice, and a right of appeal to the chief officer of Police/Environmental Health where the Council decides not to give a counter notice. Such an appeal must be commenced within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.
- 4.2 No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

5. POLICY CONSIDERATIONS

- 5.1 The Westminster Statement of Licensing Policy for applications relating to premises and personal licences and temporary event notices made under the Licensing Act 2003 was determined for a three-year period commencing 7 January 2011. This contains no specific policy for Temporary Event Notices but urges longer periods of notice to be given for events which involve the use of the streets or necessitate the special management of traffic and services.