



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday, 11th February 2021**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**
Jim Glen (Chairman)
Susie Burbridge
Aziz Toki

If you require further information, please contact Cameron MacLean, Temporary Senior Committee and Governance Officer.

Email: cmaclean@westminster.gov.uk
Tel: **07814 998 037**
Corporate Website: 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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the Membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. 10 AM: CUMBERLAND FOOD & WINE 11, GREAT CUMBERLAND PL, LONDON W1H 7LU

(Pages 5 - 40)

Ward SCZ*	Site Name & Address	Application Type	Licensing Reference No.
Bryanston and Dorset Square Edgware Road	Cumberland Food and Wine 11 Great Cumberland Pl London W1H 7LU	Premises Licence Variation	20/10380/LIPV
* Special Consideration Zone			

2. 1:30 PM: BASEMENT & GROUND FLOOR 294 ELGIN AVE LONDON W9 1JS

(Pages 41 - 60)

Ward SCZ *	Site Name & Address	Application Type	Licensing Reference No.
Maida Vale	Basement & Ground Floor 294 Elgin Ave London W9 1JS	New Premises Licence	20/10761/LIPN
* Special Consideration Zone			

Stuart Love
Chief Executive
03 February 2021

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

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

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1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

2. Accessing Virtual Hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: licensing@westminster.gov.uk

4. Rules During Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- 4.1. All parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses to the Licensing Service at licensing@westminster.gov.uk no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. All parties should join the virtual hearing at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- 4.8. Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- 4.9. To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

5. Procedure

- 5.1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
- 5.5. Each party who has registered to speak, will be invited to make their representations and will be allowed a maximum of 10 minutes each. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
- 5.6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - (a) The applicant
 - (b) Responsible authorities
 - (c) Other persons
- 5.7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

- 5.8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
- 5.9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than 5 minutes each, in the following order:
 - (a) Responsible authorities
 - (b) Other persons
 - (c) The applicant
- 5.10. The Chairman shall then close the meeting and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
- 5.11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision ("Summary Decision") will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated: 14 January 2021

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 1.

Item No:	
Date:	11 February 2021
Licensing Ref No:	20/10380/LIPV - Premises Licence Variation
Title of Report:	Cumberland Food & Wine 11 Great Cumberland Place London W1H 7LU
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Licensing Officer
Contact details	Telephone: 0207 641 6500 Mail: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	11 November 2020		
Applicant:	Chelsea Food and Wine Company Limited		
Premises:	Cumberland Food & Wine		
Premises address:	11 Great Cumberland Place London W1H 7LU	Ward:	Bryanston and Dorset Square
		Cumulative Impact Area:	None
		Special Consideration Zone:	Edgware Road
Premises description:	The premises currently operate as a convenience store with off sales		
Variation description:	So as to extend the permitted hours for the sale of alcohol off the premises to 24 hours a day for a time-limited period until 30 September 2021.		
Premises licence history:	The premises have had the benefit of a premises licence since October 2005. The current premises licence reference is 20/03272/LIPV which is attached as Appendix 2 of this report. Please see Appendix 5 of the report for a full licence history.		
Applicant submissions:	None		

1-B	Current and proposed licensable activities, areas and hours					
Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	05:00	No change		Ground floor and external seating area	No change
Tuesday	23:00	05:00				
Wednesday	23:00	05:00				
Thursday	23:00	05:00				
Friday	23:00	05:00				
Saturday	23:00	05:00				
Sunday	23:00	05:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

Sale by Retail of Alcohol (On Sales)						
On or off sales			Current :		Proposed:	
			On and Off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground floor and external seating area	No change
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

Sale by Retail of Alcohol (Off sales)						
The hours for the sale of alcohol off the premises shall be extended to 00:00 from 28 May 2020 until 27 May 2021. After 27 May 2021 the hours for off sales will revert to: 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 Sunday.						
On or off sales			Current :		Proposed:	
			On and off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	00:00	00:00	00:00	Ground floor and external seating area	No change
Tuesday	08:00	00:00	00:00	00:00		
Wednesday	08:00	00:00	00:00	00:00		
Thursday	08:00	00:00	00:00	00:00		
Friday	08:00	00:00	00:00	00:00		
Saturday	08:00	00:00	00:00	00:00		
Sunday	10:00	22:30	00:00	00:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			The hours for the sale of alcohol off the premises shall be extended, from the end of permitted hours to the start of permitted hours the following day, for a temporary period to 30 September 2021.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	05:00	No change		Ground floor and external seating area	No change
Tuesday	08:00	05:00				
Wednesday	08:00	05:00				
Thursday	08:00	05:00				
Friday	08:00	05:00				
Saturday	08:00	05:00				
Sunday	08:00	05:00				

Seasonal variations/ Non-standard timings:	Current:	Proposed:
	None	No change

1-C	Layout alteration
No change of layout is proposed	

1-D	Conditions being varied, added or removed
No change in conditions is proposed	

Adult entertainment:	Current position:	Proposed position:
	None	No change

2.	Representations
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2-A	Responsible Authorities
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Responsible Authority:	Metropolitan Police
Representative:	Bryan Lewis
Received:	18 November 2020

Police object to this application as it seeks a variation to the licence, to provide the off sale of alcohol 24 hours a day, until September 2021. This far exceeds core hours as set out in the Westminster Statement of Licensing Policy. Therefore, it does not promote the licensing objectives, namely the prevention of crime and disorder.

Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	07 December 2020

I refer to the application for variation of a Premises Licence (20/03272/LIPV), issued under the Licensing Act 2003.

This representation is based on the Operating Schedule, there are no proposed changes to the layout.

The applicant is seeking to:

1. To extend the hours for the Supply of Alcohol 'off' the premises 24 hours a day. The current hours are Monday-Saturday 08:00-00:00 hours and Sunday 10:00-22:30 hours. This is for a time limited period until 30th September 2021.

I wish to make the following representation in relation to the above application:

1. The extension of hours may cause an increase in Public Nuisance in the area.

The applicant has not proposed conditions within the Operating Schedule.

The granting of this variation application as presented would have the likely effect of causing an increase in Public Nuisance in the area.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	2 December 2020		
<p>I am the building asset manager for Cumberland Court London W1H to which Chelsea food and wine 11 great Cumberland Place are tenants, I also manage 50 flats in the building on behalf of leaseholders and investors, and I am the head of the tenants association as you can see from companies house below.</p> <p>https://find-and-update.company-information.service.gov.uk/company/11228726/officers</p> <p>we completely object to Chelsea food and wine application number 20/10380/LIPV and any changes in their lease.</p> <p>First of all, before applications should be made, they should be applying to the landlord for permission which they did not do, second of all, we have had extremely bad experiences with Chelsea food and wine, selling unsavoury goods, such as crack pipes/ drug paraphernalia and other unethical products.</p> <p>The landlords, Chelsea food and wine took them to court to evict them, but due to a 54 act lease, Chelsea food and wine wangled a new lease.</p> <p>With late night Opening at Chelsea food and wine Cumberland Court residents suffer from rubbish being thrown into the entrance, drunk homeless people buying cans of beer and sitting on the steps of Cumberland court, and groups of youths gathering outside Cumberland court entrance on bikes whilst some of them go into Chelsea food and wine. There have also been instances of card fraud on the cash machine outside food and wine which Cumberland Court Investments ltd (current landlord of the building) or the previous landlords Corvan Properties ltd did not authorise to install.</p> <p>My email is supported by 50 leaseholders in the building, the Headlease holder and (interim Landlord) Golden Eagle International ltd as Asset manager for the building and the Cumberland Court tenants association.</p> <p>Moreland Estate management CC'd in who manage Cumberland Court will also object. As an FYI, we have not been able to find information of this application on the Westminster Portal – perhaps you could enlighten us?!</p>			
Name:	[REDACTED]		

Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	17 November 2020		

THIS REPRESENTATION is made by the [REDACTED] which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road.

We are writing to object to the application by the Chelsea Food And Wine Company Ltd 20/10380/LIPV (originally 20/09461/LIPV).

We are concerned that this application may have been submitted during Covid-19 restrictions in order to avoid too much public scrutiny. With the lockdown there will have been far fewer opportunities for locals to become aware of the application so we believe objections may be an underrepresented

To put the application in its proper context it is necessary to set out the licence history. The licence was an old converted off sales licence, to 'core hours' for off - sales, i.e. 11pm Mon- Sat, 10.30pm Sun. It remained that way until 2014.

With respect to off-sales the current licence (18/11232/LIPVM) had permitted sale of alcohol for consumption off the premises from 08:00 to 23:00 Monday to Saturday, 10:00 to 22:30 Sunday. However, in May this year a variation was granted to allow off-sales until 12:00 midnight Monday to Saturday (20/03272/LIPV). This is a temporary extension which expires on 27th May 2021.

This current situation has come about incrementally through 9 substantive applications since 2014 to vary the licence (in addition to two withdrawn applications). They are summarised below.

14/09194/LIPV - to permit on sales within a hatched area, subject to various conditions, to the same hours as for off sales i.e. 11pm Mon- Sat, 10.30pm Sun.

15/ 06561/LIPV - amending and deleting various conditions.

16/14114/LIPVM - to add late night refreshment to 1am Mon- Sun and to increase opening hours accordingly. It should be noted that this application was submitted, accepted and granted as a minor variation under rather than as a full variation.

17/14156/LIPVM - no application form available.

18/04278/LIPV - amending and deleting a number of conditions.

18/11232/LIPVM - to extend late night refreshment and opening 2am. Again, this was submitted, accepted and granted as a minor variation.

18/16121/LIPV - to extend the hours for on sales to core hours Mon- Sat.

19/05249/LIPVM - to extend late night refreshment and opening to 3am. Again, this was submitted, accepted and granted as a minor variation.

19/07469/LIPVM - to extend late night refreshment and opening to 5am. Again, this was submitted, accepted and granted as a minor variation.

20/03272/LIPV - to extend hours for off sales to 2am and remove condition re: the terminal hour for tables and chairs.

This last application was noteworthy on account of the tactics employed. Having submitted a most ambitious application the applicant pulled back 'graciously' after objections from The Metropolitan Police and The Marylebone Association. The applicant then only applied for a temporary extension of off-sales and only until midnight Monday to Saturday. The sub-Committee granted this unusual application rather to our surprise. **Unfortunately the full decision has not been published at the time of writing so we are unable to understand upon what basis the application was granted.**

We view this latest application as being part of the continuing pattern of attempting incremental changes to the licence. Applying for off-sales 24/7 seems to us overly ambitious so perhaps we shall see a modification if the Police and we object again so that again the applicant appears a reasonable person willing to compromise.

It should also be noted that the current application would have the effect of overriding the decision made in May by extending the agreed variation timetable from 27th May 2021 to 30th September 2021.

Our objections continue to be based on the belief that extending off-sales beyond core hours in this location will be counter to polices PN1 and CD1 and are well outside HRS1.

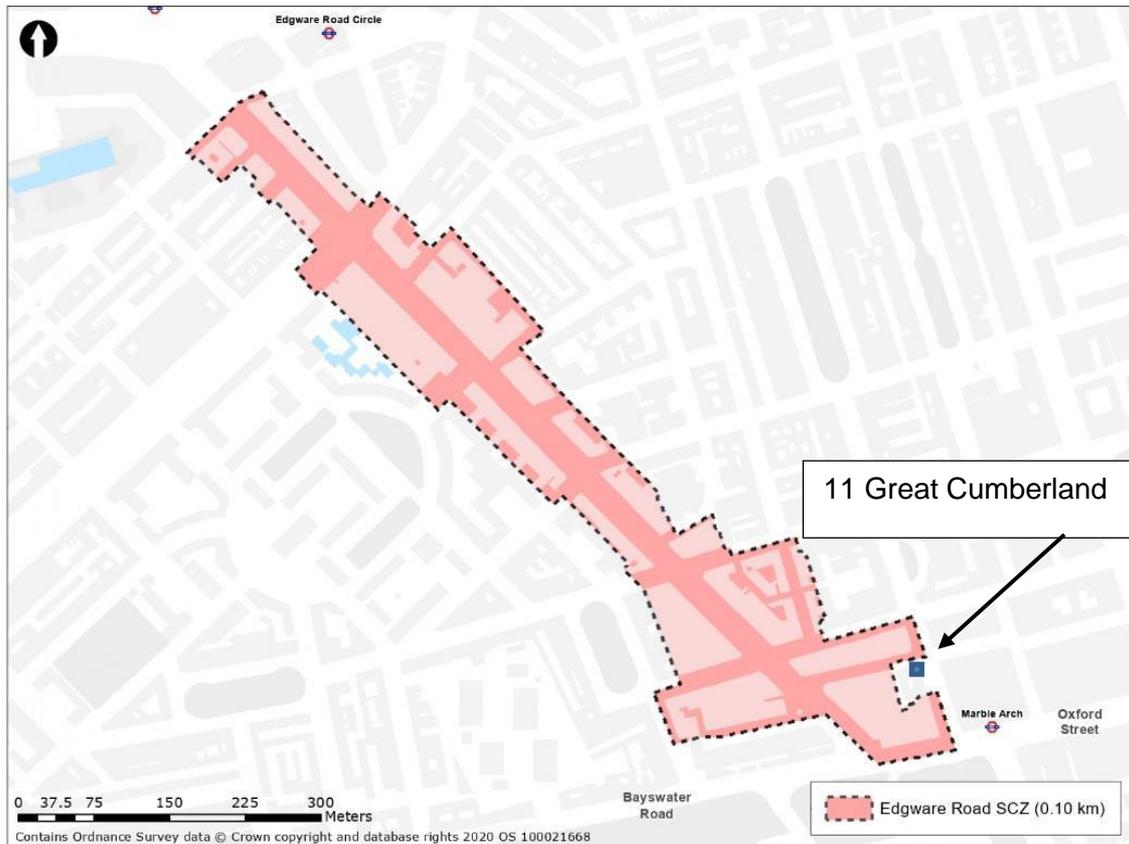
It is interesting to note that in the draft of the upcoming new Licencing Policy being prepared by WCC that Edgware Road would cease to be a Cumulative Impact Zone but writing about the area:

"Particularly high was the concentration of serious violent crimes at night, ambulance call outs to the locations of licensed premises, drug offences recorded at night and robberies at night. Both theft incidents at night and noise complaints at night were elevated here as well. Looking across all incident types this area recorded nearly four times the borough's average rate of incidents per square kilometre during 2017 and 2019." (Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment. Licensing Act 2003. Policy SCZ1 -Para C9)

In the copy of the map below it will be noted that due to an oddity in the boundary the premises at 11 Great Cumberland Place is about 5 metres from the boundary of the Edgware Road Cumulative Impact Zone and the current proposal of a new Edgware Road Special Consideration Zone which appears to run down the centre of Bryanston Street. The boundary is curved round Cumberland Court, the building within which the store is located, presumably because it is a block of residential flats. To us there appears no logic for this. We labour the point because we need to stress how close the store is located to both Marble Arch and Edgware Road where we believe the availability of alcohol outside WCC Core Hours and especially 24 hours a day clearly cannot contribute to the promotion of Licencing Objectives

PN1 and CD1.

Incidentally, the proposed new policy continues to define Core Hours (HRS1) for Off Licences: Monday to Saturday: 08:00 to 23:00 Sundays: 09:00 to 22:30.



We understand that WCC wish to help businesses in the City during the Covid crisis but we worry that the haphazard way that licencing regulations have been amended on the hoof leave us hostage to fortune, the Law of Unintended Consequences. We are not aware of how many off-licences are trading outside Core Hours within Westminster and would be surprised if there are any authorised for 24-hour operation.

Our contention is that this store could easily become a focus for people wanting to buy alcohol after 23:00 and into the early hours. It is located next to an area with a serious crime problem. It is located within a residential block of flats and in a street with many private residences. If it is one of a very few all-night liquor stores in Central London the risk to residents' peace and quiet will be great.

In summary we urge the sub Committee to reject what appears to be an opportunistic attempt at extending hours as we believe that this application if granted will be contrary to the following Licensing Objectives: The Prevention of Public Nuisance and The Prevention of Crime and Disorder

3.	<p>Policy & Guidance</p> <p>Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 7 January 2021. This application for was applied for on 26 October 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 14 January 2021</p>
<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p>	
<p>Policy HRS1 applies</p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying

	<p>shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application as defined within this policy are:</p> <p>4. Off licences Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement. Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Policy OS1(A) applies</p>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. B. <p>Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. <p>C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).</p>
<p>Policy SCZ1 applies</p>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special</p>

	<p>Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer. • Queensway/Bayswater. • Edgware Road. • East Covent Garden. • Mayfair. • Victoria.
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4.	Equality Implications
<p>The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:</p> <p>(a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;</p> <p>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and</p> <p>(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.</p> <p>Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation</p>	

5.	Appendices
Appendix 1	Premises Licence 20/03272/LIPV
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: Kjackaman@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.		
Background Documents – Local Government (Access to Information) Act 1972		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018

4	Metropolitan Police Representation	18 November 2020
5	Environmental Health Service Representation	07 December 2020
6	Interested Party Representation (1)	02 December 2020
7	Interested Party Representation (2)	17 November 2020



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

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

Premises licence

Regulation 33, 34

Premises licence number:

20/03272/LIPV

Original Reference:

05/10250/LIPC

Part 1 – Premises details

Postal address of premises:

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

Where the licence is time limited, the dates:

The hours for the sale of alcohol off the premises shall be extended to 00:00 from 28th May 2020 until 27th May 2021

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol (On the premises)

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Sale by Retail of Alcohol (Off the premises)

Monday to Saturday: 08:00 to 00:00

Sunday: 10:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 08:00 to 05:00

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

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

Part 2

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

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

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

05729781

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

Name: Samirali Shaukatali Sunesara

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

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

Licence Number: H04300
Licensing Authority: London Borough of Hounslow

Date: 04 June 2020

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

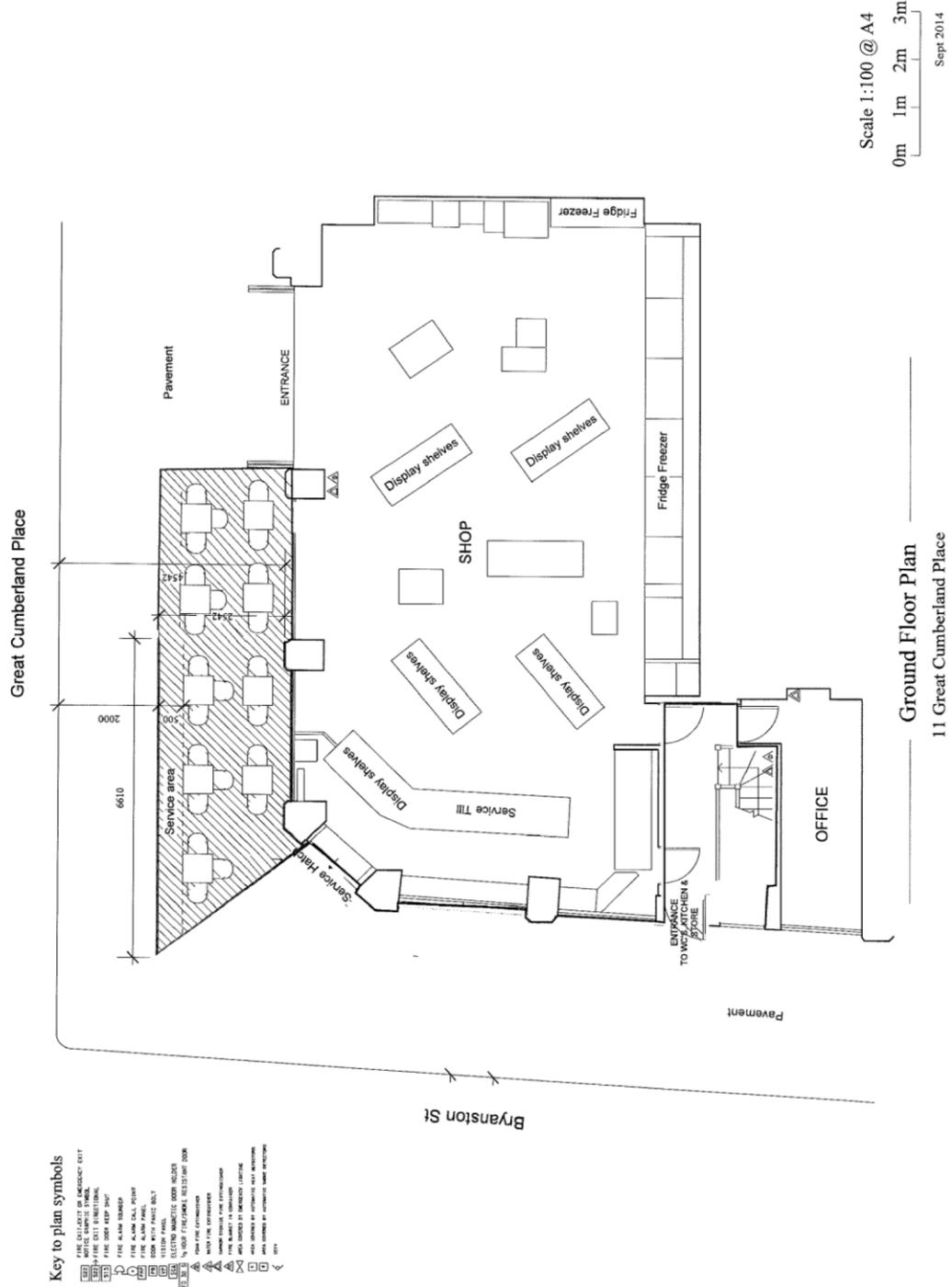
9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.
10. Hot food and/or hot drink sold between 23:30 and 05:00 Monday to Thursday and 00:00 and 05:00 Friday and Saturday shall be for consumption off the premises (take away) only.
11. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the public trading area is to be removed and/or secured so as to prevent access to the alcohol by customers.
12. The minor variation application shall have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
13. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. If there is a designated smoking area, a notice shall be prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.
15. A personal licence holder shall be on the premises after 20.00 hours daily.
16. The only alcohol displayed behind the service counter shall be bottled spirits. This does not include spirit mixtures.

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

17. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
21. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
22. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
23. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
24. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
25. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

28. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
29. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
30. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday.
33. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
36. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
37. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
38. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
39. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
40. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
41. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
42. No sales of alcohol are permitted for consumption off the premises after 23.00 hours on New Year's Eve or on any day when a concert takes place in Hyde Park.

Annex 4 – Plans



- Key to plan symbols
- 1. FIRE EXTINGUISHER
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City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

Regulation 33, 34

Premises licence number:

20/03272/LIPV

Part 1 – Premises details

Postal address of premises:

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

Where the licence is time limited, the dates:

The hours for the sale of alcohol off the premises shall be extended to 00:00 from 28th May 2020 until 27th May 2021

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol (On the premises)

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Sale by Retail of Alcohol (Off the premises)

Monday to Saturday: 08:00 to 00:00

Sunday: 10:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 08:00 to 05:00

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

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

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

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

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

05729781

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

Name: Samirali Shaukatali Sunesara

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

Restricted

Date: 04 June 2020

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/10250/LIPC	Premises Licence conversion	03.10.2005	Granted under delegated authority
06/01671/LIPDPS	Variation of DPS	09.03.2006	Granted under delegated authority
06/06700/WCCMAP	Master licence	07.09.2007	Granted under delegated authority
06/12873/LIPDPS	Variation of DPS	09.01.2007	Granted under delegated authority
07/04910/LIPDPS	Variation of DPS	25.05.2007	Granted under delegated authority
07/08047/LIPDPS	Variation of DPS	25.05.2007	Granted under delegated authority
10/01570/LIPDPS	Variation of DPS	24.03.2010	Granted under delegated authority
10/01573/LIPT	Transfer of premises licence: Select Service Partner Limited to European Retail Limited	24.03.2010	Granted under delegated authority
10/08210/LIPCH	Change of name: Cumberland Food and Wine	19.10.2010	Granted under delegated authority
10/08979/LIPDPS	Variation of DPS	02.12.2010	Granted under delegated authority
13/03692/LIPVM	Minor variation – adding CCTV condition agreed with the Police	11.06.2013	Granted under delegated authority
14/08680/LIPT	Transfer of premises licence: European Retail Limited to Chelsea Food and Wine Company Limited	24.10.2014	Granted under delegated authority
14/09194/LIPV	Full variation – add “on sales” of alcohol	24.09.2015	Granted by Licensing Sub Committee
15/06561/LIPV	Full variation – update with model conditions	07.09.2015	Granted under delegated authority
15/11866/LIPV	Full variation – add late night refreshment	11.05.2016	Application withdrawn

16/02975/LIPDPS	Variation of DPS	12.05.2016	Granted under delegated authority
16/14114/LIPVM	Minor variation – add late night refreshment	14.06.2017	Granted under delegated authority
17/14156/LIPVM	Minor variation – remove condition that entrance door to be kept closed	20.12.2017	Granted under delegated authority
17/14171/LIPV	Full variation – vary hours for “on sales” of alcohol	24.01.2018	Application withdrawn
18/04278/LIPV	Full variation - amend conditions	13.06.2018	Granted under delegated authority
18/11232/LIPVM	Minor variation – Extend hours for late night refreshment to 02:00	12.10.2018	Granted under delegated authority
18/16121/LIPV	Full variation – Extend the hours for “on sales” to core hours	12.02.2019	Granted under delegated authority
19/05249/LIPVM	Minor variation - Extend hours for late night refreshment to 03:00	17.06.2019	Granted under delegated authority
19/07469/LIPVM	Minor variation - Extend hours for late night refreshment to 05:00	09.07.2019	Granted under delegated authority
20/03272/LIPV	Full variation – extend the hours for “off sales” to 02:00 (reduced to 00:00 and time limited to May 2021)	28.05.2020	Granted by Licensing Sub Committee

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:

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.

Annex 2 – Conditions consistent with the operating Schedule

9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.

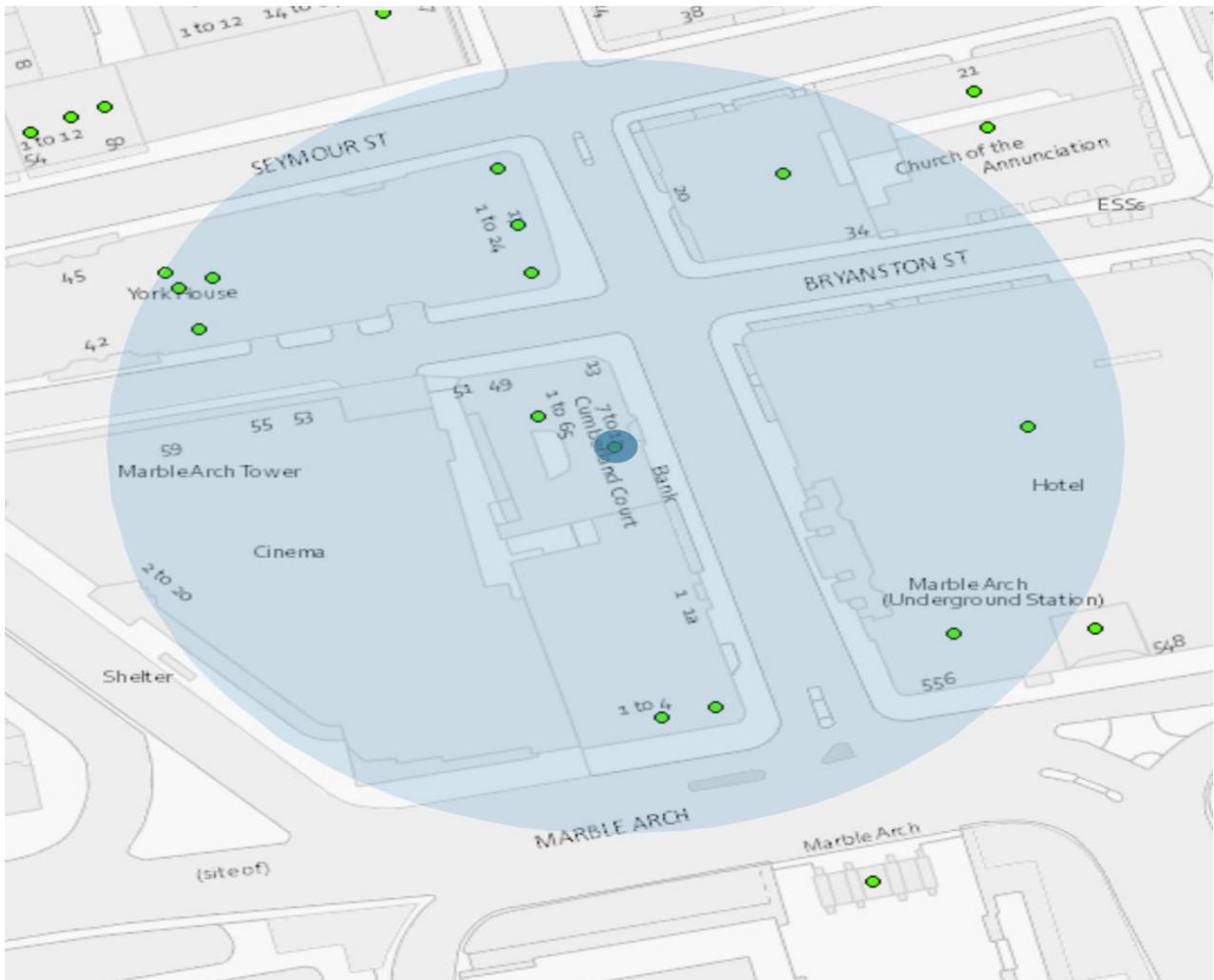
10. Hot food and/or hot drink sold between 23:30 and 05:00 Monday to Thursday and 00:00 and 05:00 Friday and Saturday shall be for consumption off the premises (take away) only.
11. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the public trading area is to be removed and/or secured so as to prevent access to the alcohol by customers.
12. The minor variation application shall have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
13. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. If there is a designated smoking area, a notice shall be prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.
15. A personal licence holder shall be on the premises after 20.00 hours daily.
16. The only alcohol displayed behind the service counter shall be bottled spirits. This does not include spirit mixtures.

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

17. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
21. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
22. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
23. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
24. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.

25. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
29. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
30. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday.
33. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
36. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
37. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
38. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
39. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
40. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
41. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

42. No sales of alcohol are permitted for consumption off the premises after 23.00 hours on New Year's Eve or on any day when a concert takes place in Hyde Park.



Resident count: 93

Licensed premises within 75 m of Cumberland Food and Wine. 11 Cumberland Place, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/07871/LIPT	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00

16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London	Shop	Monday to Sunday; 07:00 - 01:00
20/06740/LIPVM	Not Recorded	Marble Arch Tower 55 Bryanston Street London W1H 7AA	Shop (very large)	Monday; 07:00 - 23:00 Tuesday; 07:00 - 23:00 Wednesday; 07:00 - 23:00 Thursday; 07:00 - 23:00 Friday; 07:00 - 23:00 Saturday; 07:00 - 23:00 Sunday; 07:00 - 23:00
18/03362/LIPST	RU2, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Restaurant	Monday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00
18/03364/LIPST	RU3, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Cafe	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 10:00 - 22:30
20/03281/LIPN	Odeon Cinema 5-14 Marble Arch, 12-22 Edgware Road 53-63 Brya	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Not Recorded	Monday to Sunday; 00:00 - 00:00
18/03365/LIPST	RU4, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Restaurant	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00
18/03368/LIPST	RU6, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Not Recorded	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00

18/03367/LIPST	RU5, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Cafe	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00
20/04484/LIPDPS	The Hard Rock Hotel	Cumberland Hotel Great Cumberland Place London W1H 7DL	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00

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City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

kabbott@westminster.gov.uk"/>

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	19 November 2020		
Applicant:	Mr Dragan Romanic		
Premises address:	Basement And Ground Floor 294 Elgin Avenue London W9 1JS	Ward:	Maida Vale
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as an independent eatery serving fresh food and coffee with an external seating area.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant amendments:	On original submission of the application, the hours applied for sale of alcohol for on and off the premises were Monday to Friday 07:30 to 22:30, Saturday 08:00 to 22:30 and Sunday 09:00 to 22:30. These hours have since been amended and are reflected in 1-B of the report.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol (On sales hours)				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:		None					

Sale by retail of alcohol (Off sales hours)				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	10:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	07:30
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	Cheryl Boon PC1344AW
Received:	2 December 2020 (Withdrawn 4th December 2020)
<p>Dear Mr Romanic,</p> <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application. It is outside the Cumulative Impact Area but it is our belief that if granted the application would undermine the Licensing Objective in relation to The Prevention of Crime and Disorder and the Protection of Children from Harm.</p> <p><u>Hours - Supply of Alcohol:</u> We would like to propose the following hours for the supply of alcohol both on and off the premises, this is to bring the application in line with the core hour Policy for Westminster.</p> <p>Police proposed hours for on sales: Monday – Saturday 10:00 – 22:30hrs Sunday 12:00 – 22:30hrs</p> <p>Police proposed hours for off sales: Monday – Saturday 08:00 – 22:30hrs Sunday 10:00 – 22:30hrs</p> <p><u>Proposed Conditions</u></p> <p>We would then like to propose the following conditions to be added to any future operating schedule:</p> <ol style="list-style-type: none">1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.3. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.4. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.5. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.6. A Challenge 25 proof of age scheme shall be operated at the premises where the only	

acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

7. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

8. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.

9. Food and Non-Intoxicating Beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

10. There shall be no self-service of Alcohol.

11. Sales of alcohol for consumption off the premises shall be in sealed containers only, save for any external seating area shown on the plan.

12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and ancillary to their meal.

13. When accepting delivery orders including alcohol, staff must remind the customer the premises operates Challenge 25. Customers will be asked to provide ID on delivery if they look younger than 25. Restaurant staff must notify delivery drivers if an order contains alcohol. Similar procedures shall be implemented in respect of online orders.

Please let me know whether you are willing to agree to these hours and conditions that the Police are proposing as this may enable us to withdraw our representation.

Conditions and changes to Sale of Alcohol hours were agreed between the applicant the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 4th December 2020. The agreed conditions can be found at Appendix 4.

Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	17 December 2020

I refer to the application for a new Premises Licence for the above premises.

The following plans of the premises have been submitted:

- Ground Floor and Basement, Drg No. 204, Rev C1, dated Jan 2016

The applicant is seeking the following licensable activity:

1. Supply of alcohol 'On' and 'Off' the premises on Mon to Fri 7.30 to 22.30 hours, Sat 8.00 to 22.30 hours and Sun 9.00 to 22.30 hours.

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area.

Environmental Health also makes the following further comments:

- I understand the premises has been operating as a non-licensed café for several years and a premises history check of Environmental Health records shows no relevant issues, particularly with regards to nuisance, reported against the premises.
- Some undertakings have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns. In any case they will need to be converted into enforceable conditions based on the Council's 'model' conditions.
- Before the start of licensable activities the premises will need to be visited by Environmental Health for Public Safety and check that the submitted plans are an accurate reflection of the premises.
- The provision of sanitary accommodation for any proposed public capacity is recommended to be in line with the guidance set out in British Standard 6465 and separate facilities for staff provided in compliance with guidance to Food Hygiene legislation.

The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a further site visit after which Environmental Health may propose additional conditions for the proposed use.

Conditions have been proposed by Environmental Health and agreed with the applicant and can be found at Appendix 4.

2-B Other Persons			
Name:		[REDACTED] (Withdrawn 2 nd February 2021)	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	3 December 2020		
Dear Sir/Madam,			
Basement And Ground Floor 294 Elgin Avenue London W9 1JS			
Application ref: 20/10761/LIPN			
<u>Introduction</u>			
Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the			

architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues).

We recognise that these premises are run as a business and we are aware that it has to be a viable operation, providing services for locals as well as people who are not residents in this area. We are very keen to ensure that an appropriate balance is maintained between the legitimate rights of business and the equally legitimate and important rights of residents.

The application

The application is described as '*An independent eatery in the heart of Maida Vale, serving fresh food and bespoke coffee. A quiet space with contemporary feel and free wi-fi.*'

The premises appears to have planning consent for A3 café/restaurant use, subject to conditions.

The application seeks permission to sell alcohol for consumption on and off the premises between 7.30am and 10.30pm Mon-Fri, 8am to 10.30pm Sat, and 9am to 10.30pm Sun.

The premises opening times would be 7.30am to 10.30pm each day.

Our representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance.

Reasons for representation

We are aware that there is significant residential use in the vicinity of the premises in the shape of flats above shops both sides of this parade.

We are concerned that additional noise and nuisance arising from the premises could impact on local residents.

Whilst some conditions have been proposed, they fall some way short of the safeguards we would want in order to be content with the application.

In particular, there is no condition proposed that sale of alcohol would be ancillary to a table meal. Absence of such a condition would mean that the premises could operate as a bar.

We note that off sales have been applied for. Is the purpose of this for customers to drink outside the premises, or to take sealed containers away?

The commencement times for sale of alcohol are well outside the City Council's 'core hours' policy.

We would also request conditions regarding smokers; outside drinking; and dispersal of customers.

We may propose other conditions once we are more fully aware of what the nature of the operation is.

For these reasons, we object to this licence being granted as presented.

Conclusion

We are aware that applications are often amended to take into account concerns raised by responsible authorities or other persons. Please let us know if any amendments are made to this application so that we can consider if they resolve our concerns and, if appropriate, liaise

with local residents.

If a hearing takes place, we will endeavour to attend. Or appoint Richard Brown to represent us.

Yours sincerely

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	16 December 2020		

16/12/2020 7:37 PM As local residents, we are concerned about the granting of a liquor license to 294 Elgin Avenue, The Peppermint.

Our concerns are:

(1) NOISE (public nuisance) - The Peppermint already keeps very long opening hours - far in excess of other restaurants open in the area. While The Peppermint was granted longer hours by the council, the establishment has never actually kept these extended hours and it is impossible to determine how this will impact local residents. The Peppermint presently operates as a local coffee/independent eatery and is self-described in this application as a "quiet space." However, this seems inconsistent with the desire to obtain an on and off premise license with extended opening hours.

The restaurant's kitchen faces behind the establishment and onto the rear yard of homes on Elgin Mews South. Homes on the mews can hear dishes being washed and other kitchen activities conducted on the premises.

No other restaurants in the area border this residential rear yard. No other restaurant operates with such extensive opening hours.

(2) SATURATION (prevention of crime and disorder/public nuisance) - Elgin Parade is presently saturated with establishments offering local residents access to both on and off premise licenses. This includes - The Elgin Pub, Banana Tree, Thai Rice, Supersave Food & Wine, and Local Supermarket. All within one block

The number of establishments offering this service is becoming excessive by any measure.

(3) VAGRANCY - Elgin Mews South already experiences both vagrancy and excessive litter as a result of customers leaving both The Elgin Pub and the tube late at night. We would not like to see this increase further.

Unfortunately, both Elgin Mews South and Lanark Road, in particular, have become a blight due to being removed from Westminster's regular cleaning schedule.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	17 December 2020		

17/12/2020 10:25 AM ANTISOCIAL BEHAVIOUR

Licensing starting at 7.30am to 10.30pm causes concern. We regularly have people drinking outside our children's room in the morning. This could increase.

NOISE

The potential for increased noise from the premises which can be heard inside our houses through the windows on the back of the Peppermint.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities

	<p>and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>8. Restaurants</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RTN1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

5. Appendices

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

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police	2 December 2020
5	Environmental Health	17 th December 2020
6	Representation Comment 1 (Withdrawn 2nd February 2021)	3 rd December 2020
7	Representation Comment 2	16 th December 2020
8	Representation Comment 3	17 th December 2020

Applicant Supporting Documents

Appendix 2

None provided

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing

objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

None

Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule.

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
12. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
16. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
17. Food and Non-Intoxicating Beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. There shall be no self-service of Alcohol.
19. Sales of alcohol for consumption off the premises shall be in sealed containers only, save for any external seating area shown on the plan.
20. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and ancillary to their meal.

21. When accepting delivery orders including alcohol, staff must remind the customer the premises operates Challenge 25. Customers will be asked to provide ID on delivery if they look younger than 25. Restaurant staff must notify delivery drivers if an order contains alcohol. Similar procedures shall be implemented in respect of online orders.

Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the operating schedule.

22. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
25. All outside tables and chairs shall be removed or rendered unusable by 22.30 each day.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
29. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
30. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

Condition proposed by the Representation Comment 1 and agreed by the applicant so as to form part of the operating schedule.

32. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 07.00 hours on the following day unless placed out during the scheduled collection times.

294 Elgin Avenue, London



Resident Count = 250

Licensed premises within 75 metres of 294 Elgin Avenue

Licence Number	Trading Name	Address	Premises Type	Time Period
06/11688/WCCMAP	Supersave	292 Elgin Avenue London W9 1JS	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
15/05461/LIPDPS	Banana Tree	166-166A Randolph Avenue London W9 1PG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
20/06396/LIPDPS	Lord Elgin Public House	255 Elgin Avenue London W9 1NJ	Public house or pub restaurant	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 10:00 - 23:00