



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	<b>14/10384/LIPN</b>
Date:	<b>13 January 2015</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>Friends Supermarket 82 Lupus Street London SW1V 3EB</b>
Report of:	<b>Operational Director of Premises Management</b>
Policy context:	<b>City of Westminster Statement of Licensing Policy</b>
Financial summary:	<b>None</b>
Report Author:	<b>Miss Sam Eaton, Environmental Health Case Officer (Licensing)</b>
Contact Details:	<b>Telephone: 020 7641 1868 E-mail: <a href="mailto:seaton1@westminster.gov.uk">seaton1@westminster.gov.uk</a></b>

## APPLICATION DETAILS

<b>Application Type:</b>	A new premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Lupus 82 Ltd	<b>Date Application Received:</b>	20 November 2014
<b>Premises Name and Address:</b>	Friends Supermarket 82 Lupus Street London SW1V 3EB		
<b>Ward Name:</b>	Warwick	<b>Stress Area:</b>	No
<b>Description of Premises:</b>	The premises operate as a Supermarket.		
<b>Preliminary Note:</b>	The Premises were reviewed by the Licensing Service on the grounds of Prevention of Crime and Disorder and the Protection of Children From Harm following inspections where it has been found that alcohol has been sold to persons under age, a history of breaches relating to the sale of alcohol and the sale of tobacco to a minor and unpaid Customs and Excise duty. The Licensing Sub Committee revoked the premises licence (Ref: 10/06089/LIPD) on 11 <sup>th</sup> September 2014 and a copy of the decision has been included within the Background papers. The licence holder has submitted an appeal in relation to the decision.		
<i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
<b>Proposed Licensable Activities, Proposed Hours:</b>			
<p><b><u>1.1 Sale of Alcohol: Off the Premises</u></b></p> <p>Monday to Saturday – 08:00 to 23:00 Sunday – 10:00 to 22:30</p> <p><b><u>1.2 Opening Hours:</u></b></p> <p>Monday to Saturday – 08:00 to 23:00 Sunday – 10:00 to 22:30</p> <p><i>(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)</i></p>			
	<b>Relevant representations and policies applicable:</b>		<b>References / Notes</b>
<b>1A</b>	The Environmental Health Service has made an adverse representation against the application as presented would have the likely effect of not promoting the prevention of Crime and Disorder, increasing Public Nuisance and effecting Public Safety in the area.		<b>Environmental Health Service representation</b>
<b>1B</b>	The Metropolitan Police Service has made an adverse representation against the application in order to Prevent Crime and Disorder. Conditions have been proposed and can be found in <b>Appendix B.</b>		<b>Metropolitan Police Service Representation &amp; Conditions</b>

<b>1C</b>	<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p> <p>Prevention of crime and disorder (CD1)  Public Safety (PS1)  Prevention of public nuisance (PN1)  Protection children from harm (CH1)  Off Sales outside of the Stress Area (OS1)</p>	<b>Policies applicable</b>
<b>1D</b>	<p><b>Policy OS1 applies:</b></p> <p>Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement</p>	
<b>1E</b>	<p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	
<b>Current Licensing Position</b>	These premises were previously licensed under reference 10/06089/LIPD, which was revoked on 11 <sup>th</sup> September 2014. Please refer to <b>Appendix A.</b>	
<b>Residential Density:</b>	300 of the 392 units within a 75m radius of the premises are residential, under construction or proposed residential, (77%), refer to <b>Appendix C.</b>	
<b>Planning Position:</b>	Current planning permission for the Ground Floor and Basement has been granted stating Financial and Professional Service offices (Class A2).	
<b>List of Appendices:</b>	A – Premises Licence History B - Conditions C – Residential Map and list of premises in the vicinity	

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)
- Application form
- Plan
- Representations received
- Photos

**Licence & Appeal History**

The premises previously held a licence under reference 10/06089/LIPD which was revoked by Licensing Sub Committee on 11<sup>th</sup> September 2014. The licence history is as follows:

<b>Application</b>	<b>Details of Application</b>	<b>Date determined</b>	<b>Decision</b>
Conversion Application <b>05/09952/LIPC</b>	Application to convert the Justices On Licence	02.10.2005	Granted Under Delegated Authority
Duplicate Request <b>10/06089/LIPD</b>	Request for a duplicate copy of the licence.	13.08.2010	Granted Under Delegated Authority
Review Application <b>14/06086/LIREVP</b>	Application to review the premises licence on the grounds of Prevention of Crime and Disorder and Protection of Children from Harm.	11.09.2014	Review Determined – Licence Revoked
New Premises Licence Application <b>14/10384/LIPN</b>	Application for a New Premises Licence		Pending

**Awaiting appeal comments.**

## APPENDIX B

### 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.

#### **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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions consistent with the Operating Schedule:**

6. 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.

***Alternative Conditions Proposed by the Environmental Health Service & Metropolitan Police Service:***

- (i) No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
  - (ii) No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
7. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.  
***(Also proposed by the Environmental Health Service & Metropolitan Police Service).***

8. A Challenge 21 or 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

***Alternative Condition Proposed by the Metropolitan Police Service & the Environmental Health Service:***

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.

9. 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.  
***(Also proposed by the Environmental Health Service & Metropolitan Police Service).***
10. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

**Conditions Proposed by the Metropolitan Police Service:**

11. 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.
12. 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.
13. 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 trading area is to be secured behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

***Alternative Condition Proposed by the Environmental Health Service:***

Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grilles/screens or secured behind locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

14. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
15. Licensable activity shall only be carried out on the ground floor of the premises
16. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

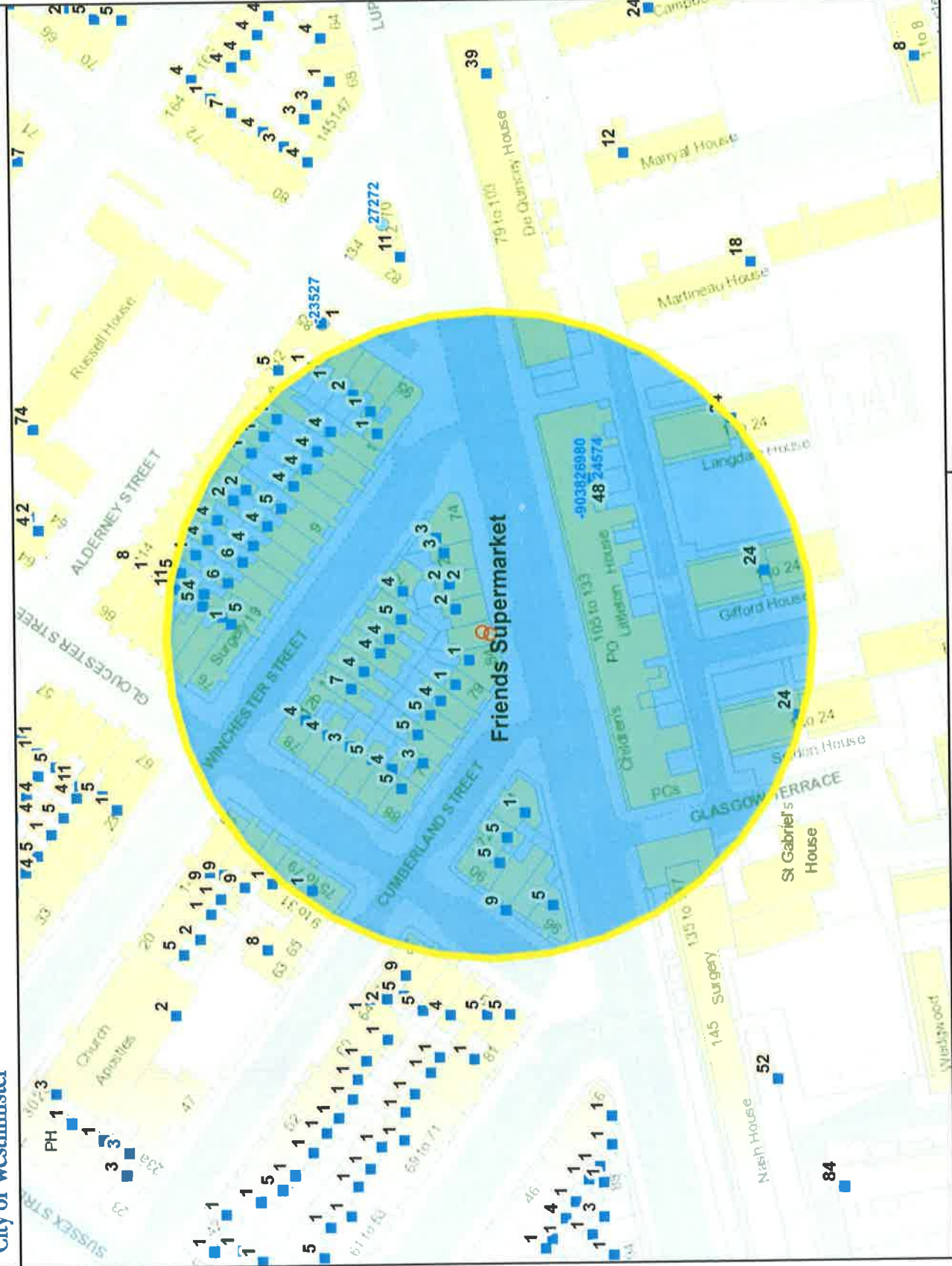
17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
21. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
22. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

**Conditions Proposed by the Environmental Health Service & Metropolitan Police Service:**

23. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
24. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
25. 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.
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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.



# Friends Supermarket, 82 Lupus Street, London



Residential / Proposed Residential	300
Under Construction	0
Other Uses	92
Proportion Residential of all Uses	77%

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10  Meters

Data Source: Uniform Database:  
Date: 29/12/2014

# APPENDIX C

**Premises within 75 metres of: Friends Supermarket, 82 Lupus Street, London**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
24574	Norrls News	Basement And Ground Floor 29 Lupus Street London SW1V 3EN	Monday to Saturday 06:00 - 23:00 Sunday 06:00 - 22:30
-9038	Tesco Stores Ltd	111 Lupus Street London SW1V 3EN	Monday to Sunday 06:00 - 23:00
26980	Pizza Hut Delivery	Basement And Ground Floor 117 Lupus Street London SW1V 3EN	Monday to Sunday 11:00 - 00:00

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# Background Documents

CITY OF WESTMINSTER



**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We LUPUS 82 LTD**

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Friends Supermarket 82 Lupus Street LONDON SW1V 3EL</b>			
<b>Post town</b>	<b>LONDON</b>	<b>Postcode</b>	<b>SW1V 3EL</b>
Telephone number at premises (if any)		<b>0207 460 0833</b>	
Non-domestic rateable value of premises		<b>£14750</b>	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*  please complete section (B)
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or  yes

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name LUPUS 82 LTD
Address R/O 3 BROOKS PARADE GREEN LANE ILFORD ESSEX IG3 9RT
Registered number (where applicable) 09199279
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any) 0207 460 0833
E-mail address (optional) C/O ATE@TVEDWARDS.COM

**Part 3 Operating Schedule**

When do you want the premises licence to start? Immediately DD MM YYYY  

±	±	±	±	±	±	±	±
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If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY  
N/A

Please give a general description of the premises (please read guidance note 1)  
 General supermarket providing for the needs of local residents and businesses

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment  | Please tick any that apply |
|---|----------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>   |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>   |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>   |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>   |

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

**Supply of alcohol** (if ticking yes, fill in box J)

x

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

**A N/a**

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



**B N/A**

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

C N/A

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

**D N/A**

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

E N/A

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

**F N/A**

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

**G N/A**

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

**H N/A**

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

**I N/A**

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



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	x <input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	0800	2300			
Tue	0800	2300			
Wed	0800	2300			
Thur	0800	2300			
Fri	0800	2300			
Sat	0800	2300			
Sun	1000	2230			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5).		

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**  
 NONE

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2300	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p>
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
Fri	0800	2300	
Sat	0800	2300	
Sun	1000	2230	

**M** Describe the steps you intend to take to promote the four licensing objectives:

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

The supermarket complies with all local authority and statutory requirements and proposes to adopt the standard conditions for the City of Westminster set out on the sheet attached

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

See attached sheet

**c) Public safety**

See attached sheet

**d) The prevention of public nuisance**

See attached sheet

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

See attached sheet

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. x
- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. x
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

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

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	T V EDWARDS LLP for and on behalf of LUPUS 62 LTD
Date	18.11.14
Capacity	Solicitors for the applicants

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

T V EDWARDS LLP  
35 MILE END ROAD LONDON E1 4TP

Post town	LONDON	Postcode	E1 4TP
-----------	--------	----------	--------

Telephone number (if any)	0203 440 8000
---------------------------	---------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
ate@tvedwards.com

### Notes for Guidance

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

## **Attached Sheet - Part M**

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.

There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

A Challenge 21 or 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

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.

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

3

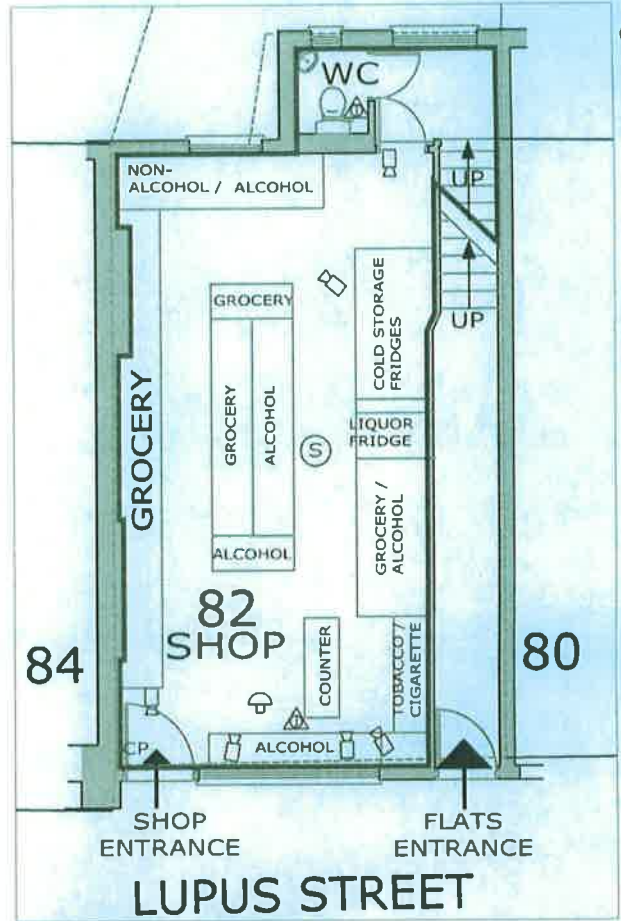
PLEASE NOTE - A4 PLANS TO BE PRINTED "AS IN DOCUMENT" NOT ENLARGED OR SHRUNK TO FIT PAGE



**BASEMENT FLOOR PLAN**  
SCALE 1:100



**LOCATION PLAN**  
SCALE 1:1250



**GROUND FLOOR PLAN**  
SCALE 1:100

KEY	
	CCTV
	FIRE EXTINGUISHER - WATER
	FIRE ALARM CALL POINT
	SMOKE DETECTOR
	FIRE EXIT
	FIRE ALARM SOUNDER

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client	address 82 LUPUS STREET PIMLICO, LONDON SW1V 3EL	location LICENSING PLAN	date 09-OCT-2014	scale 1:100	sheet A4	<p>Boham Consult Limited 191 Leamouth Avenue London E20 6DF Tel: 08430533724 Fax: 07082238990 mail@bohamconsult.co.uk www.bohamconsult.co.uk</p>
			dwg no. BC1069-02	revision		



Schedule 12  
Part A

WARD: Warwick  
UPRN: 999000071341

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

**Premises licence**

Regulation 33, 34

**Premises licence number:**

10/06089/LIPD

**Part 1 – Premises details**

**Postal address of premises:**

Friends Supermarket  
82 Lupus Street  
London  
SW1V 3EL

**Telephone Number:** 020 7460 0033

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

N/A

**Licensable activities authorised by the licence:**

Regulated Entertainment:

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

Sale by Retail of Alcohol

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

Regulated Entertainment:

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

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

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

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

**The opening hours of the premises:**

Monday to Saturday - 08:00 to 23:00

Sunday - 10:00 to 22:30

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

Off



**Part 2**

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

Mr Abdur Razzique  
7 Coverley Close  
Hanbury Street  
London  
E1 5HY  
*Telephone Number : 07947 254 608*

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

N/A

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

<b>Name:</b>	Abdur Rahman
<b>Address:</b>	8 Coverley Close Hanbury Street London E1 5HY
<b>Phone:</b>	07944 780219

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

<b>Licence Number:</b>	Not Supplied
<b>Licensing Authority:</b>	Not Supplied

**Date:** 13<sup>th</sup> Augsut 2010 \_\_\_\_\_

**Signed:** \_\_\_\_\_

**p.p. Operational Director - Premises Management**

## **Annex 1 – Mandatory conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Condition 4 will come into force from 1st October 2010

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

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

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

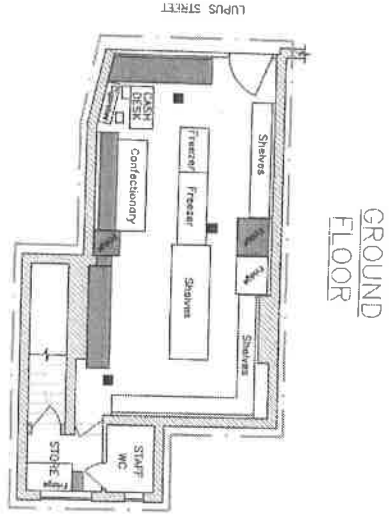
**Annex 2 – Conditions consistent with the operating Schedule**

None

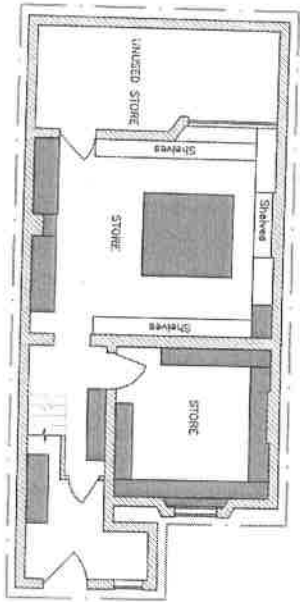
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

Annex 4 – Plans



GROUND FLOOR



BASEMENT

- KEY**
- CIGARETTE SALES
  - LIQUOR SALES
  - LIQUOR STORAGE
  - AMBIT OF LICENSED PREMISES
  - CAMERA

0 10 20 50  
1:100m NATURAL SCALE

NOTES

<p>STATUS</p>		
<p>CLIENT</p> <p><b>FRIENDS SUPERMARKET</b></p>		
<p>JOB TITLE</p> <p><b>82 LUPUS ST LONDON SW1 3EL</b></p>		
<p>DRAWING TITLE</p> <p><b>LICENCE APPLICATION FLOOR PLAN</b></p>		
<p><b>RJA</b></p> <p><b>DESIGN &amp; DRAWING SERVICES</b></p>		
<p>DATE</p> <p>11/10</p>	<p>BY</p> <p>RAB</p>	<p>DATE</p> <p>JULY 2008</p>
<p>DRAWING NO. <b>001</b></p>		



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

**Schedule 12  
Part B**

**WARD: Warwick  
UPRN: 999000071341**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

10/06089/LIPD

**Part 1 – Premises details**

**Postal address of premises:**

Friends Supermarket  
82 Lupus Street  
London  
SW1V 3EL

**Telephone Number:** 020 7460 0033

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

N/A

**Licensable activities authorised by the licence:**

Regulated Entertainment:

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

Sale by Retail of Alcohol

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

Regulated Entertainment:

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

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

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

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

**The opening hours of the premises:**

Monday to Saturday - 08:00 to 23:00

Sunday - 10:00 to 22:30

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

Off

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

Mr Abdur Razzique  
7 Coverley Close  
Hanbury Street  
London  
E1 5HY

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

N/A

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

**Name:** Abdur Rahman

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

N/A

**Date:** 13<sup>th</sup> August 2010 \_\_\_\_\_

**Signed:** \_\_\_\_\_

p.p. Operational Director - Premises Management

### LICENSING SUB-COMMITTEE No. 3

Thursday 11 September 2014

Membership: Councillors Melvyn Caplan (Chairman), Peter Freeman and Patricia McAllister

Legal Adviser: Anita Sharman

Policy Adviser: Chris Wroe

Committee Officer: Mick Steward

Relevant Representations: Environmental Health Team, Metropolitan Police Service, Local Residents

Present: Dario Saracini (Licensing Inspector), PC Jim Sollars, Louise Joyce (Environmental Health Team), Farhana Cook, Solicitor for Licensees

#### **Friends Supermarket, 82 Lupus Street, London, SW1V 3EL**

**14/06086/LIREVP**

1. The Sub-Committee heard from Dario Saracini (Licensing Inspector) who outlined the background to the review, as set out in the report. The amount of the alcohol which had been seized was significant to the value of £150k and would attract Excise duty of about £31k. Both the Licensee and the Designated Premises Supervisor admitted the offence which could have attracted a Level 3 fine of £1,000. The Custom and Excise Officers who had secured the goods had written to the Licensee warning that further problems would lead to prosecution but in the meantime they would allow the licensing authorities to undertake a review if they so determined. . He also drew the Sub-Committee's attention to the guidance issued under Section 182 of the Licensing Act 2003 which advised in these circumstances that the Sub-Committee should give serious consideration to revoking the licence, in extreme cases such as this. PC Jim Sollars spoke on behalf of the Police in support of the review which in view of the serious nature of the recent incident should lead to revocation of the licence particularly in view of the vast amount of alcohol involved.

Louise Joyce, Environmental Health Service, spoke in support of the review and for revocation as the matters were not capable of resolution by the imposition of additional conditions.

Ms Farhana Rahman Cook, Solicitor for the Licensees, addressed the Sub-Committee. She explained that her clients had been under pressure as a result of a new Tesco's Express and other economic pressures. They had admitted the offence and had given a full account to the authorities to assist in identifying the supplier. They had attended all meetings which had been requested by the authorities. The Licensees wished to keep the business in the community but they appreciated that their actions had led to serious problems. Accordingly, it was proposed that the licence be transferred to other members of the family. It was emphasised that at each stage the Licensees had cooperated with the



authorities. The letters of support for the premises from local residents, which had been circulated, were drawn to the particular attention of the Sub-Committee. The Solicitor for the Licensee suggested that conditions as follows could be added so as to avoid revoking the licence:

1. To change the Designated Premises Supervisor by October 2014;
2. No self service of spirits;
3. No supply of alcohol for drinking outside the premises;
4. The introduction of a Challenge 21 Scheme;
5. A requirement to produce on a monthly basis all invoices to Environmental Health.

Ms Cook asked, on behalf of her clients, for forgiveness and assured the Sub-Committee that no further problems would arise.

The Sub-Committee withdrew to consider and reach its decision.

Decision (including reasons if different from those set out in report):

The Chairman advised that in reaching its decision the Sub-Committee had not had regard to the historic incidents as far back as 2008 as these were, as had been stated, a long time ago. The most recent incident had involved a particularly large quantity of items. It was noted that the guidance, issued under Section 182 of the Licensing Act, advised that Local Authorities should use the review process to deal effectively with situations like those in this particular case and that the Customs and Excise authorities were expecting the authorities to use these powers rather than go through the Courts. The Sub-Committee did not consider it appropriate or possible to add additional conditions to resolve. In the circumstances of the serious nature of this case the Sub-Committee considered that the only appropriate and proportionate option was to revoke the licence.

TO  
REFERENCE

Samantha Eaton  
14/10384/LIPN

FROM  
REFERENCE  
BEING DEALT WITH BY  
TELEPHONE  
DATE

EH Consultation Team, 4<sup>th</sup> Floor, City Hall  
CT/LXJ/14/051290/EHCT  
Louise Joyce  
0207 641 1773  
23.12.2014

**Re: Basement And Ground Floor, 82 Lupus Street, London**

I refer to the application for a new premises Licence for the above premises. The applicant has submitted plans for the premises Name: Licensing Plan; dated 09-Oct-2014; dwg no: BC1069-02.

This representation is based on the application submitted and the operating schedule.

The applicant is seeking the following licensable activities:

1. To permit the Supply of Alcohol 'Off' the premises Monday to Saturday 0800 hours to 2300 hours and Sunday 1000 hours to 2230 hours.

I wish to raise the following representations:

1. The provision of the supply of alcohol 'Off' the premises and the hours requested may have the likely effect of not promoting the prevention of Crime and Disorder, increasing Public Nuisance and effecting Public Safety in the area.

I would also like to include in this representation recent history and breeches of conditions on the previous premises licence that was held at this premises.

<b>Date</b>	<b>Licence</b>	<b>Issue</b>	<b>Decision by WCC</b>
20.11.2014	14/10384/LIPN	Application submitted for a new premises licence for the supply of alcohol 'Off' the premises	Representation made by Environmental Health
13.11.2014	**Visit by HMRC Visit under section 112 of the customs & Excise Management Act 1979	Located in the premises behind the till a number of spirits which had counterfeit rear labels. Admission by Mr Ahmed that non UK duty paid stock had been purchased as no receipt available	Stock seized under section 139 of the customs and excise management Act 1979
11.09.2014	14/06086/LIREVP	An application to Review the PL was submitted following the discovery of a large quantity of 'alcohol which had had no excise duty paid. Review application submitted as premises failure to promote the licensing objectives of Crime and	The Sub-Committee did not consider it appropriate or possible to add additional conditions to resolve. In the circumstances of the

		Disorder and Children and Young persons.	serious nature of this case the Sub-Committee considered that the only appropriate and proportionate option was to revoke the licence.
22.05.2014	10/06089/LIPD	<p>Visit to premises following information from Trading Standards that premises was having alcohol seized by HM Revenue and Customs. Premises had been visited as part of a tobacco operation but officers had discovered large amounts of alcohol in a store room in the basement. Lots of it was found to be counterfeit, or with fake duty stamp marks on them. The operators were unable to provide any paperwork in relation to the alcohol on the premises so Revenue and Customs were seizing it all. The volume of alcohol in the basement store room was enormous so Revenue and Customs had called in a side loading truck to carry it all.</p> <p>Outcome - The DPS for the premises (Mr Abdur RAHMAN 9521 Tower Hamlets 190 Woodseer Street E1 5HQ) was present so his personal licence details were obtained. His personal licence did not contain his current address.</p>	

From the above history check of the premises it is clear that the previous DPS Mr. Rahman and his brother Mr. Razzique were in breach of their licence and was revoked.

Environmental Health is maintaining their representation and will have additional comments to make to the application. Witnesses from trading standards and Licensing inspectors may also attend the hearing to support this representation.

The applicant has not submitted any conditions in support of the application; however any new Premises Licence that may be granted will be subject to conditions to address the licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

A site visit will be arranged to assess the premises to ensure the premises is satisfactory and following this, conditions may be recommended by Environmental Health to support the licensing objectives for the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

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

**Louise Joyce**  
**Environmental Health Officer**

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**TO** Samantha Eaton, Licensing Officer  
**REFERENCE** 14/10384/LIPN

---

**FROM** EH Consultation Team  
**REFERENCE** CT/LXJ/14/051290/EHCT  
**BEING DEALT WITH BY** Louise Joyce (ljoyce@westminster.gov.uk)  
**TELEPHONE** 020 7641 1773  
**DATE** 5<sup>th</sup> January 2015

---

**The Licensing Act 2003**

**Ground Floor, 82 Lupus Street, London**

I refer to the application for a New Premises Licence.

The following conditions are proposed by Environmental Health.

1. Licensable activity shall only be carried out on the ground floor of the premises
2. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
5. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grilles/screens or secured behind locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
6. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
7. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
8. There shall be no self service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
9. 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.

10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. 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.
13. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
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. 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
17. 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.
18. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

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

Louise Joyce  
Environmental Health Officer

## Eaton, Sam

---

**From:** Joyce, Louise  
**Sent:** 07 January 2015 11:42  
**To:** Eaton, Sam  
**Subject:** Friends Supermarket Additional

Hi Sam,

Please see the document that I have submitted to you that I will refer to during LSC. It contains a memo from Dario Saracini Licensing Inspector and a witness statement from Nicola Leak Officer of the HMRC.

Kind Regards,

**Louise Joyce**

Environmental Health Officer  
Environmental Health Consultation Team  
**Premises Management**

Westminster City Hall - 4th Floor  
64 Victoria Street  
London SW1E 6QP

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Tel: 020 7641 1773  
Fax: 020 7641 3436

Email: [ljoyce@westminster.gov.uk](mailto:ljoyce@westminster.gov.uk)  
[www.westminster.gov.uk](http://www.westminster.gov.uk)

**CITY OF WESTMINSTER  
PREMISES LICENSING INSPECTOR**

**MEMORANDUM**

**TO:** Louise Joyce

**REFERENCE:** 14/10384/LIPN

**FROM:** Dario Saracini  
Licensing Inspector  
Premises Management

**DATE:** 25th November 2015

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**Re: Application for a new Premises Licence – 82 Lupus Street, W1**

As you will be aware this current application was received by WCC on 20th November 2014 and appears to have been submitted following the revocation of a previous premises licence (please see 14/06086/LIREVP for full details). The decision to revoke the licence was based upon evidence that the premises was selling alcohol with no excise duty paid contrary to S144 Licensing Act 2003, following a visit carried out by Customs and Trading Standards officer. The DPS and owner of the premises at that time was Mr Abdur Rahman of **8 Cloverley Close, Hanbury Street, E1** and the holder of the licence was his brother, Mr Abdur Razzique. Although the decision to revoke the licence was made by the Sub Committee on 11th September 2014 the appeal period ends on 3rd December 2014 and therefore the premises continues to trade selling alcohol. On 13th November 2014 however further visit was carried out by customs officers who once again found alcohol on the premises with no duty paid (see attached statement).

The current application is made by T V Edwards Solicitors on behalf 'Lupus 82 Ltd' (company No 09199279). The Director of this company is shown as Mr Abdus Subhan of **8 Cloverley Close, Hanbury Street, E1**. Crucially this appears to be the same address as the 'old' DPS and owner of the premises whose licence the Sub-committee revoked on 11th September 2014. (Please see attached printouts from Companies House)

The offences which Mr Rahman and his brother, Mr Razzique were accused were serious and appear to have been repeated again on 13th November 2014. I would therefore have concerns over anyone who has a connection with either of them.

Dario Saracini  
Licensing Inspector

COMPANY APPOINTMENTS

Registered No.: 09199279  
Name: LUPUS 82 LTD

Address: 3 BROOKS PARADE GREEN LANE  
ILFORD  
ESSEX  
ENGLAND  
IG3 9RT

Company Appointments: 2 / Resignations: 0

**Exclude**

Resignations

To view details of other appointments held, click on the appropriate underlined name.

(Charge : £1.00 per officer selection)

LUDI, MD NOOR UDDIN MR

6 BATH ROAD  
FOREST GATE  
LONDON  
UNITED KINGDOM  
E7 8QQ

DIRECTOR  
Appointed: 01/10/2014  
Nationality: BRITISH  
Occupation: SALESMAN

Country/State of Residence: UNITED KINGDOM  
Date of Birth: 05/07/1976  
Appointments: 1

SUBHAN, ABDUS MR

8 COVERLEY CLOSE  
HANBURY STREET  
LONDON  
UNITED KINGDOM  
E15 4HY

DIRECTOR  
Appointed: 02/09/2014  
Nationality: BRITISH  
Occupation: SALESMAN

Country/State of Residence: UNITED KINGDOM  
Date of Birth: 11/09/1982  
Appointments: 1



**COMPANY DETAILS**

---

**Name & Registered Office:**

LUPUS 82 LTD  
3 BROOKS PARADE  
GREEN LANE  
ILFORD  
ESSEX  
ENGLAND  
IG3 9RT

**Company No.:** 09199279

**Date of Incorporation:** 02/09/2014  
**Country of Origin:** United Kingdom

**Status:** Active

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**Company Type:** Private Limited Company

**Nature Of Business (SIC):**

None Supplied

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**Accounting Reference Date:** 30/09

**Last Accounts Made Up To:** (NO ACCOUNTS FILED)

**Next Accounts Due:** 02/06/2016

**Last Return Made Up To:**

**Next Return Due:** 30/09/2015

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**Mortgage: Number of Charges:** ( 0 outstanding / 0 satisfied / 0 part satisfied )

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**Previous Names**

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

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**WITNESS STATEMENT OF NICOLA LEAK**

**Visit to Friends Supermarket, 82 Lupus Street, London SW1V 3EL on 13<sup>th</sup>  
November 2014.**

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I, Nicola Leak, Officer of Her Majesty's Revenue & Customs, (HMRC) based at Custom House, 20 Lower Thames Street, London EC3R 6EE WILL SAY as follows:

On 13<sup>th</sup> November 2014, accompanied by other Officers of HMRC, I attended Friends Supermarket, 82 Lupus Street, London SW1V 3EL, under the authority of section 112 of the Customs & Excise Management Act 1979.

The owner of the business, Mr Abdur Rahman was present during the inspection.

I located a number of spirits behind the till which had counterfeit rear labels. This included:

- 19 x 70cl bottles of Glens Vodka
- 5 x 70cl bottles of High Commissioner Whisky
- 14 x 70cl bottles of Teachers Whisky
- 9 x 35cl bottles of High Commissioner Whisky

I also located 20 x 70cl bottles of Smirnoff Vodka that had UK diversion indicators.

Mr Rahman produced a number of invoices from August 2014 to date, which did include purchases of the brands found to have counterfeit or diverted indicators, but I could not confirm if these invoices related to the actual stock on hand.

Following the questioning of employee, Mr Iftakhar Ahmed, regarding the purchase of Echo Falls and Blossom Hill being sold for £3.99 per bottle, it was ascertained that he had purchased a number of cases of these brands from a 'white van man' for £15 per case, paid in cash with no receipt. The purchase price of £15 indicates that this stock is non UK duty paid. Mr Rahman claimed he had no knowledge of this transaction.

Due to the admission by Mr Ahmed that non UK Duty paid stock had been purchased, and the detection of spirits with counterfeit and UK diverted indicators, I seized the goods pursuant to section 139 of the Customs & Excise management Act 1979 as it was liable to forfeiture on the basis that, on the balance of probabilities, the UK excise duty had not been paid. The relevant seizure paperwork, ENF156 and ENF3174, was issued to Mr Ahmed following Mr Rahman's departure from the premises.

In total, 80.25 litres of wine and 43.75 litres spirits was seized.

The duty figures of the seized stock amounted to £693.92 of Excise Duty and £154.84 of VAT.

To date, I have not received an appeal against the seizure.

**Statement of Truth**

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

Signed:

.....  
NICOLA LEAK,

Dated 24<sup>TH</sup> November 2014

## Eaton, Sam

---

**From:** Simpkin, Kerry  
**Sent:** 07 January 2015 11:32  
**To:** Joyce, Louise  
**Cc:** Eaton, Sam  
**Subject:** FW: Personal Licence Enquiry

Hi Louise

Here's the response from Newham re Mr Ludi's personal licence.

Kerry

---

**From:** Gemma.Main@newham.gov.uk [mailto:Gemma.Main@newham.gov.uk] **On Behalf Of** Licensing@newham.gov.uk  
**Sent:** 07 January 2015 11:05  
**To:** Simpkin, Kerry  
**Subject:** RE: Personal Licence Enquiry

Hi Kerry,

Yes I can confirm that Mr MD Noor Uddin Ludi holds a Personal Licence with us. The expiry date is 10.07.2022  
The Licence number is different from the one you have. His Personal Licence number is 12/00628/LAPER

Kind regards

Gemma  
Gemma Main, Licensing Officer, Licensing Team  
*Enforcement and Safety - Specialist Operations*  
*Strategic Commissioning Directorate*  
London Borough of Newham  
Town Hall Annexe, 330-354 Barking Road, East Ham, London E6 2RT  
DDI: 0203 373 0822, Int: 30822

---

**From:** Simpkin, Kerry [mailto:ksimpkin@westminster.gov.uk]  
**Sent:** 06 January 2015 16:19  
**To:** Licensing  
**Subject:** Personal Licence Enquiry

Hi

Can you please confirm whether you currently have a Personal Licence issued for Mr MD Noor Uddin Ludi of [REDACTED]  
[REDACTED] Personal Licence number 09199279. This individual is named as a DPS for a new premises licence application which has been lodged with Westminster City Council.

I would appreciate if you could provide me with this information before the end of this week.

If you have any questions relating to this please do not hesitate to contact me on 020 7641 1840 or email me at this address.

Kind regards

Mr Kerry Simpkin  
Assistant Service Manager

**Environmental Health Consultation and Licensing**

Premises Management Delivery Unit  
Westminster City Council  
4th Floor South  
64 Victoria Street  
London SW1E 6QP

Tel: 020 7641 1840

E-mail: [ksimpkin@westminster.gov.uk](mailto:ksimpkin@westminster.gov.uk)

Team E-mail: [generallicensing@westminster.gov.uk](mailto:generallicensing@westminster.gov.uk)

Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)



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INFORMATION ON APPLICATIONS,  
TO CHECK THEIR PROGRESS OR STATUS

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\*\*\*\*\*

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

\*\*\*\*\*

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## Eaton, Sam

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**From:** Sollars, Jim  
**Sent:** 19 December 2014 18:24  
**To:** AnthonyEdwards  
**Cc:** idoxlicensing; Eaton, Sam  
**Subject:** RE: 14/10384/LIPN friends supermarket, 82 Lupus Street

Seems like they are directly connected to me!

I'm struggling to believe why they should benefit from relicensing their premises.

You must be aware that, once a licence is granted, it may be transferred.

Police have made this representation to deter other criminals.

S182 guidance suggests both that a Review for Crime and Disorder can be used as a deterrent ( I can't find the reference at the moment!) and:

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

- for the sale of smuggled tobacco and alcohol.

Jim Sollars PC 2142CW

Westminster Police Licensing Team  
4th Floor Westminster City Hall,  
64, Victoria Street,  
LONDON  
SW1E 6QP

Tel: 0207 641 3179

---

**From:** AnthonyEdwards [<mailto:Anthony.Edwards@tvedwards.com>]  
**Sent:** 19 December 2014 15:26  
**To:** Sollars, Jim  
**Cc:** idoxlicensing  
**Subject:** RE: 14/10384/LIPN friends supermarket, 82 Lupus Street

Thank you We must emphasise that the old owners will be totally unconnected (other than as landlords receiving rent) with the new business

Anthony Edwards – Senior Partner  
For and on behalf of TV Edwards LLP



Direct Dial: +44(0)20 3440 8310  
Reception: +44 (0)20 3440 8000  
Fax: +44 (0)20 3357 9587

35 Mile End Road  
London, E1 4TP

DX: 300 700 Tower Hamlets

[www.tvedwards.com](http://www.tvedwards.com)

All Crime correspondence and casepapers should be sent via secure email to [cjsm.crime.inbox@tvedwards.com.cjsm.net](mailto:cjsm.crime.inbox@tvedwards.com.cjsm.net)

---

**From:** Sollars, Jim [<mailto:jsollars@westminster.gov.uk>]  
**Sent:** 19 December 2014 15:03  
**To:** AnthonyEdwards  
**Cc:** idoxlicensing  
**Subject:** 14/10384/LIPN friends supermarket, 82 Lupus Street

Police make a representation against the above application in order to prevent crime and disorder.

The premises has recently been reviewed as a result of being found in possession of more than £30,000 worth of unpaid duty alcohol.

Also, although the application suggests that I see the 'attached sheet' for operating schedule conditions to promote the licensing objectives, I have no such sheet.

Jim Sollars PC 2142CW

Westminster Police Licensing Team  
4th Floor Westminster City Hall,  
64, Victoria Street,  
LONDON  
SW1E 6QP

Tel: 0207 641 3179

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## Eaton, Sam

---

**From:** Sollars, Jim  
**Sent:** 19 December 2014 17:44  
**To:** AnthonyEdwards  
**Cc:** idoxlicensing; Eaton, Sam  
**Subject:** RE: Friends supermarket 14/10384/lipn

Anthony,

Thanks for your email.

This is a very basic starting point.

I'll attach the full off licence conditions we will seek, should the LSC decide to grant.

The rep against the application remains .

- MC01 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.
- MC02 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.

All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

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 trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

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.

There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

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.



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.

Jim Sollars PC 2142CW

Westminster Police Licensing Team  
4th Floor Westminster City Hall,  
64, Victoria Street,  
LONDON  
SW1E 6QP

Tel: 0207 641 3179

---

**From:** Anthony Edwards [<mailto:Anthony.Edwards@tvedwards.com>]

**Sent:** 19 December 2014 16:31

**To:** Sollars, Jim

**Subject:** Friends supermarket

This was sent on earlier but I attach an additional copy  
Thank you

Anthony Edwards – Senior Partner  
For and on behalf of TV Edwards LLP



Direct Dial: +44(0)20 3440 8310  
Reception: +44 (0)20 3440 8000  
Fax: +44 (0)20 3357 9587

35 Mile End Road  
London, E1 4TP

**Eaton, Sam**

---

**Subject:** FW: 14/10384/LIPN LUPUS ST OFF LICENCE APPLICATION

**From:** Sollars, Jim  
**Sent:** 05 January 2015 13:29  
**To:** [anthony.edwards@tvedwards.com](mailto:anthony.edwards@tvedwards.com)  
**Cc:** idoxlicensing; Eaton, Sam  
**Subject:** 14/10384/LIPN LUPUS ST OFF LICENCE APPLICATION

Sir,

Please find the most recent S182 guidance re Crime and Disorder, parts highlighted in bold and underlined.

Police suggest that by licensing a tenant, the purpose of the Review is undermined.

The landlords benefit from the premises being licensed.

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

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- **for the sale of smuggled tobacco and alcohol.**

11.28 It is envisaged that licensing authorities, **the police and other law enforcement agencies,**

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

Jim Sollars PC 2142CW

Westminster Police Licensing Team  
4th Floor Westminster City Hall,  
64, Victoria Street,  
LONDON  
SW1E 6QP

Tel: 0207 641 3179



FRIENDS SUPERMARKET

OFF LICENCE

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