



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/03669/LIPN
Date:	3 July 2014
Classification:	For General Release
Title of Report:	Co-operative Food 18-22 Park Road London NW1 4SH
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ryan Peermamode Environmental Health Case Officer (Licensing)
Contact Details:	Telephone: 020 7641 1879 E-mail: rpeermamode@westminster.gov.uk

## 1. APPLICATION DETAILS

<b>Application Type:</b>	New premises licence under the Licensing Act 2003.		
<b>Applicant:</b>	Co-operative Group Food Limited	<b>Date Application Received:</b>	9 May 2014 (validated 16 May)
<b>Premises Name and Address:</b>	Co-operative Food 18-22 Park Road, London, NW1 4SH		
<b>Ward Name:</b>	Regent's Park	<b>Stress Area:</b>	No
<b>Premises Description:</b>	The premises propose to operate as a licensed convenience store selling a range of items including alcohol for consumption off the premises.		

*Note: Where the committee is minded to grant the application 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.*

<b>Proposed Licensable Activities, Proposed Hours:</b>		<b>References / Notes</b>
<b>1.</b>	<p><b>Sale of Alcohol: Off Sales</b></p> <p>Monday to Saturday 08:00 to 23:00 Sunday 10:00 to 22:30</p> <p><b>Relevant representations and policies applicable:</b></p>	
<b>1A</b>	<p>An adverse representation had been made by the Police Licensing Team stating that the application if granted would undermine the crime prevention objective. Conditions have been proposed to address their concerns, which have been agreed by the applicant. The Police representation was subsequently withdrawn. Please refer to <b>Appendix B1</b></p>	<b>Police; representation, conditions &amp; withdrawn</b>
<b>1B</b>	<p>An adverse representation has been made by the Environmental Health Service stating that the grant of the application as presented will impact upon public safety and have the likely effect of causing an increase in public nuisance within the area. Please refer to <b>Appendix B2</b></p>	<b>Environmental Health; representation</b>
<b>1C</b>	<p>Adverse representations have been received from eight residents from flats above the premises on Park Road, as well as two residents from neighbouring Clarence Terrace. The concerns raised refer to the licensing objectives, most notably, the prevention of public nuisance. Please refer to <b>Appendices B3-B12</b></p>	<b>10 Residential representations</b>
<b>1D</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) Hours (HRS1) Off sales of alcohol outside the Stress Areas (OS1)</p>	<b>Polices applicable</b>

<p>1E</p> <p>1F</p> <p>1G</p>	<p><b>Policy HRS1 applies:</b></p> <p>(i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy.</p> <p><b>Policy OS1 applies:</b></p> <p>Applications will generally be granted subject to the relevant criteria in Policies CD1, PS1, PN1, CH1 and HRS1 and other policies in this statement.</p> <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>	<p style="text-align: center;"><b>Summary</b></p>
<p>2.</p> <p>2A</p> <p>2B</p>	<p><b>Opening Hours:</b></p> <p>Monday to Sunday 07:00 to 23:00</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> <p><b>Relevant representations and policies applicable:</b></p> <p>Refer to 1A to 1F as above.</p> <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>	<p style="text-align: center;"><b>Opposed by Environmental Health and 10 Residents</b></p> <p style="text-align: center;"><b>Summary</b></p>
<p><b>Current Licensing Position</b></p>	<p>This premises has not previously held a licence under Licensing Act 2003.</p>	
<p><b>Current Planning Position</b></p>	<p>The premises has long established use as retail (Class A1).</p> <p>Planning permission ref: 14/04618/FULL sought for installation of ATM within shopfront and alterations to door. A decision is pending.</p>	
<p><b>Residential Density:</b></p>	<p>139 of the 141 units are residential or proposed residential units within a 75m radius of the premises (99%). Please refer to <b>Appendix E</b></p>	

<b>List of Appendices:</b>	A1 - Application Form A2 – Plan A3 – Applicants’ supporting documentation B1 – Police Licensing Team; representation, conditions & withdrawal B2 - Environmental Health; representation B3-B12 – Residential representations C – Licence History D - Proposed Conditions E – Residential Map and list of premises in the vicinity F – Photograph of the premises
<b>Relevant Representations:</b>	Environmental Health Service 10 Residents

## **2. APPLICANT SUBMISSIONS AND EVIDENCE**

2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in Appendix A.

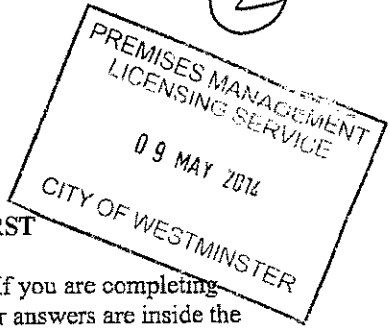
## **3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY**

3.1 Any chronology relating to appeals is set out in Appendix C.

### **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)

(2)



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 Co-operative Group Food 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 Co-operative Food 18-22 Park Road			
Post town	Regents Park, London	Postcode	NW1 4SH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£87,001.00-£125,000.00 (Band D)

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 \*
  - 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
- 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)	
<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>					

**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)	
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)					

**(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 Co-operative Group Food Ltd
Address Dept 10227 1 Angel Square Manchester M60 0AG
Registered number (where applicable) IP26715R
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Proposed convenience retail store, to trade 7 days a week, selling groceries, sundry items and alcohol for consumption off the premises only.

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

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



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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		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**

<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

<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			<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)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment 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"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music 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"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**F**

<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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
<b>Wed</b>			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri					
<b>Sat</b>			<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)		
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance 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"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**H**

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



I

<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"/>			
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 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	<input checked="" 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)  None		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30	<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)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name Jinal Patel	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00		<p><u>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</u> (please read guidance note 5)</p>
		23:00	
Tue	07:00		
		23:00	
Wed	07:00		
		23:00	
Thur	07:00		
		23:00	
Fri	07:00		
		23:00	
Sat	07:00		
		23:00	
Sun	07:00		
		23:00	

**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 applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate.

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

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 28 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 28 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 or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
4. 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.
5. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
6. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
7. 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.
8. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
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. Prior to any football match taking place at Wembley Stadium the premises licence holder shall ensure that;
  - (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event;
  - (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event
  - (iii) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting

event or in the vicinity of the premises as a result of the designated sporting event;  
(iv) All members of staff working at the premises are informed of this condition prior to taking up employment;  
(v) On the day of the relevant designated sporting event, upon the direction of a police officer of the rank of Inspector or above, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.

11. There shall be "CCTV in Operation" signs prominently displayed at the premises.
12. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
13. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
14. The premises will be fitted with a burglar alarm system
15. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

**c) Public safety**

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

**d) The prevention of public nuisance**

A complaints procedure will be maintained, details of which will be made available in store and upon request.

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

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.
3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

**Checklist:**

**Please tick to indicate agreement**

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

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

**Part 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	<i>Ward Hadaway</i>
Date	07/05/2014
Capacity	Solicitor acting on behalf of the applicant

**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)

Miss Suzanne Blewitt  
Ward Hadaway  
Sandgate House  
102 Quayside

Post town	Newcastle	Postcode	NE1 3DX
Telephone number (if any)	0191 204 4491		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) suzanne.blewitt@wardhadaway.com			



Peermamode, Ryan

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**Subject:** FW: COOP - 18/22 Park Rd ( 14/03669 )  
**Attachments:** Counsel\_s Advice - Susanna FitzGerald QC.PDF

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**From:** Richard Arnot [<mailto:Richard.Arnott@wardhadaway.com>]

**Sent:** 16 June 2014 09:25

**To:** Agbley, Peter

**Subject:** COOP - 18/22 Park Rd ( 14/03669 )

Further to the above , I attach an opinion of Suzanna Fitzgerald QC describing the non-appropriateness of delivery conditions in licensing applications to which I may refer in the hearing if necessary . A number of residents raise deliveries as a concern and our view , supported by Suzanna's opinion , is that this isn't an appropriate consideration in a licensing application and sits more readily with planning . For information , Knowsley BC removed the offending condition.

Please ignore the final paragraph of Suzanna's opinion which relates to another matter .

Regards

Richard



RE. THE CO-OP AND PREMISES  
LICENCE

UNDER THE LICENSING ACT 2003

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ADVICE

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Ward Haddaway  
Sandgate House  
102 Quayside  
Newcastle Upon Tyne  
NE1 3DX

Telephone: 0191 204 4000  
DX: 61265 Newcastle upon Tyne

Ref RXA.AS.COO229.4 Richard Arnot

RE. THE CO-OP AND PREMISES LICENCES  
UNDER THE LICENSING ACT 2003

ADVICE

1. I am asked to advise the Co-Op about a condition which appears in several of its premises licences granted under the Licensing Act 2003, and as to the proper interpretation of this condition.
  
2. I have in front of me a typical example of such a premises licence, in this case granted by Knowsley Council, for a Co-Op situated in Fazakerley. The licence authorises the licensable activity of the sale by retail or the supply of alcohol. The licensee is the Co-Operative Group Food Limited. Attached to this licence are the mandatory conditions, and various other conditions under the headings of the licensing objectives i.e. the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. Modifications were made to the conditions, following a hearing on 14<sup>th</sup> March 2013, which the Council considered “appropriate, proportionate and reasonable” to make “having regard to the promotion of the licensing objectives”.
  
3. Under the heading of “The Prevention of Public Nuisance” appears just one condition, (not modified earlier this year) which is:-

“No deliveries to take place between 10pm and 7am the following day.”

4. I understand that no deliveries of alcohol have taken place between 10pm and 7am, but it has been alleged that some deliveries of other goods which the shop sells have taken place within those hours. This condition, as I have mentioned, is typical of more than one Co-op premises licence and although the premises licence I have quoted is one granted by Knowsley Council, this Advice extends to other licences with a similar condition. Knowsley Council, I understand, have put forward the view that the condition means that no deliveries whatsoever may take place between 10pm and 7am, whereas the Co-Op and my Instructing Solicitor maintain that the condition can only refer to the deliveries of alcohol to the premises covered by the licence.

#### The Licensing Act 2003

5. The heading to the Act specifies that it is:-

“An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes.”

6. Section 1 sets out the “licensable activities”, the first one of which is the sale by retail of alcohol.

7. By Section 2(1)(a), a licensable activity (in this case the sale by retail and supply of alcohol) may be carried on under and in accordance with a premises licence. By Section 136, a person commits an offence if he carries on a licensable activity from premises otherwise than under and in accordance with an authorisation, i.e. a licence in this case. There are various other offences relating to alcohol set out in the following

sections. Obviously, therefore, the licence is entirely concerned with making lawful, and controlling, the licensable activities.

8. By Section 4(1) a licensing authority:-

“.....must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.

(2) The licensing objectives are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.”

9. By Section 11, a premises licence means a licence which “authorises the premises to be used for one or more licensable activities”. So, as may be seen, everything is tied to the licensable activity which in this case refers to the sale by retail of alcohol.

10. A licensing authority is given power to grant a premises licence subject to conditions (see Section 18). If no relevant representations are received, the authority’s power to impose conditions is limited, but if a relevant representation is received, the authority’s power is somewhat wider. However it is still constrained as the authority may only impose conditions (other than the mandatory conditions), “appropriate for the promotion of the licensing objectives”.

11. The Co-Op requires this licence solely to enable the sale of alcohol by retail. It does not require any premises licence to carry on the main bulk of its trade, which is that of selling food and other grocery products, presumably permitted under appropriate planning permission. Therefore, it can lawfully supply food and other grocery products other than alcohol without a premises licence. If there were no premises licence in force, the Co-Op can perfectly lawfully receive deliveries of food and other grocery products at any time.

12. A licensing authority may only impose a condition so far as it considers it appropriate for the promotion of the licensing objectives in relation to a licensable activity. It does not have carte blanche to impose any condition which it considers may be appropriate to the premises. To impose such a condition unrelated to a licensable activity would be ultra vires, unlawful and irrational. This was recently illustrated in a Scottish case, Bapu Properties Limited v. City of Glasgow Licensing Board 2012 WL 488659. This was an appeal to the Sheriff's Court under the Licensing (Scotland) Act 2005 where the Licensing Board had refused an application for a variation of a premises licence in relation to a licensed Indian restaurant. The restaurant wished to extend the ambit of the licence to include an external seating area along the pavement next to the glass frontage of the restaurant. One of the reasons given by the Board to support this refusal was that the granting of the application would be inconsistent with the licensing objective of preventing public nuisance. The Board considered that granting the application would limit the space on the footpath so as to cause congestion and inconvenience to pedestrians in a busy area of the city centre.

13. The Scottish Licensing Act is not identical in its terms to the Licensing Act 2003 but it has striking similarities. It refers to “premises licences,” and licensing objectives, one of which is “preventing public nuisance.” One of the grounds for refusal of a licence is that “the Board considers that the granting of the licence would be inconsistent with one or more of the licensing objectives.” In my view, it is right that the Scottish court and the Scottish law should provide authority and guidance for the English court.

14. The Court found:-

“45. The single function of a Licensing Board under the 2005 Act is that of the licensing of the sale of alcohol. The powers to licence (sic) the sale of alcohol cannot be deployed to effect objectives not related to the sale of alcohol, but which the Licensing Board might yet find desirable. The objectives listed in Section 4 of the 2005 Act” (which are the licensing objectives), “though striking in their apparent generality, are not “free-standing” objectives. They are “licensing” objectives. The objectives, if they are to be relied upon to refuse a licence, must be “linked to the sale of alcohol” (Brightcrew Limited v. The City of Glasgow Licensing Board [2011] CSIH 46 at paragraph 26).”

The court went on to describe how the supposed public nuisance arose from the apprehended pedestrian congestion on the footpath. However the court held that congestion was not directly or materially linked to the sale of alcohol on the premises. It did not flow directly or materially from the licensing of the sale of alcohol. If it existed at all it would be attributable to the physical presence of the tables and the chairs of the restaurant’s external operation, which was already sanctioned by, inter alia, planning consent. Of course, conditions imposed on licences in England should not duplicate other

statutory provisions either, and here the Coop is entitled to sell food and other grocery products by virtue of planning permission.

15. The Court further stated:-

“48. The Board is not concerned with preventing public nuisance generally. The Board is only concerned with prevention of public nuisance so far as referable to the sale of alcohol.”

16. In the Brightcrew case (supra), at para 26, in addition to what was quoted in the Bapu case, the Inner House, Court of Session stated that, although the licensing objectives were all desirable in a general sense, that did not empower a Licensing Board to insist on matters not linked to the sale of alcohol. The same is true in England.

17. Consequently, in my view, any condition imposed has to be able to be materially and directly related to a licensable activity, which in this case is the sale by retail of alcohol. The authority do not have power under the Licensing Act to impose a condition which relates to anything other than one of the licensable activities i.e. here the sale by retail of alcohol. As was said in the Bapu Properties case (following the Brightcrew case), the authority is not concerned with preventing public nuisance generally, only with the prevention of public nuisance so far as it is referable to the sale of alcohol. A condition which purports therefore to limit all deliveries of foodstuffs or other groceries would be an unlawful condition because the authority would not have the power to impose it. However, the condition can be construed, and, in my view, must be construed, perfectly lawfully, if construed only to refer to deliveries of alcohol to be sold in the shop.

When faced with two possible interpretations, one of which would be unlawful and the other of which is lawful, the lawful interpretation is the one to be followed.

18. In contract law, “where the words of a contract are capable of two meanings, one of which is lawful and the other unlawful, the former construction should be preferred.” This principle is based on the proposition that “the parties are unlikely to have intended to agree to something unlawful.” (See Lewison “The Interpretation of Contracts,” 5<sup>th</sup> Edition at 7.1). The same can be said here: the authority is unlikely to have intended to impose a condition that was ultra vires and unlawful. Indeed, one must work on the basis that the authority intended to act lawfully and within its powers, and therefore, the condition can only refer to deliveries of alcohol.

19. I have in front of me a letter from Mrs Jane Miller in Croydon written to the local council in relation to a variation application put in by the Co-Op in respect of premises in Featherbed Lane, complaining that deliveries of bread to the Co-Op have taken place before 7am. The letter is the only representation received in respect of the application. The Licensing officer is suggesting that it is a relevant representation and therefore there needs to be a hearing. However, as I have set out above, when the authority are carrying out its duties under the Licensing Act, under section 4 (see para 8 above), the authority are concerned with matters relevant to the licensable activity in question and not public nuisance generally. Mrs Miller’s letter deals only with alleged deliveries of grocery products and has nothing to do with the retail sale of alcohol, and therefore has nothing to do with the likely effect of the grant of the application on the promotion of the licensing objectives. It therefore cannot be a relevant representation (see section 35(5)). Therefore



the application must be granted administratively without the need for a hearing (see section 35(2)).

**SUSANNA FITZGERALD Q.C.**

One Essex Court  
Temple  
London  
EC4Y 9AR.

29 April 2013

**Peermamode, Ryan**

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**From:** Guerra, Reaz  
**Sent:** 04 June 2014 13:47  
**To:** Suzanne.Blewitt@wardhadaway.com  
**Cc:** idoxlicensing; Peermamode, Ryan  
**Subject:** Ref - 14/03669/LIPN - Co-op 18-22 Park Road, London NW1  
**Attachments:** Co op Park Road - Objection.pdf

Dear Suzanne,

With reference to the above application. I have tried calling but keep missing you.

Please find attached letter of objection.

Police seek the following condition:-

- All cashiers will receive training and refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such refresher training to take place at least twice a year. Records will 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 a relevant officer of a responsible authority.

I note that you have proposed a condition regarding training and till prompts, but request that this be amended as follows:-

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

Please call me if you have any questions.

Kind Regards

Reaz

**PC Reaz Guerra 1614CW**  
Westminster Police Licensing Team  
Westminster City Hall  
4th Floor, 64 Victoria Street  
London SW1E 6QP  
Tel - 0207 641 1708

Your

Our 14/03669/LIPN

Date 4<sup>TH</sup> June 2014



**METROPOLITAN POLICE  
SERVICE**

**Reaz Guerra PC 1614CW**  
Westminster Police Licensing Unit  
**Westminster City Hall**  
64 Victoria Street  
London  
SW1E 6QP

Telephone: 020 7641 3179

Facsimile: 020 7641 2436

Suzanne Blewitt  
wardhadaway  
Sandgate House,  
102 Quayside  
Newcastle upon Tyne  
NE1 3DX

Dear Suzanne,

**Application for a New Premises Licence - 14/03669/LIPN**

**Co-op – 18-22 Park Road, London NW1 4SA**

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

It is for this reason that we are objecting to the application

Should you wish to discuss the matter further please contact PC Reaz Guerra on 0207 641 1708 or via email, [rguerra@westminster.gov.uk](mailto:rguerra@westminster.gov.uk).

Yours Faithfully,

Reaz Guerra PC1614CW

Westminster Police Licensing Team

**Peermamode, Ryan**

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**Subject:** FW: COOP - 18/22 Park Rd , NW1

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**From:** Russell, Sandy  
**Sent:** 17 June 2014 12:10  
**To:** Peermamode, Ryan; Police Fullapps  
**Subject:** RE: COOP - 18/22 Park Rd , NW1

Dear Ryan,

Police now withdraw our representation.

Thanks,

Sandy

PC Sandy Russell 4167CW  
Westminster Police Licensing Team

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**From:** Guerra, Reaz  
**Sent:** 05 June 2014 15:05  
**To:** Richard Arnot  
**Cc:** idoxlicensing; Peermamode, Ryan  
**Subject:** RE: COOP - 18/22 Park Rd , NW1

Richard,

All agreed.

Thanks  
Reaz

---

**From:** Richard Arnot [<mailto:Richard.Arnot@wardhadaway.com>]  
**Sent:** 05 June 2014 10:51  
**To:** Guerra, Reaz  
**Cc:** Agbley, Peter  
**Subject:** COOP - 18/22 Park Rd , NW1

Hi Reaz,

Further to our conversation , we can agree to amend the application to incorporate the following conditions which should give you what you need .

*All relevant staff will receive training in their responsibilities under the Licensing Act 2003 and Challenge 25 ( or any similar scheme ) . Refresher training will be given twice a year and training records made available to the Police or an authorised officer of the Licensing Authority .*

*Tills will be installed at the premises which prompt staff to request age verification from customers who appear to be under the age of 25 ( or any other age should Challenge 25 be replaced by a similar scheme ) .*

Can you confirm that we are agreed ?

Regards,

Richard

CITY OF WESTMINSTER

MEMORANDUM

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TO Licensing Officer

REFERENCE 14/03669/LIPN

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FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 3rd June 2014

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### The Licensing Act 2003

#### Co-operative Food, 18-22 Park Road, NW1

I refer to the application for a New Premises Licence.

The applicant has submitted a plan of the premises reference Regents Park F3 M0 dated 21.3.14.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'Off' the premises Monday to Saturday between 08.00 and 23.00 hours and Sunday 10.00 and 22.30 hours.

I wish to make the following representation

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

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health especially concerning deliveries/collections.

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

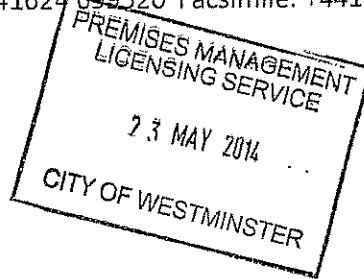
Ian Watson  
Senior Practitioner Environmental Health (Licensing)

## Bunbury Limited

Chesterfield Suite, Chesterfield House, 11-13 Victoria Street, Douglas, Isle of Man, IM1 2LR

Telephone: +441624 699520 Facsimile: +441624 660228

Premises Licensing  
Westminster City Hall  
4<sup>th</sup> Floor  
64 Victoria Street  
London  
SW1E 6QP



19<sup>th</sup> May 2014

Dear Sirs,

**Ref: 18-22 Park Road**

As the owners of Flat 3, 24 Park Road, we would like to lodge an official objection to the proposed application by the Co-op for a liquor licence at 24 Park Road. The grounds of the objection are due to potential noise levels due to increased footfall.

Yours faithfully,

A handwritten signature in black ink, appearing to be "C. Stobart", written in a cursive style.

Christopher Stobart  
On Behalf of Bunbury Limited

Incorporated in the Isle of Man. Registration Number 068204C

Directors: Samantha J Parkes & Janet Shortall

Handwritten initials "SM" in black ink, located in the bottom right corner of the page.

Flat 4  
12 Park Road  
London NW1 4SH  
Gahbowden@aol.com



24<sup>th</sup> May 2014

Premises Licensing,  
Westminster City Hall,  
4<sup>th</sup> Floor South,  
64 Victoria Street,  
London SW1E 6QP

Dear Sir/Madam,

**Re 18-22 Park Road London NW1 4SH**

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:

1. There will be an increase of traffic in this residential street.
2. There will be increased noise due to deliveries and customers going in and out.
3. Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
4. It will lead to increased footfall in Park Road.
5. There is the danger that it will lead to people drinking in the street outside the premises.
6. There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises.
7. The proposed hours are completely unacceptable. Residents will get no peace from 7.00 am to 11.00 pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours faithfully,

A handwritten signature in black ink, appearing to read "G. Bowden".

Gregory Bowden

Flat 5, 24 Park Road  
London NW1 4SH  
0207 402 9627

PREMISES MANAGEMENT  
LICENSING SERVICE

30 MAY 2014

CITY OF WESTMINSTER

28th May 2014

Premises Licensing  
Westminster City Hall,  
4th Floor 3th.  
64 Victoria St.  
London SW1E 6QP.

Dear Sir/Madam

Re: 18-22 Park Rd. NW1 4SH

I wish to object to the proposal to grant a licence for the sale of alcohol at the above address This is for the following reasons.

- 1/ There will be an increase of traffic in this residential street.
- 2/ There will be increased noise due to deliveries and customers going in and out
- 3/ Because the flats above 18-22 Park Rd were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the building.
- 4/ It will lead to increased football in Park Rd.
- 5/ There is the danger that it will lead to people drinking in the street outside the premises
- 6/ There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises



7/ The proposed hours are completely unacceptable. Residents will get no peace from 7.00 am to 11.00 pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above I very much hope that you will not approve this application

Yours sincerely  
Angeline Lavarini

**Mrs J.El-Khazen**  
**Flat 8, 24 Park Road, London NW1 4SH**

25th May 2014

www.premiseslicensing@westminster.gov.uk  
 Premises Licensing  
 Westminster City Hall  
 4th Floor South  
 64 Victoria Street  
 London SW1E 6QP



Dear Sirs,

**Name of Applicant:Co-operative Group Food Limited**

**Address of Premises: Co-op, 18-24 Park Road, Regents Park, London NW1 4SA**

I wish to object most strongly to the application by the Co-operative Group to sell alcohol and groceries from the premises on Park Road. The application is for a licence to sell alcohol seven days a week until late into the evening.

18-24 Park Road is primarily a residential block within a residential area. There are offices and an estate agents shop in this parade of shops on Park Road, all of which work 9am to 5pm office hours. As this building is a Crown Property within Westminster Council area, it should also be governed by the buildings permitted working hours and not allow any noise outside the hours of 9am and 5pm. Workers within the residential building are obliged to adhere to restricted working hours, and the shops should also be governed by the same restrictions.

18-24 Park Road is on a red route into London and has very restricted parking. There are three parking-meter places and two loading bays on Park Road. The parking is completely full in the evenings and weekends when visitors to Regents Park can park freely. Visitors to residents within surrounding apartment and mansion blocks, also expect to be able to park on Park Road. There are no facilities for supermarket shoppers to park cars. Additionally, delivery lorries and busses will often use the loading bays as a waiting zone.

There are noise and alcohol consumption restrictions along Park Road towards Lords Roundabout. It would seem a nonsense for another shop selling alcohol to be situated in this residential area. Additionally, this proposed shop is opposite a school and Rudolph Steiner premises. It is not uncommon to find people begging outside Tesco on both Melcolm St and Baker St. and it would be unfortunate to provide another location for people to congregate, sit on the pavement and consume alcohol. This could also be a problem on football match days.

The Park Road area does not need another supermarket. Tesco have a branch on Melcome Street which is 200 yards away, and another two branches on Baker Street. Both of these shops sell alcohol until late into the evening. Melcome Street also has a well established independent grocery store. A five minute walk to Marylebone Station provides a Marks & Spencer shop selling alcohol, whilst Baker St station Marks & Spencer sell sandwiches and other food and alcohol. Other businesses within Baker St station also sell food and drink. Within 50 yards of the proposed Co-op Shop there are four independent shops, two general grocery shops, one newsagent and one sandwich shop. The Business School also have a coffee and sandwich shop on Park Road. Sainsbury's has planning

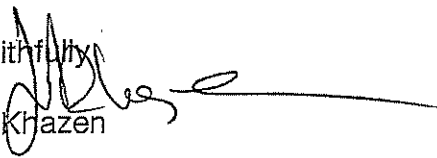
permission to open a store close to Park Road, on Baker Street. In addition to this Waitrose and Marks & Spencer have large supermarkets close by.

A Co-op store will generally sell a wide range of food, newspapers and cards, and alcohol. This store will be in direct competition with several long-standing local businesses which do not have the benefit of the backing of a large business with its corporate buying power. Another supermarket in the area will put increased pressure on the independent shops, some of which will have to close.

I object most strongly to the plan to sell alcohol from 18-24 Park Road. This is bad for the residents and for the local businesses.

Yours faithfully

Jane El-Khazen



Flat 20, 24 Park Road  
London NW1 4SH

Premises Licensing,  
Westminster City Hall,  
4<sup>th</sup> Floor South,  
64 Victoria Street,  
London SW1E 6QP



24<sup>th</sup> May 2014

Dear Sir/Madam,

**Re 18-22 Park Road London NW1 4SH**

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:

1. There will be an increase of traffic in this residential street.
2. There will be increased noise due to deliveries and customers going in and out.
3. Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
4. It will lead to increased footfall in Park Road.
5. There is the danger that it will lead to people drinking in the street outside the premises.
6. There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises.
7. The proposed hours are completely unacceptable. Residents will get no peace from 7.00 am to 11.00 pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours faithfully,

*Brigid Miller*

J. A. Miller

37 Clarence Terrace  
Regents Park  
London NW1 4RD  
Tel: 020 7723 1460

May 30<sup>th</sup> 2014

Premises licensing  
Westminster City Hall  
4<sup>th</sup> floor South  
64 Victoria Street  
London SW1E 6QP



Dear Sirs

**Re: 18-22 Park Road, London NW1 4SH**

We wish to object to the proposal to grant planning permission for a Co-op grocery store at the above premises to operate SEVEN days a week .

This is for the following reason:

The access for deliveries to these premises may well be via Sussex Place (South) which will increase substantially traffic as their premises will be open from 7am to 11pm. Monday to Saturday with only slightly reduced hours on Sundays.

Since our flat, including our main bedroom, faces onto Sussex Place (South) there will be significantly increased noise due to delivery lorries backing (with reverse alarms) at all times of the day.

If planning permission proceeds please restrict deliveries to the front of the premises of the Co-op store in Park Road.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Davidson".

Mr & Mrs Simon Davidson

FLAT 6  
24 PARK ROAD  
LONDON NW1 4SH

Premises Licensing,  
Westminster City Hall,  
4<sup>th</sup> Floor South,  
64 Victoria Street,  
London SW1E 6QP



24<sup>th</sup> May 2014

14/03669/LIAN

Dear Sir/Madam,

**Re 18-22 Park Road London NW1 4SH**

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:

1. There will be an increase of traffic in this residential street.
2. There will be increased noise due to deliveries and customers going in and out.
3. Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
4. It will lead to increased footfall in Park Road.
5. There is the danger that it will lead to people drinking in the street outside the premises.
6. There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises.
7. The proposed hours are completely unacceptable. Residents will get no peace from 7.00 am to 11.00 pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours faithfully,

O.M. CAM

Gabriella Jeffries  
Flat 2, 24 Park Road  
London, NW1 4SH

Tel. 020 7724 9980  
Email: [gabronjeffries@btinternet.com](mailto:gabronjeffries@btinternet.com)



Premises Licensing,  
Westminster City Hall,  
4<sup>th</sup> Floor South,  
64 Victoria Street,  
London SW1E 6QP

25<sup>th</sup> May 2014

Dear Sir/Madam,

Re 18-22 Park Road London NW1 4SH

I understand that the Co-op is seeking to start a grocery in the premises formerly occupied by the LBS . I object to this proposal on several grounds, the most obvious being that yet another grocery store is NOT NEEDED. We already have several good supermarkets and convenience stores within less than five minutes' walk.

My next objection is that, though the premises are licensed for retail purposes, this kind of retail outlet is not suitable for the location as it does not fit into the surroundings of Park Road, which is a residential street. In the twenty years I have lived at this address there have always been shops and offices under our two blocks, 12 and 24 Park Road, and they have been welcome as they do not detract from or change the nature of the environment. They are unobtrusive and quiet and, most importantly, they work within normal business hours! The thought of having to put up with a potentially noisy, invasive place for SIXTEEN HOURS 6 DAYS A WEEK AND FOURTEEN HOURS ON SUNDAYS is horrendous!

Viewed realistically you must admit that a supermarket will definitely bring with it an increase in traffic and noise; (just think of the deliveries, even without the constant comings and goings of staff and customers). Parking during the daytime is non-existent and after 7 pm it has to be shared by the customers of the Mumtaz restaurant and the visitors to Park Road residents.

I very much hope that, in view of these valid objections, you will reconsider this application. Should you grant it, however, please note that I AM ENTIRELY OPPOSED TO THE SALE OF ALCOHOL FROM THESE PREMISES as this will greatly increase the risk of loitering and rowdiness, thus very adversely affecting the area. I would also expect the Co-op to be obliged to install first class sound installation to minimise the noise pollution for the residents living above this supermarket.

Yours sincerely,

Gabriella Jeffries

For Naifer SA

**Peermamode, Ryan**

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**Subject:** FW: Co-operative Food (18-22 Park Road) 14/03669/LIPN

---

**From:** Gabriella Jeffries [<mailto:gabronjeffries@btinternet.com>]  
**Sent:** 16 June 2014 12:18  
**To:** Premises Licensing  
**Subject:** YOUR REF: 14/03669/LIPN

**Gabriella Jeffries**

**Flat 2, 24 Park Road**

**London, NW1 4SH**

**Tel. 020 7724 9980**

**Email: [gabronjeffries@btinternet.com](mailto:gabronjeffries@btinternet.com)**

Re Application for Co-Op at 18-22 Park Road 14/6/14

Dear Sir/Madam,

I am resident at Flat 2, 24 Park Rd, NW14SH which is on the first floor, above the premises that are the subject of the planning application, and as such we will be subjected to an intolerable intrusion into every aspect of our daily lives from the increase in noise, pollution and concerns over our personal safety.

I object to this application on all the grounds you list as valid objections to the present proposal: prevention of crime and disorder, public nuisance, protection of children from harm and Public Safety. Indeed, I wonder if anyone from the Council has been down to actually look at where the Co-Op is proposing to site this facility.

1. 18 - 22 were previously a bookshop, a photographer and printing premises associated with the London Business School. Turning what was basically a showroom into a food and alcohol retail outlet is, I feel, an improper change of use in what is a residential area, consisting solely of blocks of flats, the London Business School, (a very prestigious institution with a large intake of mature foreign students), and the Francis Holland School for Girls.

2. This change of use represents an overdevelopment of the site

3. The opening hours are totally unreasonable and will cause a great deal of noise and disturbance right up to the very late closing time.

Beyond closing time we would be badly affected by delivery lorries unloading outside trading hours which, as previously mentioned, are extensive and 7 days a week. This would cause unbearable noise pollution for people trying to get a night's sleep!

4. The sale of alcohol in this area and in such close proximity, (across the road) to the school and residential flats is completely inappropriate as it will attract people who will buy alcohol and proceed to drink it in the street creating even more noise and nuisance.



5. There will also be the inevitable litter which occurs wherever food and alcohol are sold. I would imagine this will bring with it the problem of rodents
6. The installation of an ATM will mean even more people and noise, not to mention the risk of muggings.
7. We will feel insecure, as the front doors to our blocks are adjacent to the proposed new premises. As the area around the front door is recessed and under cover it is more than likely that beggars, vagrants and undesireables will hang around. This will not only be extremely uncomfortable but also threatening for the residents of the block when coming home at night. Many of them are of pensionable age!
8. The area is already well served with a Tesco, an M & S at Baker St, and, a 5 minute walk away, a second M & S at Marylebone Station, not to mention some small privately owned convenience shops that are good and popular and whose trade will be very adversely affected by this newcomer. There are also several ATMS at Baker St.

In short, we will be faced with an unpleasant environment and the prospect of the value of our property being seriously devalued. I understand that this is not a valid objection to a planning application, but I feel it is certainly valid for us, as Westminster rate payers, to look to Westminster Council to protect its residents, especially when this proposal adds no value to the area, but just introduces problems that the Council will then have to deal with.

Yours faithfully

Gabriella Jeffries

21 Clarence Terrace  
London NW1 4RT

Tel: 020 7402 2982  
Office: 020 7580 2448



Premises Licensing  
Westminster City Hall  
4<sup>th</sup> Floor South  
64 Victoria Street  
London SW1E 6QP

4 June 2014

Dear Sir/Madam,

**RE: 18-24 PARK ROAD, LONDON NW1 4SH**

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:-

- 1 There will be an increase of traffic in this residential street.
- 2 There will be increased noise due to deliveries and customers going in and out.
- 3 Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
- 4 It will lead to increased footfall in Park Road.
- 5 There is the danger that it will lead to people drinking in the street outside the premises.
- 6 The proposed hours are completely unacceptable. Residents will get no peace from 7.00am to 11.00pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours sincerely,

A handwritten signature in cursive script that reads "Daniel Auerbach".

Daniel Auerbach

## Peermamode, Ryan

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**From:** Dorothea Josem [dorothea.jm@googlemail.com]  
**Sent:** 12 June 2014 00:48  
**To:** Premises Licensing  
**Subject:** Reference 14/03669/LIPN

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am resident at Flat 1, 24 Park Rd, NW14SH which is on the first floor and immediately above the premises which is the subject of the planning application and as such, we will be subjected to an intolerably intrusion into our living arrangements from the increase in noise, pollution and concerns over our personal safety.

specifically, I strenuously object to this application on all the grounds you list as the four licensing objectives to one degree or another: prevention of crime and disorder, public nuisance, protection of children from harm and Public Safety. Indeed, I wonder if anyone from the Council has been down to actually look at where Co-Op is proposing to site this facility.

1. 18 - 22 was previously a bookshop, a photographer and printing premises associated with the London Business School. Turning what was basically a showroom into a food and alcohol retail outlet is I feel an improper change of use in what is basically a residential area - mainly blocks of flats and Francis Holland School for Girls.

2. This change of use represents a total overdevelopment of the site

3. The opening hours are totally unreasonable and would not only cause a great deal of noise and disturbance up to closing time.

Beyond closing time we would be badly affected by delivery lorries outside trading hours which, as previously mentioned, are extensive and 7 days a week. These would cause noise and pollution in what is essentially a residential area.

4. The sale of alcohol in this area and in such close proximity (across the road) to the school and residential flats is completely inappropriate and will inevitably attract people who will buy alcohol and proceed to drink it in the street creating even more noise and nuisance.

5. There will be the inevitable problem of litter which occurs wherever food and alcohol is sold. I would imagine this will increase the problem of rodents.

6. The installation of an ATM will mean even more people and noise, not to mention the risk of muggings.

7. We will be inevitably subject to a feeling of insecurity as the front door to our block is adjacent to the proposed new premises. as the area around the front door is recessed and under cover, it is inevitable that we will be faced with members of the public hanging around there which will be an extremely uncomfortable, not to say threatening, experience for the residents of the block, almost all of whom are over pensionable age, returning home at night.

8. The area is already well served with a Tesco and M & S at Baker St, a 2 minute walk away, a second M & S at Marylebone Station - 5 minutes away - and several ATMS at Baker St.

9. The average age of the occupants of 24 Park Rd is well over 65 and we will be faced with an unpleasant environment and the prospect of the value of our property being seriously devalued. I understand that this

is not a valid objection to a planning application, but I feel it is certainly valid to look to Westminster Council to protect its residents, especially when this proposal adds no value to the area, but just introduces problems that the Council will have to deal with.

Yours faithfully  
Cyril Benjamin

**Peermamode, Ryan**

---

**Subject:** FW: Co-operative Food - 18-22 Park Road, NW1 4SH

**From:** Dorothea Josem [<mailto:dorothea.jm@googlemail.com>]

**Sent:** 23 June 2014 22:34

**To:** Peermamode, Ryan

**Subject:** Re: Co-operative Food - 18-22 Park Road, NW1 4SH

Dear Mr Peemamode

My partner Dorothea Josem will be attending the hearing on July 3rd.

Regards,  
Cyril Benjamin

## Licence & Appeal History

There has been no previous Licensing Act 2003 application.

## 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.

### Conditions:

#### Annex 1 – Mandatory conditions

1. 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.
2. For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
  - (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(7)

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
8. (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 proposed by the applicant within operating schedule (Appendix A1):**

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 28 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 28 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 or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
12. 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.
13. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
14. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.



15. 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.
16. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. 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.
18. Prior to any football match taking place at Wembley Stadium the premises licence holder shall ensure that;
  - (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event;
  - (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event
  - (iii) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;
  - (iv) All members of staff working at the premises are informed of this condition prior to taking up employment;
  - (v) On the day of the relevant designated sporting event, upon the direction of a police officer of the rank of Inspector or above, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.
19. There shall be "CCTV in Operation" signs prominently displayed at the premises.
20. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
21. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
22. The premises will be fitted with a burglar alarm system.
23. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.
24. The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.
25. A complaints procedure will be maintained, details of which will be made available in store and upon request.
26. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

**Conditions proposed by the Police Licensing Team; Agreed by the applicant (Appendix B1):**

27. All relevant staff will receive training in their responsibilities under the Licensing Act 2003 and Challenge 25 (or any similar scheme). Refresher training will be given twice a year and training records made available to the Police or an authorised officer of the Licensing Authority.
28. Tills will be installed at the premises which prompt staff to request age verification from customers who appear to be under the age of 25 (or any other age should Challenge 25 be replaced by a similar scheme).

**Conditions proposed by the Environmental Health Service:**

None



# Co-operative Food - 18-22 Park Road, London, NW1 4SH

City of Westminster



Residential / Proposed Residential	139
Under Construction	0
Other Uses	2
Proportion Residential of all Uses	99%

## APPENDIX E

Data Source: Uniform Database  
Date: 18/06/2014

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10 Meters

**Premises within 75 metres of: Co-operative Food - 18-22 Park Road, London, NW1 4SH**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
3718	Mumtaz Restaurant	26 Park Road London NW1 4SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1305	The Windsor Castle Public House	12 Park Road London NW1 4SH	Monday to Saturday 11:00 - 00:30 Sunday 12:00 - 23:00
3132	Rudolf Steiner Bookshop	33A Park Road London NW1 6XT	Monday to Sunday 09:00 - 00:00





