



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	24 <sup>th</sup> September 2015
Licensing Ref No:	14/09194/LIPV
Title of Report:	Cumberland Food & Wine, 11 Great Cumberland Place, London W1H 7AL
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston and Dorset
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Sumeet Anand-Patel
Contact details	Tel: 020 7641 2737 E-mail: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 <sup>th</sup> October 0214		
Applicant:	Chelsea Food And Wine Company Limited		
Premises:	Cumberland Food & Wine		
Premises address:	11 Great Cumberland Place London W1H 7AL	Ward:	Bryanston and Dorset
		Stress Area:	None
Premises description:	The premises currently operates as a convenience store with Off sales.		
Variation description	To permit the sale of alcohol for consumption on the premises, provided the alcohol is supplied by waiter or waitress service and the consumption is ancillary to a table meal. Please also note that the application hours for on-sales do not match the hours for off-sales as the commencement hours are less (following an amendment agreed with the police).		
Premises licence history:	These premises currently hold a Premises Licence 12/00801/LIPVM. For a full history, please refer to <b>Appendix 4</b> .		
Applicant submissions:	The applicant has provided evidence to show that the outside area is privately owned and therefore there is no need for a tables and chairs licence. Please refer to <b>Appendix 3</b> .		

## 1-B Current and proposed licensable activities, areas and hours

Sale by Retail of Alcohol						
On or off sales			Current : Off Sales		Proposed: On and Off Sales	
	Current Hours (On sales)		Proposed Hours (Off sales)		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	10:00	23:00	Ground Floor only	Additional outside area
Tuesday	08:00	23:00	10:00	23:00	Ground Floor only	Additional outside area
Wednesday	08:00	23:00	10:00	23:00	Ground Floor only	Additional outside area
Thursday	08:00	23:00	10:00	23:00	Ground Floor only	Additional outside area
Friday	08:00	23:00	10:00	23:00	Ground Floor only	Additional outside area
Saturday	08:00	23:00	10:00	23:00	Ground Floor only	Additional outside area
Sunday	10:00	22:30	12:00	22:30	Ground Floor only	Additional outside area

## Hours premises are open to the public

	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00			Ground Floor only	Additional outside area

<b>Tuesday</b>	08:00	23:00	No variation applied for	Ground Floor only	Additional outside area
<b>Wednesday</b>	08:00	23:00		Ground Floor only	Additional outside area
<b>Thursday</b>	08:00	23:00		Ground Floor only	Additional outside area
<b>Friday</b>	08:00	23:00		Ground Floor only	Additional outside area
<b>Saturday</b>	08:00	23:00		Ground Floor only	Additional outside area
<b>Sunday</b>	10:00	22:30		Ground Floor only	Additional outside area

1-C Conditions being varied, added or removed		
Condition	Proposed variation	
The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.	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.	
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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.	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.	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	N/A	N/A

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	29 <sup>th</sup> October 2014
<p>Thanks Thomas, Police withdraw our representation. Best Wishes, Sandy</p> <p><b>From:</b> Thomas O'Maoileoin [mailto:TOMaoileoin@tandtp.com] <b>Sent:</b> 29 October 2014 13:32 <b>To:</b> Amy Catlin; Russell, Sandy; idoxlicensing</p>	

**Subject:** RE: 14/09194/LIPV Cumberland Food and Wine, 11 Gt Cumberland Street.

Dear Sandy

We confirm that we agree to amend our application to include the police conditions.

With kind regards

Thomas

**From:** Russell, Sandy [mailto:srussell@westminster.gov.uk]

**Sent:** 29 October 2014 13:05

**To:** Amy Catlin

**Cc:** idoxlicensing; sandy.russell@met.police.uk

**Subject:** 14/09194/LIPV Cumberland Food and Wine, 11 Gt Cumberland Street.

Dear Ms Catlin,

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact. It is for this reason that we are objecting to the application at this stage in the application process.

Police would be in a position to withdraw our representation if the following conditions could be agreed by yourself and added to any future operating schedule. Please note that the two CCTV conditions are the updated versions:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

4. The supply of alcohol shall be by waiter or waitress service only.

5. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

6. The supply of alcohol for consumption on the premises shall not commence until 10.00hrs Monday to Saturday and midday on Sundays.

We agree to the removal of condition 6 from the current licence.

I look forward to hearing from you.

Best Wishes,

PC Sandy Russell 4167CW

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	18 <sup>th</sup> November 2015

I refer to the application for variation of the Premises Licence for the above premises.

The applicant has submitted plans of the ground and basement dated Sept 2014

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 'On' and 'Off' the premises Monday to Saturday 08.00 and 23.00 hours and Sunday between 10.00 to 22.30 hours.

I wish to make the following representation

1. The provision and hours requested for the Supply of Alcohol will 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 in the area.

The applicant has provided additional information with the application but this does not fully address the concerns of Environmental Health.

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

2-B Other Persons			
<b>Name:</b>	Mr Patrick Steel		
<b>Address and/or Residents Association:</b>	Cumberland Court Great Cumberland Place London W1H 7DP		
<b>Status:</b>	Pending	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	20 <sup>th</sup> November 2014		
<p>I am writing to you about the planning application 14/09194/LIPV.</p> <p>I have been a resident at 48 Great Cumberland Place, London, W1H 7DP and object to the sale and consumption of alcohol at this premises, as already there is a nuisance due to the sale of alcohol and I am worried that this will lead to underage people being served at this address aswell.</p> <p>This will also cause a big noise problem, which is already an ongoing issue at this premises.</p>			
<b>Name:</b>	Sakina Mehmood		
<b>Address and/or Residents Association:</b>	Not supplied		
<b>Status:</b>	Pending	<b>In support or opposed:</b>	Opposed

<b>Received:</b>	21 <sup>st</sup> November 2014		
<p>I have noticed a display in the window of Cumberland Food &amp; News at 12, Great Cumberland place, W1H.</p> <p>I am very concerned to note that they are asking for permission to serve alcohol on the premises at the same time when they are trading as a convenience store.</p> <p>This will have a very bad effect for the children's shopping at these premises. It will make a lot of noise and influence rowdy behaviour of the people drinking on the premises and walking on the road.</p> <p>It is not common for a convenience store to have a drinking license on the premises while trading and this could create a bad precedent for similar businesses.</p>			
<b>Name:</b>	Ash Sahni		
<b>Address and/or Residents Association</b>	1A Great Cumberland Place London W1H 7AL		
<b>Status:</b>	Pending	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	20 <sup>th</sup> November 2014		
<p>I am writing from 1A Great Cumberland Place, London, W1H 7AL</p> <p>I am very concerned to find out that Cumberland Food and Wine are applying for a License to consume alcohol on the premises. I believe this to be a catastrophic situation as we are already suffering with nuisance of noise of people just buying alcohol from this premises as they stand outside waiting for their friends shouting etc..I feel that the noise levels are going to increase dramatically. The other issue is that on concert days this is going to cause more of a issue.</p> <p>I would also like to put on record that the grant of this licence may cause for under age drinking to carry out in this premises and will also cause an issue when children come into the shop to buy sweets but will be surrounded by people drinking alcohol which will encourage them to do the same.</p> <p>I would also like to put on record that previously Mr Shah has made representations stating the same issues that I have mentioned which you can check on the council records therefore this has made me more worried as he feels the same way I do. Therefore this licence should not be granted.</p> <p>I have never heard of a supermarket selling alcohol and consuming alcohol on the same premises and judging by the other applications he has put in I am worried that he is trying to change his use of the premises through the back door.</p>			
<b>Name:</b>	Mr Omar Labban		
<b>Address and/or Residents Association</b>	Cumberland Court Great Cumberland Place London W1H 7DP		
<b>Status:</b>	Pending	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	20 <sup>th</sup> November 2014		
<p>I am writing this representation is in regards to the planning application 14/09194/LIPV.</p> <p>I have been a resident at 48 Great Cumberland Place, London, W1H 7DP and object to the sale</p>			

and consumption of alcohol at this premises, as already there is a nuisance due to the sale of alcohol and I am worried that this will lead to underage people being served at this address as well.

This will also cause a big noise problem, which is already an on going issue at this premises.

### 3. Policy & Guidance

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

<b>Policy STR1</b>	(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.
<b>Policy HRS1</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
<b>Policy RNT2</b>	Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.

### 4. Appendices

<b>Appendix 1</b>	Existing premises plans
<b>Appendix 2</b>	Proposed premises plans
<b>Appendix 3</b>	Applicant supporting documents
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity
<b>Appendix 7</b>	Photos of the premises

<b>Report author:</b>	Sumeet Anand-Patel
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
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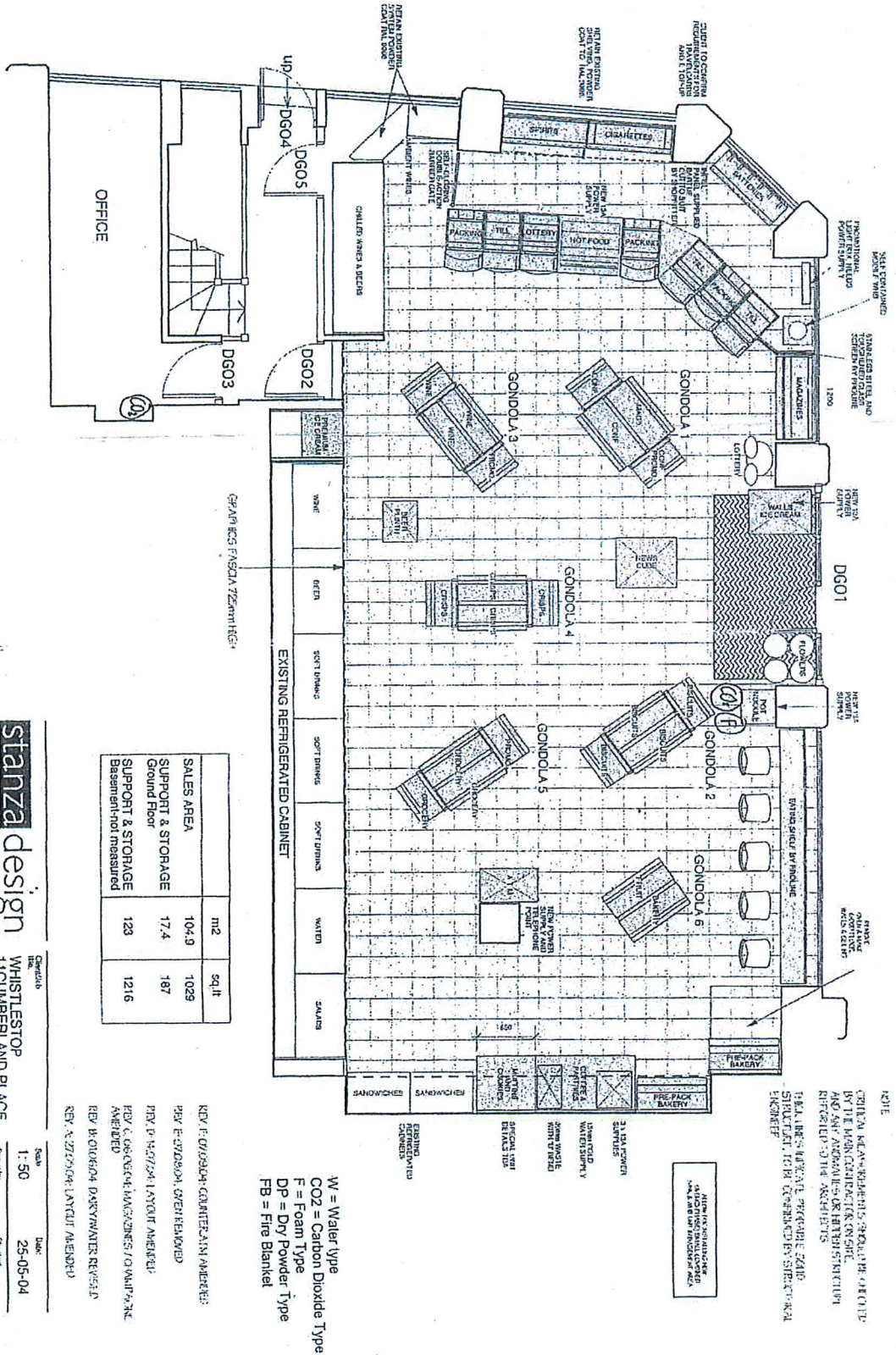
2	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Existing Licence	28 <sup>th</sup> June 2012
5	Application Form	27 <sup>th</sup> October 2014



# APPENDIX 1

## Annex 4 - Plans

This unit forms part of the railway station, which as a public place is fully compliant with all Fire Precaution legislation



**stanzal design**  
 KING'S YARD ENNISKORTE AVENUE  
 CHISWICK LONDON W4 1SE  
 Tel: 020 8994 0070 Fax: 020 8994 0302  
 e-mail: info@stanzaldesign.co.uk

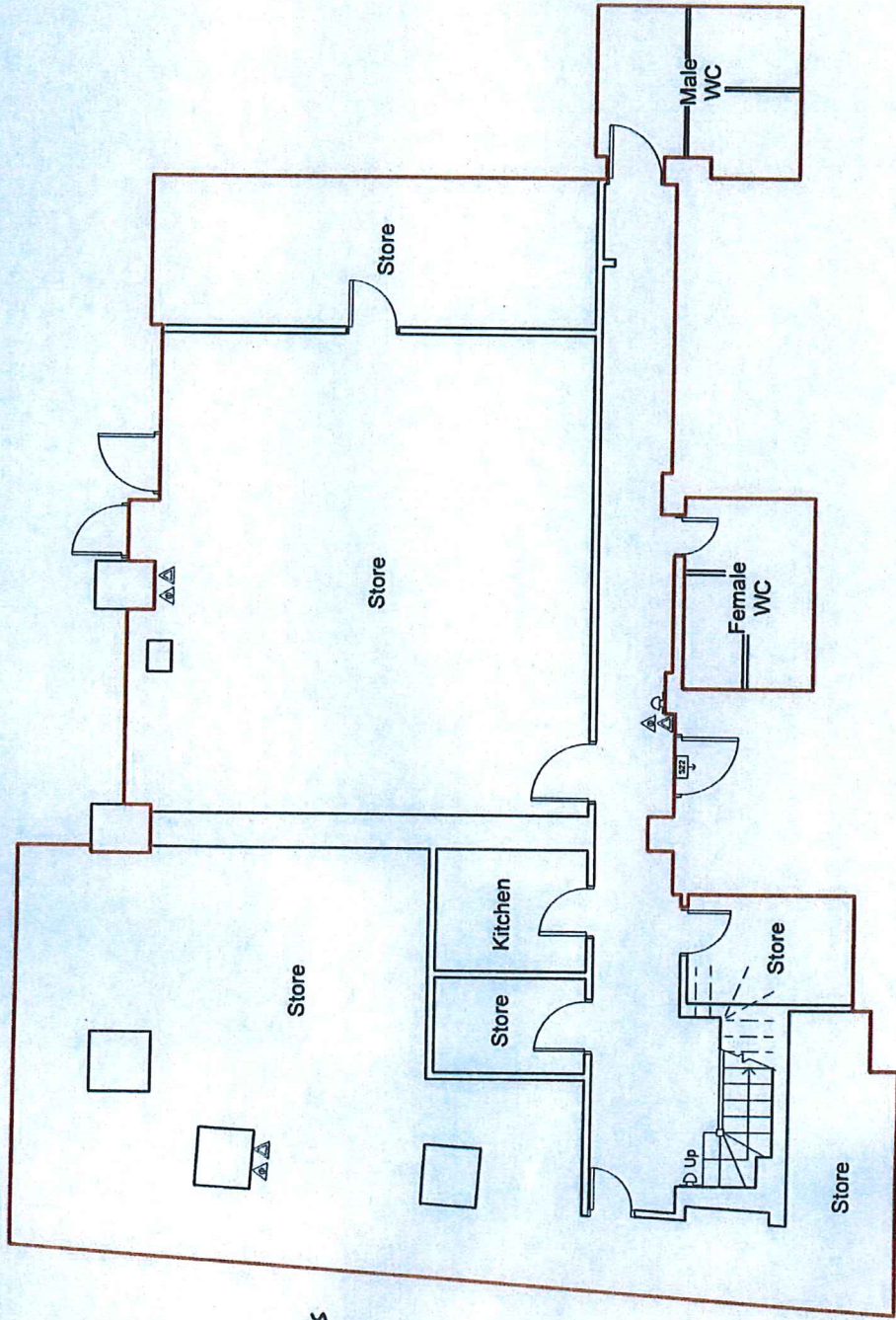
**Client:** WHISTLESTOP  
 1 TUMBERLAND PLACE  
 LONDON W1  
**Scale:** 1:50  
**Date:** 25-05-04  
**Drawn by:** JK  
**Checked:**  
**Project No:** SDO403  
**Rev:** 3.1 F  
**Proposed Plan**



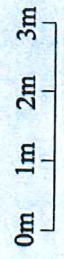
Key to plan symbols

- 321 FIRE EXTINGUISHER
- 322 NOTICE BOARD
- 323 NOTICE GRAPHIC SYMBOL
- 324 FIRE EXIT DIRECTIONAL
- 325 FIRE DOOR KEEP SHUT
- 326 FIRE ALARM SOUNDER
- 327 FIRE ALARM CALL POINT
- 328 FIRE ALARM PANEL
- 329 DOOR WITH PANIC BOLT
- 330 VISION PANEL
- 331 ELECTRIC MAGNETIC DOOR HOLDER
- 332 1/2 HOUR FIRE/SMOKE RESISTANT DOOR
- 333 FIRE EXTINGUISHER
- 334 FIRE EXTINGUISHER
- 335 CHARGE DISCHARGE FIRE EXTINGUISHER
- 336 FIRE SMOKE IN CONTAINER
- 337 ALSO CHARGED BY EMERGENCY LIGHTING
- 338 ALSO CHARGED BY AUTOMATIC HEAT DETECTION
- 339 ALSO CHARGED BY AUTOMATIC SMOKE DETECTION
- 340 CCTV

OUTLINE PREMISES



Scale 1:100 @ A4



Sept 2014

Lower Ground Floor Plan  
11 Great Cumberland Place



**Quality Solicitors  
Howlett Clarke**  
Established 1773



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DX: 36656 Brighton2

European Retail Limited  
14 Poland Street  
London  
W1F 8QD

Direct Line: 01273 718562

Our Ref: KS.NEEL002.1

Your Ref:

Date: 28 January 2013

Dear Sirs

**Our client: Mr Pararasa Singham Neelendra**

**In the Northampton County Court Claim No: 2YL09849**

**Address :** Our client's address will be confirmed to your insurer  
**DOB :** 22/06/1961  
**NI Number :** Our client's National Insurance number will be confirmed to your insurer  
**Accident Date :** 10/08/2009  
**Location of Accident :** 11 Great Cumberland Street at the junction with Bryanston Street, Marble Arch, London

We are instructed by Mr Neelendra in connection with a claim for personal injuries suffered in an accident on 10 August 2009 outside 11 Great Cumberland Place.

We have exchanged correspondence with claims handlers for Westminster City Council and following the issue and service of proceedings as against that Defendant, a Defence has been filed stating that the land where our client's accident occurred is a private forecourt and not part of the highway for the purposes of the Highways Act 1980. The first indication we have had from Westminster City Council of the same was when the Defence was filed and it is regrettable that this was not raised much earlier.

We understand that you are the registered proprietor of 11 Great Cumberland Place and accordingly, we enclose copies of the correspondence exchanged with claims handlers and solicitors for Westminster City Council, together with a copy of a complete set of the Court proceedings to date.

In view of Court proceedings having been issued on our client's behalf, we put you on notice of our intention to make an immediate application to add European Retail Limited as defendant to the action.

We have written on 4, 8 and 22 January 2013 to Cumberland Food and Wine and we have not received any reply. Copies of those letters are enclosed for your information.

We are also writing to 30 Whitechurch Lane, Edgware, Middlesex HA9 6BE which is the address contained in the proprietorship register of 11 Great Cumberland Street with HM Land Registry.

Quality Solicitors Howlett Clarke is the practising name of Howlett Clarke Solicitors LLP

Partners: Timothy Fenton\* Simon Rowe\* Colin Edmonds\* Jackie Gillespie\* Warren Robertson\* Tony Newey Alex Jones Louise McKay

\*Is a member of the Limited Liability Partnership. The term 'Partner' refers to a member of the LLP or an employee with equivalent standing and qualifications.

John Brewins and Susan Freeman are Members of the Society of Trust and Estate Practitioners.

Howlett Clarke Solicitors LLP is a Limited Liability Partnership registered in England and Wales number OC343046. The registered office is at 8-9 Ship Street, Brighton, BN1 1AZ.

Authorised and regulated by the Solicitors Regulation Authority under number 547210.

We will not accept service of proceedings by Email.

We are now open on Saturdays from 9am-12.30pm



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Society of Trust and  
Estate Practitioners



Lexcel  
Practice Management Standard  
Law Society Accredited



Conveyancing  
Quality



Children  
Law



Family  
Law



Accredited  
practice



Community  
Involvement

Please refer the enclosed to the appropriate insurers as soon as possible as, if you do not, this may affect insurance cover and/or the conduct of any subsequent legal proceedings.

We are also in correspondence with the insurers for the freeholder of 11 Great Cumberland Place, Portland Estate Nominees (One) Ltd and Portland Estate Nominees (Two) Ltd.

**Court proceedings**

We should like to confirm arrangements for service of proceedings.

Our understanding is that the correct identity of the Defendant is European Retail Limited (co registration 03155936). Please let us know if it is not. In the event of any application being required, at a later stage, to amend or substitute the name of the Defendant, we reserve the right to refer to this correspondence to confirm both that you have had the opportunity to clarify the identity of the Defendant and in support of any application for costs occasioned by the amendment.

Please let us know, straight away, if you wish to give an address for service. Unless we hear accordingly we will send the court papers direct to European Retail Limited of 14 Poland Street, London, W1F 8QD, which we understand to be the appropriate address being the current registered office. Please let us know, again straight away, if it is otherwise.

We would ask you, through your insurers or directly, to consider the content of this letter in the light of the assertions made by Westminster City Council.

In all of the circumstances, we would ask to hear from you or the relevant insurers as soon as possible and in any event, **by no later than 4 February 2013** as an imminent application to the Court is necessary as a result of Westminster City Council's assertions in the Defence.

This claim is funded by a conditional fee agreement dated 18 August 2009, which provides for a success fee.

Yours faithfully,



**QUALITY SOLICITORS HOWLETT CLARKE**

**Email: [katherinestockwell@howlettclarke.co.uk](mailto:katherinestockwell@howlettclarke.co.uk)**

Encs



**true associates**

Chartered Surveyors  
Property managers  
Estate Agents

Registered Off  
Medusa House  
1 Kilburn Lane  
London W10 4AE  
T: 0208 960 3663

15<sup>th</sup> June 2015

**European Retail  
Limited c/o  
11 Great Cumberland Place  
Marble Arch  
London W1H 7LU**

Dear Sirs

**Ref: 11, Great Cumberland Place, Marble Arch, London W1H 7LU**

Further to our discussion, I have reviewed the Lease granted to yourselves.

I can confirm that under terms of Lease dated 2<sup>nd</sup> August 1991 it is our understanding the external front pavement is part of your Lease demise.

Please do not hesitate to contact me should you require any further information.

Yours faithfully,

**Scott Derbyshire  
Surveyor**

Regulated by RICS

Company Registration No 4428716

[www.trueassociates.co.uk](http://www.trueassociates.co.uk)



## Appendix 4

<b>Application</b>	<b>Details of Application</b>	<b>Date determined</b>	<b>Decision</b>
Conversion variation application 05/10250/LIPC	Convert the Justices Off Licence	15.11.2005	Conversion granted,
Transfer 10/01573/LIPT	To change the licence holder	06.04.2010	Granted under delegated authority
DPS Variation 10/08979/LIPDPS	To vary the Designated Premises Supervisor	07.12.2010	Granted under delegated authority
Minor Variation 13/03692/LIPVM	The applicant is seeking to add 13 conditions to help meet the objectives of the Prevention of Crime and Disorder and Protection of Children from Harm following discussions with the Police.	11.06.2013	Granted under delegated authority
14/08680/LIPT	To change the licence holder	07.09.2015	Granted under delegated authority
Current variation	To permit On sales	Pending	
Variation 15/06561/LIPV	To delete condition and replace with model conditions	07.09.2015	Granted under delegated authority

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

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

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

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

**Conditions: attached to the existing premises licence (background document)**

**– 13/03692/LIPVM**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
4.
  - (1) The 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**

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.

***N.B the above condition has now been deleted following the grant (under delegated authority) of application 15/06561/LIPV on 7<sup>th</sup> September 2015***

- 6. Alcohol shall not be sold in an open container or be consumed in the licensed premises. **(Police have agreed to have this condition removed)**

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

- 7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. **(To be replaced by condition 20 below)**
- 8. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested. **(To be replaced by condition 21 below)**
- 9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 11. 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.
- 12. There shall be no self service of spirits on the premises.

***Note: the above condition has now been deleted and replaced with condition 38 following the grant (under delegated authority) of application 15/06561/LIPV on 7<sup>th</sup> September 2015***

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

***Note: the above condition has now been deleted and replaced with condition 39 following the grant (under delegated authority) of application 15/06561/LIPV on 7<sup>th</sup> September 2015***

14. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
15. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
16. There shall be an electronic till prompt when alcohol is scanned through the tills, to remind staff at point of sale of alcohol to ensure purchaser is over the age of 18.

***Note: the above condition has now been deleted and replaced with condition 40 following the grant (under delegated authority) of application 15/06561/LIPV on 7<sup>th</sup> September 2015***

17. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.

***Note: the above condition has now been deleted and replaced with condition 41 following the grant (under delegated authority) of application 15/06561/LIPV on 7<sup>th</sup> September 2015***

18. 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 driving licence or passport.

***Note: the above condition has now been deleted and replaced with condition 42 following the grant (under delegated authority) of application 15/06561/LIPV on 7<sup>th</sup> September 2015***

19. 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

**Conditions agreed between Police and Applicant:**

20. 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.
21. 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.
23. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
24. The supply of alcohol shall be by waiter or waitress service only.
25. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
26. The supply of alcohol for consumption on the premises shall not commence until 10.00hrs Monday to Saturday and midday on Sundays

**Conditions proposed by Environmental Health Team:**

27. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
28. The maximum capacity (excluding staff) shall not exceed xxx persons.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
32. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
33. All tables and chairs shall be removed from outside the premises by 23.00 hours.
34. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
35. All waste shall be properly presented and placed out for collection no earlier than 30

minutes before the scheduled collection times.

36. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
37. The 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 attached to the licence following application 15/06561/LIPV was granted under delegated authority on 7<sup>th</sup> September 2015:**

38. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
39. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
40. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
41. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
42. A Challenge 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.

**If Committee is minded to grant this application, the conditions below will be added to the licence:**

- A. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- B. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- C. (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.
- D. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

D(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.

D(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

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

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

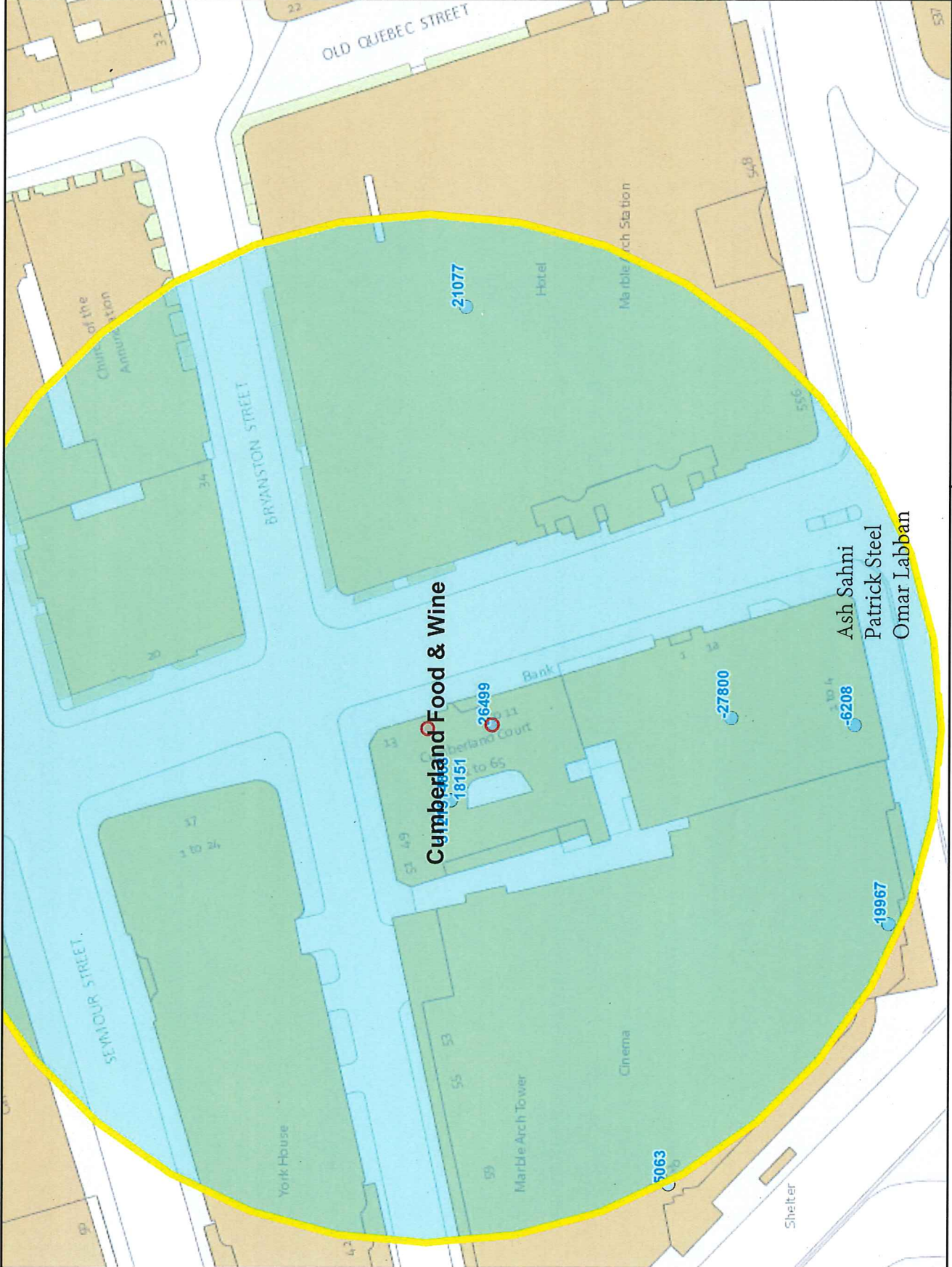
(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

D(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph

shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- D(iv).
- (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



**Cumberland Food & Wine**

Ash Sahn  
Patrick Steel  
Omar Labban

# APPENDIX 6

Residential / Proposed Residential	93
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known



**Premises within 75 metres of: Cumberland Food & Wine, 11 Great Cumberland Place, London W1H 7AL**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
21077	Cumberland Hotel	Cumberland Hotel Great Cumberland Place London W1H 7DL	Monday to Sunday 00:00 - 00:00
18151	Prezzo	7-9 Great Cumberland Place London W1H 7BE	Monday to Sunday 12:00 - 00:00
19967	Sainsbury's	7 Marble Arch London W1H 7EL	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
26499	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7AL	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
31215	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-27800	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Monday to Sunday 07:00 - 01:00
-6208	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EJ	Sunday to Wednesday 05:00 - 01:00 Thursday to Saturday 05:00 - 02:00
14868	Prezzo	7-9 Great Cumberland Place London W1H 7BE	Monday to Sunday 12:00 - 00:00

# APPENDIX 7









