



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 30th April, 2015**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Jean Paul Floru (Chairman)  
Peter Freeman  
Rita Begum

**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 at City Hall from 9.00am. 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](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

The Head of Legal and Democratic Services to report any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

#### **Licensing Applications for Determination**

#### **1. BOUILLABASSE, BASEMENT AND GROUND FLOOR, 4 MILL STREET, W1**

**(Pages 1 - 50)**

| App No | Ward/ Stress Area             | Site Name and Address                                       | Application | Licensing Reference Number |
|--------|-------------------------------|---|-------------|----------------------------|
| 1.     | West End / not in stress area | Bouillabaisse, Basement And Ground Floor, 4 Mill Street, W1 | Variation   | 15/01491/LIPV              |

**2. WEST 9 FOOD & STORES, BASEMENT AND GROUND FLOOR, 350 HARROW ROAD, W9**

**(Pages 51 - 100)**

| App No | Ward/ Stress Area               | Site Name and Address  | Application | Licensing Reference Number |
|--------|---------------------------------|--|-------------|----------------------------|
| 2.     | Westbourne / not in stress area | West 9 Food & Stores, Basement And Ground Floor, 350 Harrow Road, W9 | Review      | 15/01317/LIRE VP           |

**Peter Large**  
**Head of Legal & Democratic Services**  
**24 April 2015**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

### **PERMITTED TEMPORARY ACTIVITIES**

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

## **LIVE MUSIC ACT 2012**

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

## **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES**

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**15/01491/LIPV**

Date:

**30 April 2015**

Classification:

**For General Release**

Title of Report:

**Bouillabaisse  
Basement And Ground Floor  
4 Mill Street  
London**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Mrs Sumeet Anand-Patel  
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 2737  
E-mail: sanandpatel@westminster.gov.uk**

## APPLICATION DETAILS

|                                   |  |                                   |                  |
|-----------------------------------|--|-----------------------------------|------------------|
| <b>Application Type:</b>          | Variation of a premises licence application under the Licensing Act 2003.  |                                   |                  |
| <b>Applicant:</b>                 | NZR Limited  | <b>Date Application Received:</b> | 26 February 2015 |
| <b>Premises Name and Address:</b> | Bouillabaisse<br>Basement and Ground Floor<br>4 Mill Street<br>London<br>W1S 2AX   |                                   |                  |
| <b>Ward Name:</b>                 | West End   | <b>Stress Area:</b>               | No               |
| <b>Description of Premises:</b>   | The premises are to operate as restaurant on ground floor and basement level.  |                                   |                  |
| <b>Variation Description:</b>     | <ul style="list-style-type: none"> <li>• To change the name of the premises to Bouillabaisse</li> <li>• To change the layout of the premises (limited to the basement only):               <ol style="list-style-type: none"> <li>1. relocate dispense bar and install new fixed seating in ground floor and install new fixed table and fish tanks in basement and refurbish kitchen areas</li> <li>2. add new office space in basement</li> </ol> </li> <li>• To permit a start time for the supply of alcohol of 08.00 Monday to Saturday and 09.00 on Sunday.</li> </ul> |                                   |                  |

### Proposed Licensable Activities and Proposed Hours:

| <u>Licensable activities permitted under the existing Premises Licence 14/0222/LIPT</u>   | <u>Variation to Licensable Activities</u>  |
|---|--|
| <b>Regulated Entertainment:</b><br><br><b>Playing of Recorded Music:</b> Unrestricted<br><br><b>Private entertainment consisting of dancing, music or other entertainment of a like kind of consideration and with a view to profit:</b> Unrestricted | <b>Regulated Entertainment:</b><br><br>No variation applied for<br><br>No variation applied for                          |
| <b>Late Night Refreshment: Indoors</b><br><br>Monday to Saturday: 10:00 to 00:30<br>Sunday 12:00 to 00:00   | <b>Late Night Refreshment: Indoors</b><br><br>No variation applied for   |
| <b>Sale of Alcohol: On the premises</b><br><br>Monday to Saturday: 10:00 to 00:00<br>Sunday 12:00 to 23:30  | <b>Sale of Alcohol: On the premises</b><br><br>Monday to Saturday: <b>08:00</b> to 00:00<br>Sunday <b>09:00</b> to 23:30 |



|   |  |
|---|--|
| <p><b>Capacity</b></p> <p>None stated on the licence</p>  | <p><b>Capacity</b></p> <p><u>Proposed by EH and agreed with the applicant</u></p> <p>The number of persons accommodated at one time (excluding staff) shall not exceed; Basement – 30, with no more than 60 persons within the premises at any one time.</p> |
| <p><b>Opening Hours</b></p> <p>Monday to Saturday: 10:00 to 00:30<br/>Sunday 12:00 to 00:00</p> | <p><b>Opening Hours</b></p> <p>Monday to Saturday: <b>08:00</b> to 00:30<br/>Sunday <b>09:00</b> to 00:00</p>  |

**Variation of Layout:**

To change the layout of the premises

- relocate dispense bar on ground floor
- install new fixed seating in ground floor
- install new fixed table and fish tanks and refurbish kitchen areas in basement
- add new office space in basement

**1. Relevant representations**

- 1.1 The Environmental Health Service made an adverse representation against this application however following the applicant's agreement to a capacity condition (attached at Appendix B) Environmental Health withdrew their representation.
- 1.2 A local resident has made an adverse representation against the application on the grounds Public Nuisance.

**2. Policies Applicable**

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

**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 RNT1 applies:**

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

**3. Summary**

- 3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

4.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix B to this report.

#### 4. Current Licensing Position

These premises currently hold a Premises Licence 14/0222/LIPT. Full licence history can be found in **Appendix A**.

#### 5. Residential Density

36 units within a 75m radius of the premises are residential or proposed residential or under construction, refer to **Appendix C**.

#### 6. List of Appendices

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

#### 7. Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Proposed Plans
- Existing Premise Licence
- Representations received
- Photos

## Licence &amp; Appeal History

| Application                                    | Details of Application                                   | Date Determined | Decision   |
|--|--|-----------------|--|
| Conversion Application<br><b>05/08119/LIPC</b> | Application to convert the                               | 15.09.2005      | Granted Under Delegated Authority  |
| .Transfer Application<br>1/06454/LIPT          | Application to transfer the application                  | 03.10.2012      | Granted Under Delegated Authority  |
| Minor Variation Application<br>12/07365/LIPVM  | Application to   | 11.09.2012      | Granted Under Delegated Authority  |
| DPS Variation<br>12/07969/LIPDPS               | Application to vary the designated premises supervisor   | 03.10.2012      | Granted Under Delegated Authority  |
| Removal of DPS<br>13/04273/LIDPSR              | Application to remove the designated premises supervisor | 01.07.2013      | Granted Under Delegated Authority  |
| DPs Variation<br>13/04407/LIPDPS               | Application to vary the designated premises supervisor   | 02.07.2013      | Granted Under Delegated Authority  |
| Transfer Application<br>14/0222/LIPT           | Application to transfer the licence                      | 11.04.2014      | Granted Under Delegated Authority  |
| Transfer Application<br>15/00959/LIPT          | Application to transfer the licence                      | 16.04.2015      | Granted Under Delegated Authority<br><br>Note: This licence shall be upon determination on the current variation |
| Variation Application<br>15/01491/LIPV         | Current Variation  |                 | Pending  |
| DPS Variation<br>15/01556/LIPDPS               | Application to vary the designated premises supervisor   | Pending         |  |

**There is no appeal history**

*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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions on Current Licence:**

**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 hold a personal licence.
4. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (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;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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; and
  - (b) customers are made aware of the availability of these measures.

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.

## Conditions for Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed area.

## Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

## Conditions for Sale of alcohol

11. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30
  - (c) On Christmas Day: 12.00 to 22.30
  - (d) On New Year's Eve, except on a Sunday, 10.00 to 23.00
  - (e) On New Year's Eve on a Sunday, 12.00 to 22.30
  - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

11. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

**Condition proposed by EH and agreed with the applicant:**

13. The number of persons accommodated at one time (excluding staff) shall not exceed; Basement – 30, with no more than 60 persons within the premises at any one time.

***Upon determination of this application, conditions 1 to 8 above shall be replaced with condition 1 to 8 below:***

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 -

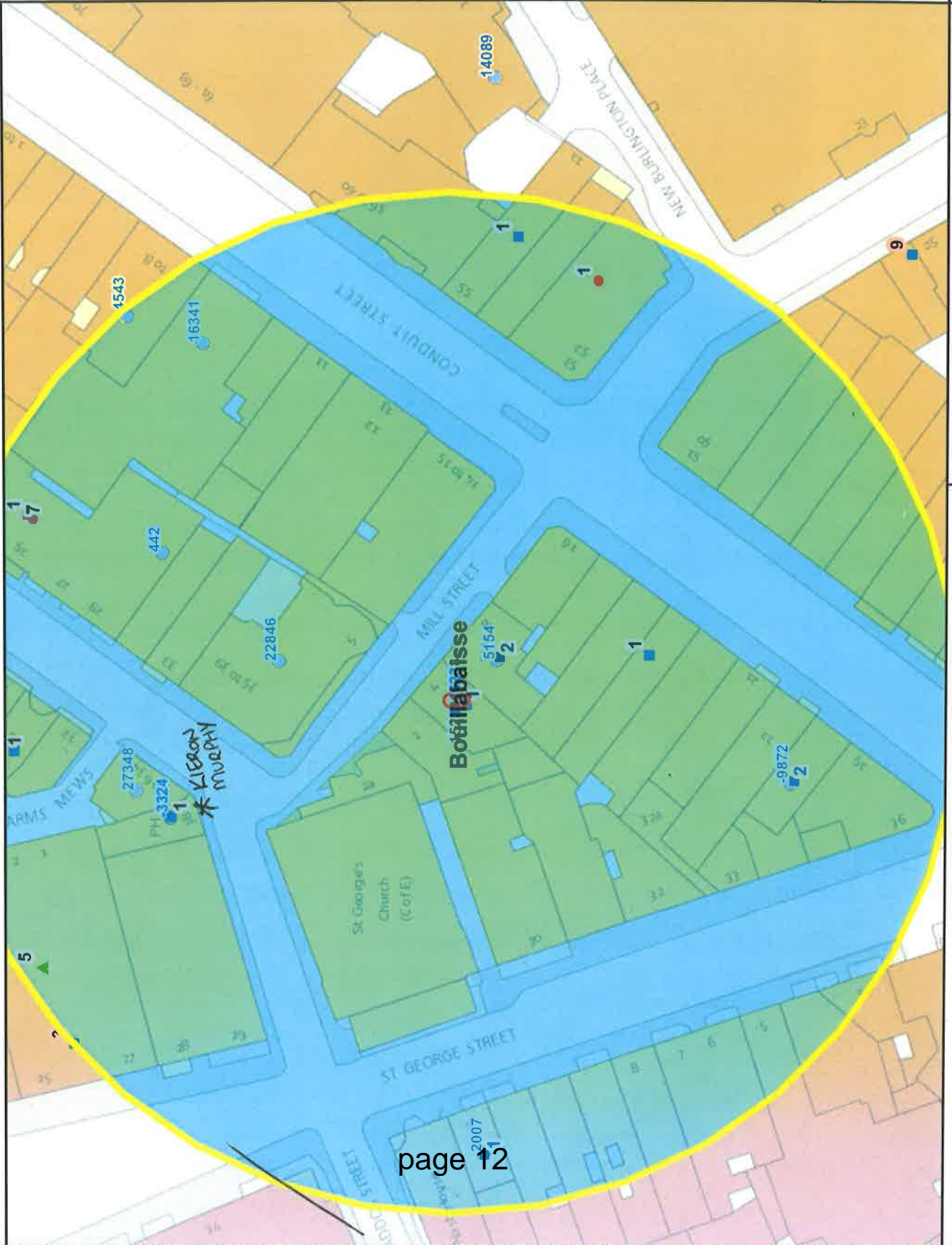


- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged 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.



# Bouilabaisse, 4 Mill Street, London W1S

APPENDIX C



36

Residential /  
Proposed  
Residential

Under  
Construction

Other Uses

Proportion  
Residential  
of all Uses

Not Known



# **BACKGROUND PAPERS**

[Insert name and address of relevant licensing authority and its reference number (optional)]

PREMISES MANAGEMENT LICENSING SERVICE  
26 FEB 2015  
CITY OF WESTMINSTER

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We NZR Ltd  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 15/00959/LIPT

Part 1 - Premises Details

|  |        |          |         |
|--|--------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description |        |          |         |
| Bouillabaisse (formerly Bo)<br>4 Mill Street   |        |          |         |
| Post town  | London | Postcode | W1S 2AX |

|   |         |
|---|---------|
| Telephone number at premises (if any)   |         |
| Non-domestic rateable value of premises | £76,000 |

Part 2 - Applicant details

|   |          |
|---|----------|
| Daytime contact telephone number                          |          |
| E-mail address (optional)                                 |          |
| Current postal address if different from premises address |          |
| Post town   | Postcode |

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes

No

If not, from what date do you want the variation to take effect?

| DD |   | MM |   | YYYY |   |   |   |
|----|---|----|---|------|---|---|---|
| ↓  | ↓ | ↓  | ↓ | ↓    | ↓ | ↓ | ↓ |

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

To change the name of the premises to Bouillabaisse  
To change the layout of the premises – relocate dispense bar and install new fixed seating in ground floor and install new fixed table and fish tanks in basement and refurbish kitchen areas.  
Add new office space in basement.

To permit a start time for the supply of alcohol of 08.00 Monday to Saturday and 09.00 on Sunday

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

|   |       |        |  |          |                          |
|---|-------|--------|--|----------|--------------------------|
| Plays<br>Standard days and timings<br>(please read guidance note 6) |       |        | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)   | Indoors  | <input type="checkbox"/> |
|   |       |        |  | Outdoors | <input type="checkbox"/> |
|   |       |        |  | Both     | <input type="checkbox"/> |
| Day   | Start | Finish | <u>Please give further details here</u> (please read guidance note 3)  |          |                          |
| Mon   |       |        |  |          |                          |
|   |       |        | <u>State any seasonal variations for performing plays</u> (please read guidance note 4)  |          |                          |
| Tue   |       |        |  |          |                          |
|   |       |        | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |          |                          |
| Wed   |       |        |  |          |                          |
|   |       |        |  |          |                          |
| Thur  |       |        |  |          |                          |
|   |       |        |  |          |                          |
| Fri   |       |        |  |          |                          |
|   |       |        |  |          |                          |
| Sat   |       |        |  |          |                          |
|   |       |        |  |          |                          |
| Sun   |       |        |  |          |                          |



B

|   |       |        |   |          |                          |
|---|-------|--------|---|----------|--------------------------|
| Films<br>Standard days and timings<br>(please read guidance note 6) |       |        | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)  | Indoors  | <input type="checkbox"/> |
|   |       |        |   | Outdoors | <input type="checkbox"/> |
|   |       |        |   | Both     | <input type="checkbox"/> |
| Day   | Start | Finish | <u>Please give further details here</u> (please read guidance note 3)   |          |                          |
| Mon   |       |        |   |          |                          |
| Tue   |       |        |   |          |                          |
| Wed   |       |        | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)  |          |                          |
| Thur  |       |        |   |          |                          |
| Fri   |       |        | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |          |                          |
| Sat   |       |        |   |          |                          |
| Sun   |       |        |   |          |                          |

C

|  |       |        |   |
|--|-------|--------|---|
| Indoor sporting events<br>Standard days and timings<br>(please read guidance note 6) |       |        | Please give further details (please read guidance note 3)   |
| Day  | Start | Finish |   |
| Mon  |       |        | State any seasonal variations for indoor sporting events (please read guidance note 4)  |
|  |       |        |   |
|  |       |        |   |
| Tue  |       |        | State any seasonal variations for indoor sporting events (please read guidance note 4)  |
|  |       |        |   |
|  |       |        |   |
| Wed  |       |        | State any seasonal variations for indoor sporting events (please read guidance note 4)  |
|  |       |        |   |
|  |       |        |   |
| Thur   |       |        | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
|  |       |        |   |
|  |       |        |   |
| Fri  |       |        | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
|  |       |        |   |
|  |       |        |   |
| Sat  |       |        | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
|  |       |        |   |
|  |       |        |   |
| Sun  |       |        | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
|  |       |        |   |
|  |       |        |   |

D

|  |                          |        |   |          |                          |  |  |  |
|--|--------------------------|--------|---|----------|--------------------------|--|--|--|
| Boxing or wrestling entertainments<br>Standard days and timings<br>(please read guidance note 6) |                          |        | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors  | <input type="checkbox"/> |  |  |  |
|  |                          |        |   | Outdoors | <input type="checkbox"/> |  |  |  |
| Both   | <input type="checkbox"/> |        |   |          |                          |  |  |  |
| Day  | Start                    | Finish | Please give further details here (please read guidance note 3)  |          |                          |  |  |  |
| Mon  |                          |        |   |          |                          |  |  |  |
| Tue  |                          |        |   |          |                          |  |  |  |
| Wed  |                          |        |   |          |                          | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)  |  |  |
| Thur   |                          |        |   |          |                          |  |  |  |
| Fri  |                          |        |   |          |                          | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) |  |  |
| Sat  |                          |        |   |          |                          |  |  |  |
| Sun  |                          |        |   |          |                          |  |  |  |

E

|  |       |        |  |          |                          |
|--|-------|--------|--|----------|--------------------------|
| Live music<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)  | Indoors  | <input type="checkbox"/> |
|  |       |        |  | Outdoors | <input type="checkbox"/> |
|  |       |        |  | Both     | <input type="checkbox"/> |
| Day  | Start | Finish | Please give further details here (please read guidance note 3)   |          |                          |
| Mon  |       |        |  |          |                          |
| Tue  |       |        | State any seasonal variations for the performance of live music (please read guidance note 4)  |          |                          |
| Wed  |       |        |  |          |                          |
| Thur   |       |        | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) |          |                          |
| Fri  |       |        |  |          |                          |
| Sat  |       |        |  |          |                          |
| Sun  |       |        |  |          |                          |

F

|  |       |        |   |          |                          |
|--|-------|--------|---|----------|--------------------------|
| Recorded music<br>Standard days and timings<br>(please read guidance note 6) |       |        | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>  | Indoors  | <input type="checkbox"/> |
|  |       |        |   | Outdoors | <input type="checkbox"/> |
|  |       |        |   | Both     | <input type="checkbox"/> |
| Day  | Start | Finish | <u>Please give further details here (please read guidance note 3)</u>   |          |                          |
| Mon  |       |        |   |          |                          |
| Tue  |       |        | <u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>  |          |                          |
| Wed  |       |        |   |          |                          |
| Thur   |       |        | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> |          |                          |
| Fri  |       |        |   |          |                          |
| Sat  |       |        |   |          |                          |
| Sun  |       |        |   |          |                          |

G

|  |       |        |  |  |          |                          |
|--|-------|--------|--|--|----------|--------------------------|
| <b>Performances of dance</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)  |  | Indoors  | <input type="checkbox"/> |
|  |       |        |  |  | Outdoors | <input type="checkbox"/> |
| Day  | Start | Finish |  |  |          |                          |
| Mon  |       |        | <u>Please give further details here</u> (please read guidance note 3)  |  |          |                          |
| Tue  |       |        |  |  |          |                          |
| Wed  |       |        | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)  |  |          |                          |
| Thur   |       |        |  |  |          |                          |
| Fri  |       |        | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |  |          |                          |
| Sat  |       |        |  |  |          |                          |
| Sun  |       |        |  |  |          |                          |

H

|   |       |        |  |          |                          |
|---|-------|--------|--|----------|--------------------------|
| <p><b>Anything of a similar description to that falling within (e), (f) or (g)</b><br/> <b>Standard days and timings</b><br/>         (please read guidance note 6)</p> |       |        | <p>Please give a description of the type of entertainment you will be providing</p>  |          |                          |
| Day   | Start | Finish | <p><b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)</p>   | Indoors  | <input type="checkbox"/> |
| Mon   |       |        |  | Outdoors | <input type="checkbox"/> |
|   |       |        |  | Both     | <input type="checkbox"/> |
| Tue   |       |        | <p><b>Please give further details here</b> (please read guidance note 3)</p>   |          |                          |
| Wed   |       |        |  |          |                          |
| Thur  |       |        | <p><b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)</p>  |          |                          |
| Fri   |       |        |  |          |                          |
| Sat   |       |        | <p><b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)</p> |          |                          |
| Sun   |       |        |  |          |                          |

I

|   |              |               |  |          |                          |
|---|--------------|---------------|--|----------|--------------------------|
| <b>Late night refreshment</b><br>Standard days and timings<br>(please read guidance note 6) |              |               | <b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2)  | Indoors  | <input type="checkbox"/> |
|   |              |               |  | Outdoors | <input type="checkbox"/> |
|   |              |               |  | Both     | <input type="checkbox"/> |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>Please give further details here</b> (please read guidance note 3)  |          |                          |
| Mon   |              |               |  |          |                          |
| Tue   |              |               |  |          |                          |
| Wed   |              |               | <b>State any seasonal variations for the provision of late night refreshment</b><br>(please read guidance note 4)  |          |                          |
| Thur  |              |               |  |          |                          |
| Fri   |              |               | <b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5) |          |                          |
| Sat   |              |               |  |          |                          |
| Sun   |              |               |  |          |                          |



J

| <b>Supply of alcohol</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)  | On the premises  | <input checked="" type="checkbox"/> |
|--|-------|--------|---|------------------|-------------------------------------|
|  |       |        |   | Off the premises | <input type="checkbox"/>            |
|  |       |        |   | Both             | <input type="checkbox"/>            |
| Day  | Start | Finish | <b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)<br><br>No changes to New Year hours  |                  |                                     |
| Mon  | 08.00 | 00.00  |   |                  |                                     |
| Tue  | 08.00 | 00.00  |   |                  |                                     |
| Wed  | 08.00 | 00.00  |   |                  |                                     |
| Thur   | 08.00 | 00.00  |   |                  |                                     |
| Fri  | 08.00 | 00.00  |   |                  |                                     |
| Sat  | 08.00 | 00.00  |   |                  |                                     |
|  |       |        | <b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) |                  |                                     |
| Sun  | 09.00 | 23.30  |   |                  |                                     |
|  |       |        |   |                  |                                     |

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).

L

|  |       |        |   |
|--|-------|--------|---|
| <b>Hours premises are open to the public</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b>State any seasonal variations</b> (please read guidance note 4)<br><br><br><br><br><br><br><br><br><br><br><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5) |
| Day  | Start | Finish |   |
| Mon  | 08.00 | 00.30  |   |
|  |       |        |   |
| Tue  | 08.00 | 00.30  |   |
|  |       |        |   |
| Wed  | 08.00 | 00.30  |   |
|  |       |        |   |
| Thur   | 08.00 | 00.30  |   |
|  |       |        |   |
| Fri  | 08.00 | 00.30  |   |
|  |       |        |   |
| Sat  | 08.00 | 00.30  |   |
|  |       |        |   |
| Sun  | 09.00 | 00.00  |   |
|  |       |        |   |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Licence with the Council following application for transfer on 4<sup>th</sup> February

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

No additional steps required

**b) The prevention of crime and disorder**

No additional steps required

**c) Public safety**

No additional steps required

**d) The prevention of public nuisance**

No additional steps required

**e) The protection of children from harm**

No additional steps required

Checklist:

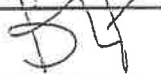
Please tick to indicate agreement

- I have made or enclosed payment of the fee. [✓]
- I have sent copies of this application and the plan to responsible authorities and others where applicable. [✓]
- I understand that I must now advertise my application. [✓]
- I have enclosed the premises licence or relevant part of it or explanation. [✓]
- I understand that if I do not comply with the above requirements my application will be rejected. [✓]

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

|           |  |
|-----------|--|
| Signature |  |
| Date      | 26th February 2015   |
| Capacity  | Solicitors for applicant   |

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

|   |        |                  |          |
|---|--------|------------------|----------|
| <b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b> |        |                  |          |
| BLP<br>Adelaide House<br>London Bridge  |        |                  |          |
| <b>Post town</b>  | London | <b>Post code</b> | EC4R 9HA |
| <b>Telephone number (if any)</b>  |        |                  |          |
| <b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>  |        |                  |          |

### Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Schedule 12  
Part A

WARD: West End  
UPRN: 010033538278

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

**Premises licence**

Regulation 33, 34

**Premises licence number:**

14/02222/LIPT

**Original Reference:**

05/08119/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Bo London  
Basement And Ground Floor  
4 Mill Street  
London  
W1S 2AX

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
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

**Late Night Refreshment**

Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Mr Cameron Gunn / Mr Simon Harris / Mr Mark Supperstone  
Resolve Group LLP  
One America Square  
London  
EC3N 2LB

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

N/A

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

**Name:** Grahame Burden

*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:** 2705  
**Licensing Authority:** London Borough Of Ealing

**Date:** 11 April 2014

**Signed:** pp



**Operational Director - Premises Management**



## 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 hold a personal licence.
4.
  - (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
 (2) 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 a holographic mark.
8. The responsible person shall 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; and
  - (b) customers are made aware of the availability of these measures.

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.

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed area.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

**Conditions for Sale of alcohol**

11. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30
  - (c) On Christmas Day: 12.00 to 22.30
  - (d) On New Year's Eve, except on a Sunday, 10.00 to 23.00
  - (e) On New Year's Eve on a Sunday, 12.00 to 22.30

- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 11. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- 12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

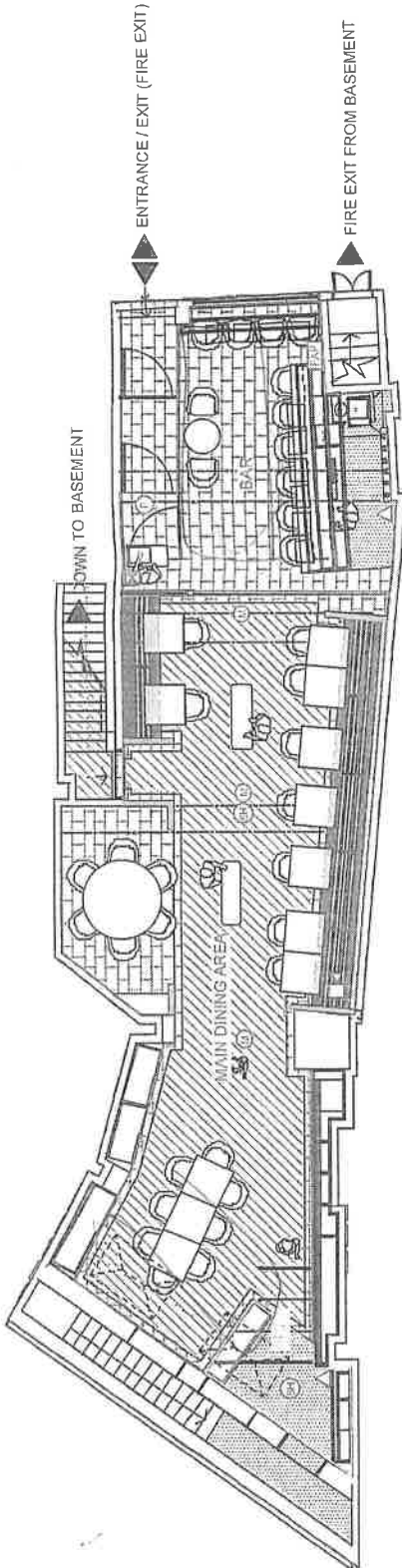
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Annex 4 – Plans**

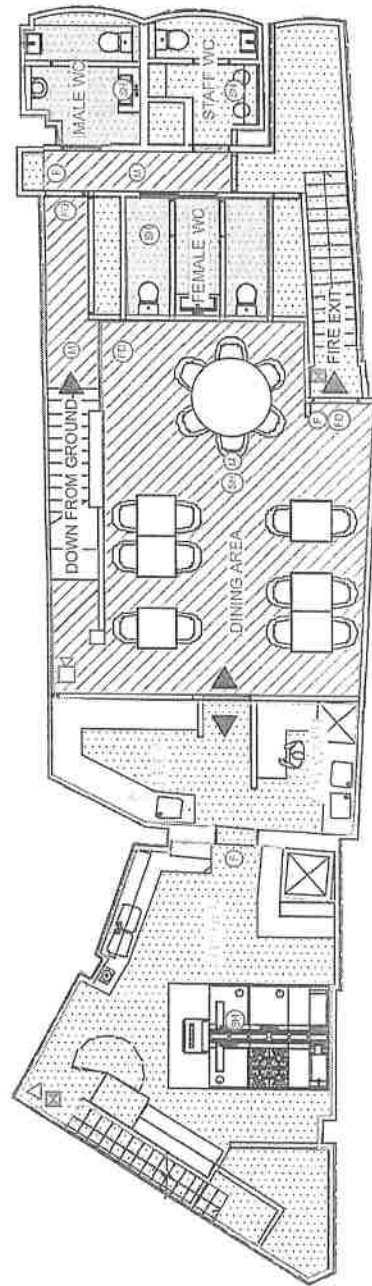
Attached

|   |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|
|   |  |  |  |  |  |  |  |
| <p>The architect warrants that all information provided in these drawings is true and correct to the best of his knowledge and belief. The architect shall not be responsible for any errors or omissions in these drawings, including any omissions in the schedule of materials, finishes, and furniture. The architect shall not be responsible for any errors or omissions in the schedule of materials, finishes, and furniture. The architect shall not be responsible for any errors or omissions in the schedule of materials, finishes, and furniture.</p> |  |  | <p><b>NOTE:</b><br/>ALL DRAWINGS TO BE READ IN CONJUNCTION WITH THE SCHEDULE FOR MATERIAL FINISHES &amp; FURNITURE</p> |  |  | <p><b>INFORMATION ONLY.</b><br/>CONTRACTOR TO CONFIRM MEASUREMENTS AND FEASIBILITY</p> |  |
|    |  |  |  |  |  |  |  |
| <p>Project: <b>Bo Innovations</b></p> <p>Architect: <b>Alvin Leung</b></p> <p>Ground &amp; Basement Layout<br/>LA2203</p>   |  |  |  |  |  |  |  |
| <p>Scale: 1:100 @ A3</p> <p>Date: 14/06/12</p>  |  |  |  |  |  |  |  |



1 BO LONDON - GROUND FLOOR  
Scale: 1:100

|   |   |
|---|---|
| <p><b>KEY</b></p>   |   |
| ---   | EXTENT OF BOUNDARY OF THE PREMISES                |
| ---   | DENOTES AREA TO BE USED FOR LICENSABLE ACTIVITIES |
| ---   | FIXED BANQUETTE SEATING                           |
| ---   | FIXED PREP AREA                                   |
| ---   | FIXED PARTITION WALL                              |
| ---   | KITCHEN   |
| ⊠   | ALARM PANEL                                       |
| △   | FIRE EXTINGUISHER                                 |
| ⊙   | SMOKE/HEAT DETECTOR                               |
| ⊠   | ALARM CALL POINT                                  |
| ⊠   | SOUNDER   |
| ⊠   | FIRE DOOR   |
| ⊠   | EMERGENCY EXIT LUMINAIRE                          |
| ⊠   | EMERGENCY LUMINAIRE                               |
| <p>THE POSITION OF FIRE AND SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITIONS AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY</p> |   |
| <p><b>PLEASE NOTE:</b><br/>LOCATION OF MOVABLE FURNITURE FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE</p>   |   |



2 BO LONDON - LOWER GROUND  
Scale: 1:100

---

TO Mrs Sumeet Anand-Patel

REFERENCE 15/01491/LIPV

---

FROM EH Consultation Team  
BEING DEALT WITH BY Cliona Coleman (ccoleman@westminster.gov.uk)  
TELEPHONE 020 7641 6830  
DATE 16<sup>th</sup> March 2014

---

**The Licensing Act 2003**

**Bouillabaisse, Basement And Ground Floor, 4 Mill Street London W1S 2AX**

I refer to the application for variation of the premises licence 14/02222/LIPT

This representation is based on the operating schedule and plans submitted BOU001\_111 dated 23/11/2014.

The applicant is seeking the following:

1. Change of name to Bouillabaisse
2. Change of layout- relocate dispense bar and install new fixed seating in ground floor and install new fixed table and fish tanks in basement and refurbish kitchen areas.
3. To vary the start time for supply of alcohol to 08:00 hours Monday- Saturday and 09:00 hours Sunday.

I wish to make the following representation:

1. No objection
2. Representation is made to the change of layout- relocate dispense bar and install new fixed seating in ground floor and install new fixed table and fish tanks in basement and refurbish kitchen areas as it will impact on Public Safety in the area.
3. Representation is made to variation of the start time for supply of alcohol to 08:00 hours Monday- Saturday and 09:00 hours Sunday as it will have the likely effect of causing an increase in Public Nuisance in the area.

Should you wish to discuss the matter further please do not hesitate to contact me.

Cliona Coleman  
Environmental Health Consultation Team



14/04/2015 11:04:23

From: "Coleman, Cliona" </O=CITYOFWESTMINSTER/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCOLEMAN>  
Sent: 26/03/2015 16:37:39  
To: "Anand-Patel, Sumeet" </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=SANAND>  
Subject: RE: Bouillabaisse, Basement And Ground Floor CONS.doc

Environmental Health is now in a position to withdraw the representation  
Thanking you.

Cliona Coleman

Environmental Health Officer  
EH Consultation Team

Premises Management

T: 020 7641 6830

E: ccoleman@westminster.gov.uk <mailto:dhine@westminster.gov.uk>

Please consider your environmental responsibilities before printing this email!

From: Craig Baylis [mailto:Craig.Baylis@blplaw.com]  
Sent: 26 March 2015 15:25  
To: Coleman, Cliona; Anand-Patel, Sumeet  
Subject: RE: Bouillabaisse, Basement And Ground Floor CONS.doc

Thanks Cliona

We are happy to amend the application to include this condition.

Craig Baylis | Berwin Leighton Paisner LLP  
Partner

Direct Dial:

+44 (0)20 3400 2326

Main:

+44 (0)20 3400 1000

Mobile:

+44 (0)7738-037319

Email:

Craig.Baylis@blplaw.com <mailto:Craig.Baylis@blplaw.com>

Web:

www.blplaw.com

C:\Users\sanand\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\00RS2FVH\3715510[1].msg

From: Coleman, Cliona [mailto:ccoleman@westminster.gov.uk]  
Sent: 26 March 2015 15:20  
To: Craig Baylis; Anand-Patel, Sumeet  
Subject: Bouillabaisse, Basement And Ground Floor CONS.doc

Hi Craig,

Following out meeting yesterday- please see attached proposed EH condition

Let me know if this is agreed.

Cliona Coleman

Environmental Health Officer  
EH Consultation Team

Premises Management

T: 020 7641 6830

E: ccoleman@westminster.gov.uk <mailto:dhine@westminster.gov.uk>

Please consider your environmental responsibilities before printing this email!

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Find out more at <https://www.westminster.gov.uk/register-to-vote>

If you have a business in Westminster, we can take care of your commercial waste or recycling.  
Visit <http://cleanstreets.westminster.gov.uk> or call 020 7641 6180.

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Westminster City Council: [www.westminster.gov.uk](http://www.westminster.gov.uk)

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DX 92 London/Chancery Lane  
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: [www.blplaw.com](http://www.blplaw.com)  
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TO Mrs Sumeet Anand-Patel

REFERENCE 15/01491/LIPV

---

FROM EH Consultation Team  
BEING DEALT WITH BY Cliona Coleman (ccoleman@westminster.gov.uk)  
TELEPHONE 020 7641 6830  
DATE 26<sup>th</sup> March 2014

---

Bouillabaisse, Basement And Ground Floor, 4 Mill Street London W1S 2AX  
Environmental Health Proposed Conditions:

1. The number of persons accommodated at any one time (excluding staff) shall not exceed: Basement – 30, with no more than 60 persons within the premises at any one time.

Should you wish to discuss the matter further please do not hesitate to contact me.

Cliona Coleman  
Environmental Health Consultation Team

**Details of public representations relating to 15/01491/LIPV**

Comments received electronically via PublicAccess:

- **Mr kieron murphy - 38 Maddox Street, London, W1S 1PY**  
**Received: 6 Mar 2015**  
**OBJECTION**

*2:20 PM on 06 Mar 2015 not happy with licence starting at 8am in the morning, as I feel this will attract un savoury customers to the premises and the surrounding area for which I live in. 8am & 9am sundays the noise this will generate re: parking, public noise (entering and leaving) also with parking restrictions on Mill Street this will cause more chaos with general traffic, taxi and tut tuts. I can see nothing but trouble with the granting of a liquor licence at 8am & 9am*





THE WINDMILL

YOUNG'S

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Nº4  
MAYFAIR

B  
HOTELS

NEW  
MAYFAIR







City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**15/01317/LIREVP**

Date:

**30 April 2015**

Classification:

**For General Release**

Title of Report:

**West 9 Food & Stores  
Basement And Ground Floor  
350 Harrow Road  
London**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Mr Ola Owojori  
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 7830  
E-mail: owojori@westminster.gov.uk**

## APPLICATION DETAILS

|                                   |   |                                   |                  |
|-----------------------------------|---|-----------------------------------|------------------|
| <b>Application Type:</b>          | A review of premises licence application under the Licensing Act 2003.  |                                   |                  |
| <b>Applicant:</b>                 | The Licensing Authority   | <b>Date Application Received:</b> | 24 February 2015 |
| <b>Premises Name and Address:</b> | West 9 Food & Stores<br>Basement And Ground Floor<br>350 Harrow Road  |                                   |                  |
| <b>Ward Name:</b>                 | Westbourne  | <b>Stress Area:</b>               | No               |
| <b>Description of Premises:</b>   | The premises operates as a convenience store and off licence  |                                   |                  |
| <b>GUIDANCE</b>                   | <p>Guidance issued under section 182 of the Licensing Act 2003 (Para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.</p> <p>As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.</p> |                                   |                  |

### 1. SUMMARY OF APPLICATION

- 1.1 An application submitted by the Licensing Authority for a review of the premises licence for West 9 Food & Stores, 350 Harrow Road, London, W9 2HP, was received on 24<sup>th</sup> February 2015 on the grounds of Prevention of Crime and Disorder. **Please see Annex A**
- 1.2 On 19<sup>th</sup> September 2014, during an operation by Her Majesty's Revenue & Customs, substantial quantity of alcohol were seized from the premises when it became apparent that Excise Duty had not been paid on the goods. This is an offence under the S 170 of the Customs and Excise management Act 1979 and S144 of the Licensing Act 2003.
- 1.3 The premises currently benefits from a premises licence that permits:

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

**Sale by Retail of Alcohol (Off Sales)**

Monday to Saturday 08:00 to 23:00  
Sunday 10:00 to 22:30

**Playing of Recorded Music Unrestricted**

**The opening hours of the premises:**

Monday to Saturday 08:00 to 23:00  
Sunday 10:00 to 22:30

- 1.4 A copy of the existing Premises Licence (07/00852/WCCMAP) is attached at **Appendix A of the applicant's bundle (Annex A)**

## 2. REPRESENTATIONS:

2.1 No representation has been received in respect of the application.

## 3. LICENCEES SUBMISSIONS:

3.1 There have been no submissions from the licence holders.

## 4. OPTIONS:

4.1 The applicant is seeking revocation of the licence.

4.2 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence;  
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

4.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

4.4 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

## 5. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

5.1 Any applications under the Licensing Act 2003 are set out in Appendix C.

5.2 The chronology relating to appeals and applications is set out in Appendix C.

|                            |   |
|----------------------------|---|
| <b>List of Appendices:</b> | <p>Annex A – Application for Review</p> <ul style="list-style-type: none"><li>• Appendix A– Copy of current premises licence and photographs of the premises</li><li>• Appendix B – Copy of Companies House report</li><li>• Appendix C – Witness statement of Lawrence Stapleton (HMRC)</li><li>• Appendix D – Correspondence between Licensing Inspector and Licensee</li><li>• Appendix E –Additional material from Trading Standards</li></ul> <p>Annex B – Licence and Appeal History<br/>Annex C – Conditions<br/>Annex D – Residential Map and list of premises in the vicinity<br/>Annex E - Photograph of premises</p> |
|----------------------------|---|

## Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)



# City of Westminster

## APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service  
REVIEWS  
Westminster City Council  
Westminster City Hall  
14th Floor  
64 Victoria Street  
London  
SW1E 6QP

Fax: 020 7641 3238

## AND

Please give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service;

The Chief Officer of Police  
Westminster Police Liaison Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP

London Fire & Emergency Planning Authority  
156 Harrow Road  
London  
W2 6NI

Community Protection (Environmental Health; Health & Safety; Weights and Measures)

Westminster City Council  
Environmental Health Consultation Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP

Development Planning Services  
Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

Area Child Protection Committee  
Head of Commissioning – Child Protection & Quality, Social and Community  
Services – Children and Families  
4 Frampton Street  
NW8 8LF

**For boats only**

The Navigation Authority (for vessels not permanently moored)

Tidal Thames  
The Harbour Master  
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames  
The Environment Agency Recreation and Navigation, Thames Region, Kings  
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals  
The Leisure Manager  
British Waterways Board  
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General  
The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1  
Knoll Rise

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I Andrew Ralph**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

|   |  |
|---|--|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br><p align="center"><b>West 9 Food &amp; Stores<br/>350 Harrow Road,</b></p> |  |
| <b>Post town</b><br><p align="center"><b>London</b></p>   | <b>Post code (if known)</b><br><p align="center"><b>W9 2HP</b></p> |
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br><p align="center"><b>Mr Nallanathan Muhunthakumar</b></p>                  |  |
| <b>Number of premises licence or club premises certificate (if known)</b><br><p align="center"><b>07/00852/WCCMAP</b></p>   |  |

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|                           |  |
|---------------------------|--|
| Name and address          | <b>Licensing Authority<br/>Westminster City Council<br/>64 Victoria Street,<br/>London, S1WE 6QP</b> |
| Telephone number (if any) | <b>020 7641 7502</b>   |
| E-mail address (optional) | <b>ncarter2@westminster.gov.uk</b>   |

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            |
| <input type="checkbox"/>            |
| <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

On 19 September 2014, during an operation by Her Majesty's Revenue & Customs a substantial quantity of alcohol were seized from these premises when it became apparent that no 'Excise duty' had been paid on the goods These are offences under S.170 Customs and Excise Management Act 1979 and S.144 Licensing Act 2003.

This incident indicates that the premises are unable to promote the Licensing Objective of:-

**1. The prevention of Crime and Disorder**



**Please provide as much information as possible to support the application**  
(please read guidance note 2)

This premises operates predominantly as a convenience store and off licence and is currently licensed for Regulated Entertainment (playing of recorded music and private entertainment) and Sale by retail of alcohol (Monday to Saturday 0800-2300hrs and Sunday 1000-2230hrs). Mr. Nallanathan Muhunthakumar has been the Designated Premises Supervisor since November 2005. The holder of the licence is ASM Ltd, 66 Worchester Park Road, Worchester Park, Surrey KT4 7QD. According to a Companies House report from 24 September 2014, Mr. Nallanathan Muhunthakumar is a Director of the company, appointed to that position on 10 February 1994. The Secretary of the company is Mr. Allan George Pratt; appointed to that position on 7 April 1999.

**(See Appendix 'A' for copy of current Premises Licence and photographs of premises)**

**(See Appendix 'B' for a copy of the report from Companies House)**

On Friday 19 September 2014 a joint visit was carried out by officers from Customs and Excise and Trading Standards. These visits were carried out as a result of intelligence which had been gathered by Customs and Excise and Trading Standards. During the visit a substantial quantity of wine, spirits and beer were identified by Customs and Excise as having entered the UK with no Excise duty paid. Specifically it was noted that much of the labelling relating to the UK tax duty stamps had been tampered with or had suspected counterfeit labelling. Present at the time of the time of the visit was the Duty Manager, Mr. Thamilvan Sivarosa who was required to produce purchase records in relation to the identified stock. As he was unable to do so, Customs and Excise seized the alcohol which was predominately found in the basement storeroom. Specifically:-

1,192.5 litres of wine

7.4 litres of Spirits and

517 litres of Beer

Some of this stock was on display in the shop premises for sale, and the remainder was found in the storerooms. The total outstanding duty of the seized stock amounted to £4,968.18. It is an offence contrary to S 170 of the Excise Management Act 1979 to evade excise duty on goods and Mr. Sivarosa was issued with a warning letter. He was also given a booklet explaining his right appeal the seizure of the alcohol. To date he has not done so.

**(See Appendix 'C' for two (2) witness statements completed by Customs and Excise Officer.)**

In addition it is also an offence contrary to S 144 Licensing Act 2003 for the Designated Premises Supervisor and/or holder of a Premises licence to 'knowingly keep on licensed premises any goods without payment of duty'. A formal letter was sent to Mr. Muhunthakumar on 5 November 2014, asking for an explanation. Mr Muhunthakumar responded to my letter and included a large number of invoices in relation to alcohol purchased. I have explained to him that, as these were not sent to the HMRC as proof of duty paid, the review would continue and it is for him to bring

the invoices to the attention of the Licensing Sub Committee should he wish. I will also bring my copies along, should Councillors wish to see them.

**(See Appendix 'D' for copy of letter to Mr. Muhunthakumar and response)**

**(See Appendix 'E' for Additional Material)**

In addition to the above matter there have been no other matters of concern relating to these premises, other than a voluntary undertaking to cease stocking/selling super-strength (above 5.5% Abv) beers and ciders, to assist in reducing problem street drinking in the vicinity of the premises.

In the statutory "Guidance issued under section 182 of the Licensing Act 2003" (under the heading of "Reviews arising in connection with crime") it states:

**11.27** There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale of smuggled tobacco and alcohol.

**11.28** It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Month  
Year

Day

**If you have made representations before relating to this premises please state what they were and when you made them**

None



2

# Appendix 'A'



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

Schedule 12  
Part A

WARD: Westbourne  
UPRN: 999000131356

Premises licence

Regulation 33, 34

Premises licence number:

07/00852/WCCMAP

**Part 1 – Premises details**

**Postal address of premises:**

West 9 Food & Stores  
Basement and Ground Floor  
350 Harrow Road  
London  
W9 2HP

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Regulated Entertainment:

- 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:**

Regulated Entertainment:

- 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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00

Sale by Retail of Alcohol: Sunday - 10:00 to 22:30

*For times authorised for Christmas and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday - 08:00 to 23:00

Sunday - 10:00 to 22:30

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

Off

**Part 2**

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

ASM Ltd  
66 Worchester Park Road  
Worchester Park  
Surrey  
KT4 7QD

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

02896623

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

**Name:** Nallanathan Muhunthakumar  
**Address:** 141 Thetford Road  
New Maiden  
Surrey  
KT3 5DZ  
**Phone:** Not Supplied

**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:** Not Supplied  
**Licensing Authority:** Not Supplied

**Date:**

9/03/07

**Signed:**

  
Director of Legal & Administrative Services

#### **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.

#### **Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

##### **Conditions applicable to the Sale of Alcohol**

4. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00;
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30;
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - (c) sale of alcohol to a trader or club for the purposes of the trade or club;
  - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
5. Alcohol shall not be sold in an open container or be consumed in the licensed premises.



**Annex 2 – Conditions consistent with the operating Schedule**

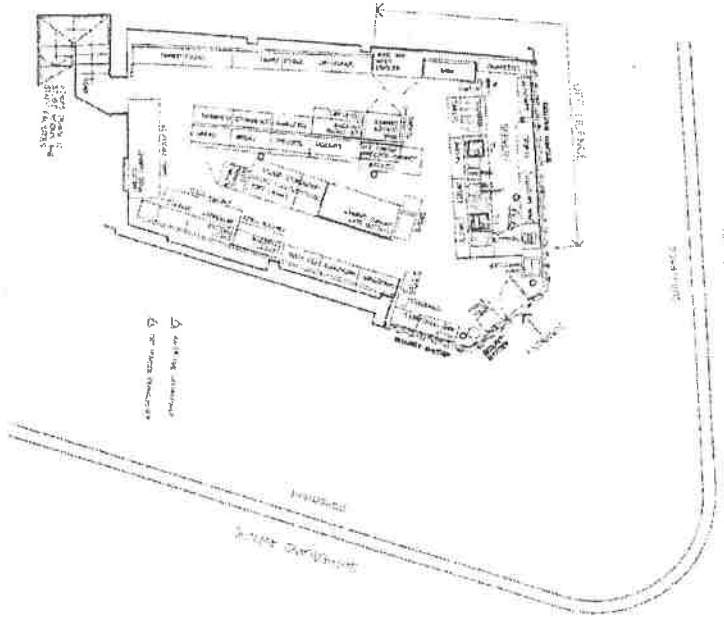
None

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

None

Annex 4 – Plans

GROUND FLOOR PLAN



WEST NINE SUPERMARKET  
350 HARROW ROAD  
LONDON  
W9

PLAN OF PREMISES

Scale 1:100  
Drawing No. WNT  
Date July 2005  
JOHN BEST  
Designer  
92 WINDERMERE ROAD  
FALING W5 4TH  
Tel: (020) 8567 1539

FOR SALE AND SUPPLY OF ALLIANCE



# City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

Premises licence  
summary

WARD: Westbourne  
UPRN: 999000131356

Regulation 33, 34

Premises licence number:

07/00852/WCCMAP

## Part 1 – Premises details

### Postal address of premises:

West 9 Food & Stores  
Basement and Ground Floor  
350 Harrow Road  
London  
W9 2HP

Telephone Number: Not Supplied

### Where the licence is time limited, the dates:

N/A

### Licensable activities authorised by the licence:

Regulated Entertainment:

- 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:

Regulated Entertainment:

- 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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00

Sale by Retail of Alcohol: Sunday - 10:00 to 22:30

*For times authorised for Christmas and Good Friday see conditions at Annex 1*

### The opening hours of the premises:

Monday to Saturday - 08:00 to 23:00

Sunday - 10:00 to 22:30

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

**Name and (registered) address of holder of premises licence:**  
ASM Ltd  
66 Worcester Park Road  
Worcester Park  
Surrey  
KT4 7QD

**Registered number of holder, for example company number, charity number (where applicable)**  
02896623

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

**State whether access to the premises by children is restricted or prohibited:**  
N/A

**Date:** 9/03/07

**Signed:**   
Director of Legal & Administrative Services

1/15  
Lobby



2/1/15. Plas







1/1/23

Carly



4

# Appendix 'B'



**Companies House**

**Current Appointments Report for:**

**ASM LIMITED**

**02896623**

**Created: 24/09/2014 13:23:13**

Companies House is a registry of corporate information. We carry out basic checks to make sure that documents have been fully completed and signed, but we do not have the statutory power or capability to verify the accuracy of the information that corporate entities send to us. We accept all information that such entities deliver to us in good faith and place it on the public record. The fact that the information has been placed on the public record should not be taken to indicate that Companies House has verified or validated it in any way.

# Company Register Information

---

|                                  |  |  |
|----------------------------------|--|--|
| <b>Company Number:</b>           | 02896623   | <b>Date of Incorporation:</b> 09/02/1994 |
| <b>Company Name:</b>             | ASM LIMITED  |  |
| <b>Registered Office:</b>        | 570 KINGSTON ROAD<br>RAYNES PARK<br>LONDON<br>SW20 8DR   |  |
| <b>Company Type:</b>             | Private Limited Company  |  |
| <b>Country of Origin:</b>        | United Kingdom   |  |
| <b>Status:</b>                   | Active   |  |
| <b>Nature Of Business (SIC):</b> | 47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating<br>47190 - Other retail sale in non-specialised stores |  |
| <b>Number of Charges:</b>        | ( 0 outstanding / 0 part satisfied / 0 satisfied)  |  |

## Previous Names

No previous name information has been recorded over the last 20 years.

## Key Filing Dates

|                                     |                                    |
|-------------------------------------|------------------------------------|
| <b>Accounting Reference Date:</b>   | 31/07                              |
| <b>Last Accounts Made Up To:</b>    | 31/07/2013 (TOTAL EXEMPTION SMALL) |
| <b>Next Accounts Due:</b>           | 30/04/2015                         |
| <b>Last Return Made Up To:</b>      | 09/02/2014                         |
| <b>Next Return Due:</b>             | 09/03/2015                         |
| <b>Last members list:</b>           | 09/02/2014                         |
| <b>Last Bulk Shareholders List:</b> | Not available                      |

# Current Appointments

Number of current appointments: 2

---

**SECRETARY:** PRATT, ALLAN GEORGE MR  
**Appointed:** 07/04/1999 **Date of Birth:** 02/12/1937  
**Nationality:** ENGLISH  
**No. of Appointments:** 620  
**Address:** 66 WORCESTER PARK ROAD  
WORCESTER PARK  
SURREY  
KT4 7QD  
**Country/State of Residence:** ENGLAND

---

**DIRECTOR:** MUHUNTHAKUMAR,  
NALLANATHAN MR  
**Appointed:** 10/02/1994 **Date of Birth:** 27/04/1963  
**Nationality:** BRITISH  
**No. of Appointments:** 9  
**Address:** 141 THETFORD ROAD  
NEW MALDEN  
SURREY  
KT3 5DZ  
**Country/State of Residence:** UNITED KINGDOM

**This Report excludes resignations**

# Recent Filing History

Documents filed since 25/02/2013

---

| DATE       | FORM       | DESCRIPTION                             |
|------------|------------|---|
| 24/03/2014 | AA         | 31/07/13 TOTAL EXEMPTION SMALL          |
| 12/02/2014 | AR01       | 09/02/14 FULL LIST                      |
| 12/02/2014 | LATEST SOC | 12/02/14 STATEMENT OF CAPITAL;GBP 10000 |
| 22/04/2013 | AA         | 31/07/12 TOTAL EXEMPTION SMALL          |
| 25/02/2013 | AR01       | 09/02/13 FULL LIST                      |

This Report excludes 88(2) Share Allotment documents

(5)

# Appendix 'C'

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## WITNESS STATEMENT OF LAWRENCE STAPLETON

### Visit to West Nine Food & Wine, 350 Harrow Road, London, W9 2HP

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I, Lawrence Stapleton, Officer of Her Majesty's Revenue & Customs, (HMRC) based at Custom House, 20 Lower Thames Street, London EC3R 6EE will say as follows:

1. On the 19<sup>th</sup> September 2014, accompanied by other Officers of HMRC, I attended West Nine Food & Wine, 350 Harrow Road, London, W9 2HP under the authority of section 112 of the Customs & Excise Management Act. I entered the premises at 09:55 hours.
2. During the course of this visit, examination of bottles of spirits on display by myself and other Officers in the shop identified a quantity of bottles that had issues in respect of the UK tax duty stamps on the rear labels. These issues ranged from suspected counterfeit rear labels to marking on the UK tax duty stamps that indicated that the UK duty tax stamps had been tampered with. These finding led me to consider that the UK excise duty had not been paid on these products.
3. The Manager of the shop, Mr Thamilvan Sivarosa, who was present throughout the visit was asked to provide purchase records in respect of the alcohol in the shop to demonstrate that the UK duty had been paid. Mr Thamilvan Sivarosa advised that the shop was trading as ASM Limited with the Director of the company being a Mr Nallanathan Anandankumariah who is also a partner in the W9 food & Wine store based at 175 Ladbroke Grove, London, W10 6HJ.
4. Thamilvan Sivarosa consulted with the company accountant at Waran & Company based at 570 Kingston Road, Raynes Park, London, SW20 8DR and a number of invoices were faxed to my office over the course of the morning for verification. The invoices received were only able to substantiate purchases in respect of Red Stripe canned lager and 5 boxes of wine.



5. As no invoices could be produced to substantiate the legitimate origin/supply of the alcohol stock held I was led to believe, on the balance of probabilities that UK duty had not been paid on the alcohol in question.
6. I made the decision to seize the alcohol in the shop, including the storerooms, pursuant to section 139 of the Customs & Excise management Act 1979 as it was liable to forfeiture on the basis that, on the balance of probabilities, the UK excise duty had not been paid.
7. In total the following quantities were seized;
  - 517 Litres of Beer
  - 1192.5 Litres of Wine
  - 7.4 Litres of Spirits
8. The duty figures of the seized stock amounted to £4968.18, including VAT. There was stock left on the premises but this was purely left there from a logistical perspective as there was a considerable quantity of loose bottles on the premises. In respect of the quantities seized I am unable to specify the quantity of alcohol on display in the shop that was seized.
9. Mr Sivarasa was issued with a seizure information notice, a warning letter and a booklet explaining his right to appeal the seizure after which Officers of HMRC left the premises, at 16:45 hours. To date I am not aware of any appeal against the seizure.
10. I have been asked by the Licensing Officer, what, if any offences are committed in general terms relevant to the evasion of excise duty. The relevant overarching criminal offence is one of being knowingly concerned in the fraudulent evasion of excise duty contrary to section 170 of the Customs & Excise Management Act, however as mentioned above, the decision made in this instance was to seize the stock only, thereby limiting this to civil proceedings only.

**Statement of Truth**

I believe that the facts contained in this witness statement are true.

Signed:



.....

**LAWRENCE STAPLETON**  
**Dated 18<sup>th</sup> November 2014**

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**WITNESS STATEMENT OF LAWRENCE STAPLETON**

**Visit to West Nine Food & Wine, 350 Harrow Road, London, W9 2HP**

---


I, Lawrence Stapleton, Officer of Her Majesty's Revenue & Customs, (HMRC) based at Custom House, 20 Lower Thames Street, London EC3R 6EE will say as follows:

Further to my witness statement of 20<sup>th</sup> October 2014, I have been made aware by Nigel Carter, License Inspector Premises Management Westminster City Council, that a number of invoices have been produced to him, purporting to show that the alcohol seized by me on 19<sup>th</sup> September 2014 had actually had the UK Duty paid on it. As I stated in paragraph 4 of my original statement, some invoices were faxed to my office whilst I was on the premises, and examined by a colleague, but these could only substantiate the legitimate purchase of Red Stripe lager and some of the wine that was present, so this alcohol was not seized. The legitimate purchase of the rest of the alcohol in question could not be substantiated by the invoices provided and so that alcohol that was seized. The booklet that I mentioned in paragraph 9 of my original statement as having been issued, and which explains the appeal procedure, makes it quite clear who should be contacted within HMRC and the relevant timescales involved with regard to any appeal. I can confirm that since my initial visit no subsequent invoices have been provided to me, nor has any appeal of any kind been received by HMRC regarding this matter.

**Statement of Truth**

I believe that the facts contained in this witness statement are true.

Signed:



**LAWRENCE STAPLETON**  
**Dated 21<sup>st</sup> November 2014**

(6)

# Appendix 'D'



## City of Westminster

Nigel Carter  
Licensing Inspector  
Tel: 020 7641 3385  
Fax: 020 7641 3436  
My ref: 14/37463/ELREAC  
NCarter2@westminster.gov.uk

Mr. Nallanathan Muhunthakumar  
141 Thetford Road  
New Malden  
Surrey  
KT3 5DZ

5 November 2014

Dear Mr. Muhunthakumar

**Re: 'West 9 Food & Stores, 350 Harrow Road, London W9 2HP'.**

I write to you in relation to an allegation made by an officer from Her Majesty's Revenue & Customs (HMRC) that, on 19 September 2014, a quantity of alcohol was seized from the above premises where it was suspected that excise duty had not been paid. You are a Director of ASM Ltd, the premises licence holder for this venue.

The officer states that there were a number of issues with bottles of alcohol (wine, beer and spirits) on display in the shop, and in the storerooms. These issues ranged from suspected counterfeit labels to marking on the UK tax duty stamps which indicated that they had been tampered with. In total the following quantities of alcohol were seized:

517 litres of Beer

1,192.5 litres of Wine

7.4 litres of Spirits

The duty figures of the seized stock amounted to £4,968.18, including VAT.

You, as the premises licence holder and Designated Premises Supervisor for these premises, have possibly committed an offence under **Section 144 of the Licensing Act 2003, of 'knowingly keeping or allowing to be kept, on any relevant premises, any goods which have been imported without payment of the duty or which have otherwise been unlawfully imported'.**



## City of Westminster

In these circumstances I am minded to call for a review of your premises licence, in accordance with the Guidance given under Section 182 of the Licensing Act 2003.

Before I submit any papers for Review, I would like to give you the opportunity to provide an explanation for the alcohol found on your premises where excise duty had not been paid. Any explanation you provide will be added to the papers, and put before the Licensing Sub Committee for consideration.

If you intend to provide a response, I would be grateful for a response no later than 19 November 2014; otherwise I will presume that you don't wish to provide any explanation.

Yours sincerely

Nigel Carter

Licensing Inspector  
Community Protection  
020 7641 7052

ASM Limited

350 Harrow Road  
London W9 2HP  
Tel: 020 7266 0397  
Fax: 020 7266 0502

18/11/14 Received by N. Carter for

Nigel Carter  
Licensing Inspector  
City of Westminster  
City Hall, 4<sup>th</sup> Floor  
64, Victoria Street  
London SW1E 6QP

14<sup>th</sup> November, 2014

Dear Sir,

**West 9 Food and Stores, 350, Harrow Road, London W9 2HP**

Thank you for letter dated 5<sup>th</sup> November, giving me the opportunity to explain about the quantity of alcohol that were seized by the HMRC from our premises for the alleged reason of not having paid the excise duty.

As mentioned in your letter, considerably large quantity of alcohol were seized from our shop by the HMRC on 18<sup>th</sup> September 2014, namely 517 litres of Beer, 1,192.5 litres of Wine, and 7.4 litres of Spirits as per the estimate of HMRC. Understandably, these were of considerable monetary value to us and been stored in our shop for resale, after being bought from reputable wholesalers in the UK. Please find enclosed the invoices pertaining to these transactions which show clearly the payments made in exchange of the amount of alcohol bought. I fail to understand how the HMRC can consider the labels on these stocks to be counterfeit when all our stocks are being bought in the UK open market by paying the relevant duties and taxes.

If HMRC seizure action is considered to be lawful and that there was duty evasion, it put a big question mark on the products we purchased from our wholesalers, namely Nisa, Dhamecha and Elbrook. My company, as their customer, rely on the big wholesalers' quality assurance for the products we buy from them. Following the HMRC seizure action, I have written to all my suppliers to challenge them on the

perceived authenticity of their labels. Only Nisa had taken further steps to get in touch with the HMRC about this issue so far.

Please note that none of the allegations quoted in your letter can be true. I cannot stress enough that if there are any counterfeiting mal practices, they exist elsewhere in the system. My shop is a small entity, trying to meet its many objectives and obligations towards its shareholders, employees and the wider community it serves, amidst tough competition from large retail stores. And, when such huge batches of alcohol are seized, seemingly for the contested reason of evasion of duty, by the government authorities, it places a huge impact on the moral and financial standing of a small business like ours by having a direct effect on the small income we generate. This lower income affects the livelihood of many who rely on the business to make a living. The seizure action by HMRC has not only put undue financial burden on the business but also levied on us the administrative and reputational burden to bear.

You may wish to note that the HMRC visit on 18<sup>th</sup> September was preceded by the City of Westminster Council's Trading Standard's officers' visit, which happened a few hours earlier on the same day (copy of code B notice attached). The Trading Standards officers' inspection of the alcohol stock did not reveal any wrong doing on our part, and they left having been satisfied by what they saw. Later HMRC officers arrived at the shop and carried out the same process but at the same time making a flurry of demands to my staff, and amongst these was a demand to see the invoices instantly of all the alcohol stock kept in the shop. My staff mobilised to comply but had to wade through the many invoices on the file to retrieve the relevant invoices. When they got hold of the invoices and tried to hand them over, the HMRC officers refused to even scrutinise or accept the invoices without offering any justification for such action. This seemingly highhanded action by the HMRC was of grave concern to my staff and was hard to comprehend by me.

As you will appreciate, any guilt should be proven under the law of this land, but to judge people guilty without even looking into the case being forwarded by them is what causes people to lose faith in the system eventually. Because the HMRC were not even prepared to accept the evidence in the form of invoices made their action of seizure totally unlawful.

As a director of ASM Ltd which owns this small retail shop, I have constantly provided strong instructions to my managing staff to purchase alcohol from reputed wholesalers only. My staff strictly adhere to this rule, so with them I rely heavily on such wholesalers for the quality assurance of the alcohol stock and other products we purchase from them.

I take my licensing duties seriously as a premises licence holder and a designated premises supervisor by continuing to ensure that the staff who work in the shop get access to all the licensing guidance and undertake the necessary training as required by the alcohol licensing law and that they are made aware of their duties when it comes to the purchase and sale of alcohol.

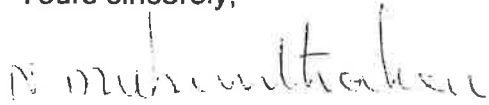
I am very grateful for your offer to include my reply into the paperwork you would be submitting to the Licensing Sub Committee, and hope that the Licensing



Sub Committee would take all the above factors into consideration when they undertake the review.

Thank you.

Yours sincerely,



N. Muhunthakumar

**Encl. Invoices**

Code B (copy)

7

# Appendix 'E'

Trading Standards Service  
 5th Floor South, City Hall  
 64 Victoria Street  
 London SW1E 6QP  
 email: tradingstandards@westminster.gov.uk  
 Telephone: 020 7641 1111



# City of Westminster

## Police and Criminal Evidence Act 1984: Code B Notice

|   |                               |   |  |
|---|-------------------------------|---|--|
| Business Name: <u>ASM Ltd t/a West 9 Food &amp; Wine</u>      |                               |   |  |
| Address of premises: <u>350 HARROW ROAD, LONDON</u>           |                               |   |  |
| Date: <u>18/7/14</u>  | Time of arrival: <u>09:40</u> | Notice issued to: <u>THAMILVANAN SIVAKASA</u> |  |
| Position of recipient: <u>MANAGER</u>                         |                               | Time of issue: <u>10:10</u>                   |  |
| Recipient's signature: <u>[Signature]</u>                     |                               |   |  |
| Other people present: <u>Robert Langridge, James Williams</u> |                               |   |  |
| Authorised Officer: <u>Lee Older</u>                          |                               | Officer's Tel: <u>02076412549</u>             |  |

### Your rights and the powers of an Authorised Officer are summarised overleaf

This inspection/search is being made under the following (tick as necessary)

1. **Exercise of statutory power** (please specify legislation)  
CONSUMER PROTECTION ACT 1987

2. **Entry Warrant** (copy attached) made under:

3. **With consent** (complete declaration below)

Where there are no reasonable grounds to believe an offence has been committed, your consent may be requested by an officer. You do not have to agree to this, but if you do, anything obtained may be used in evidence. If you do agree, please complete the declaration below.

I agree to allow the Authorised Officer to inspect (please specify):

|                               |            |                     |                      |
|-------------------------------|------------|---------------------|----------------------|
| Name:                         | Signature: | Position:           | Time:                |
| Departure time:               | Force Y/N  | Damage Y/N          | Officer's Signature: |
| Details of any damage caused: |            |                     |                      |
| Uniform reference:            |            | Search Register No. |                      |

**Licence & Appeal History**

| <b>Application</b>       | <b>Details of Application</b>   | <b>Date Determined</b> | <b>Decision</b>  |
|--------------------------|---|------------------------|--|
| Conversion and Variation | Application to convert existing Justices off Licence and to vary the premises licence to extend the hours for sale of alcohol | 11.10.05               | Conversion granted, variation refused by Licensing Sub-Committee |

There is no appeal history for this 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions (if any) which are consistent with the operating schedule, or proposed as appropriate 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.

### **Current conditions on the existing licence:**

#### **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.

#### **Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

##### **Conditions applicable to the Sale of Alcohol**

4. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00;
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30;
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

5. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

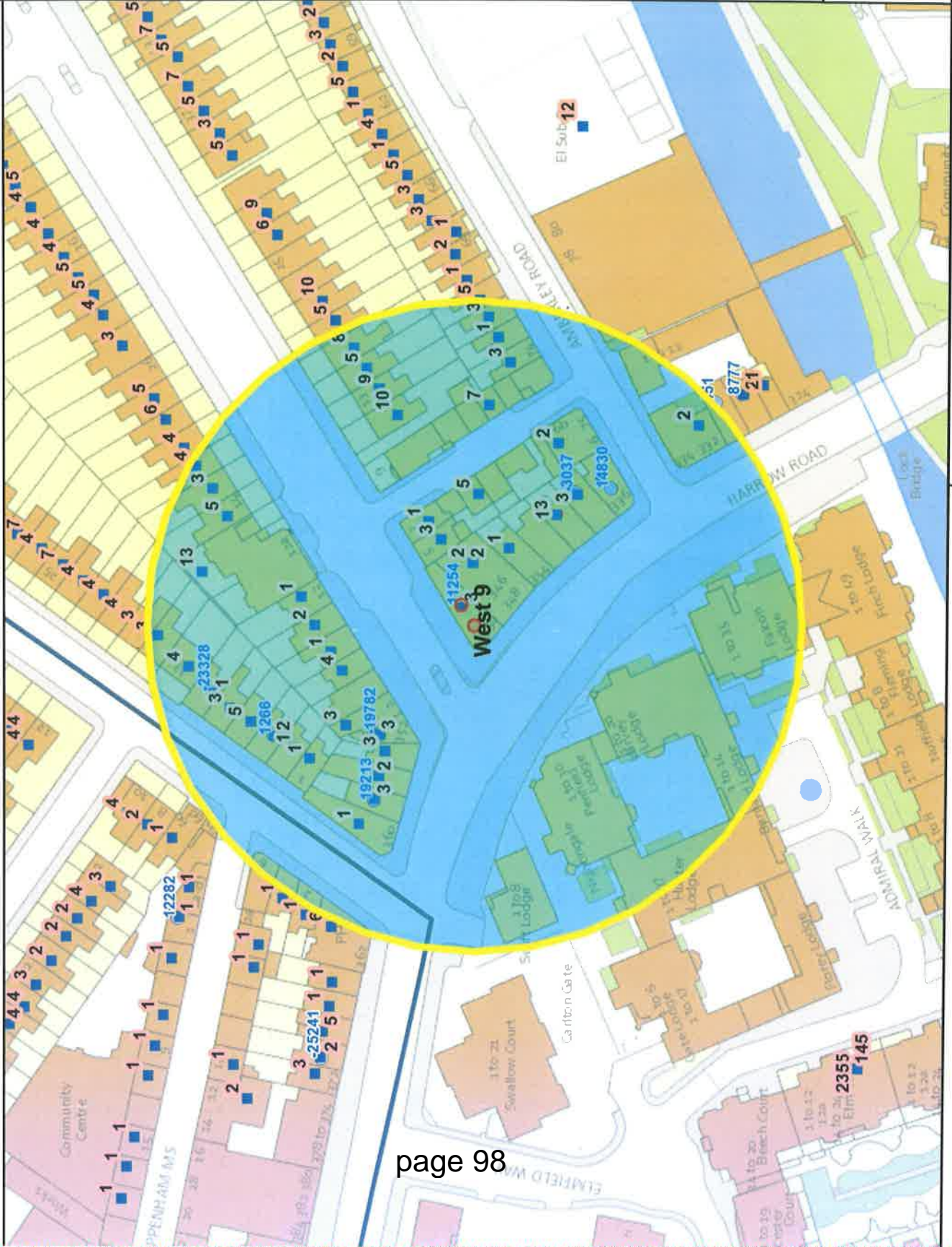
None

**Mandatory conditions to be attached to the premises licence**

- A.
  - (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.
- B(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.
- B(ii) For the purposes of the condition set out in paragraph 5(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.
- B(iii). Where the permitted price given by Paragraph 5(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.
- B(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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.

# West 9 Food & Stores



|                                    |           |
|------------------------------------|-----------|
| Residential / Proposed Residential | 145       |
| Under Construction                 | 0         |
| Other Uses                         | Not known |
| Proportion Residential of all Uses | Not known |

## APPENDIX D





Description

OFF LICENCE

WEST 9  
FOOD & WINE

350

CASH MACHINE

SEC01H

OFF  
LICENCE

Available  
here



COLOUR COPY

NOW  
IN STORE

cash  
machine

All bank  
cards accepted

cash  
machine  
All bank  
cards accepted

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