

Licensing Sub-Committee Report

Item No:	
Date:	13 th June 2016
Licensing Ref No:	16/03065/LIPN - New Premises Licence
Title of Report:	Fucina Deli And Off Licence 22 Paddington Street London W1U 5QR
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 March 2016		
Applicant:	NZR Limited		
Premises:	Fucina Deli And Off Licence		
Premises address:	22 Paddington Street London W1U 5QR	Ward:	Marylebone High Street
		Cumulative Impact Area:	No
Premises description:	This premises shall operate as a delicatessen and off licence.		
Premises licence history:	This premises has not benefitted from a previous licence. The Licensee of this premises operate a restaurant known as Fucina Restaurant at 26 Paddington Street, the licence for which was recently granted by the Licensing Authority.		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations:		None					
Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	07:30
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations:		None					
Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	18 th April 2016
Status:	Withdrawn
<p>I refer to the application for a New Premises Licence. The applicant has submitted plans of the ground and basement floors ref CSD 260 SK dated 22 February 2016.</p> <p>This representation is based on the plans and operating schedule submitted. The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'Off' the premises Monday to Sunday 07.30 to 23.00 hours. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p><i>Note: following a discussion with the applicant, conditions have been agreed and subsequently the Environmental Health representation is now withdrawn.</i></p>	
Responsible Authority:	Metropolitan Police Service
Representative:	Bryan Lewis
Received:	16 th April 2016
Status:	Withdrawn
<p>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 may undermine the Licensing Objectives.</p> <p>Our objections relate to the following:</p> <ul style="list-style-type: none"> • There are insufficient conditions proposed by the applicant • Hours sought for the supply of alcohol are beyond core hours <p><i>Note: Following a discussion with the applicant and conditions being agreed, the Police representation has been withdrawn.</i></p>	

2-B Other Persons	
Name:	Ms Clare Bebbington
Address and/or Residents Association:	11 Sherlock Mews London W1U 6DDS
Received:	28 th March 2016
<p>Paddington Street has become a magnet for anti-social behaviour, much of it fuelled by alcohol. The secluded, badly-lit nature of Sherlock Mews has made it particularly vulnerable: late-night groups gather to drink here; it is used almost daily as a urinal, and human excrement was left in one of the doorways for days - despite several complaints to the council; there has been at least one instance of a couple having sex in one of the doorways; and on Good Friday a fight broke out in the mews among the group of travellers who have established themselves in the park - causing young visitors staying with me at the time considerable distress. The stairwell providing access to the New York Laser Clinic is regularly broken into, with the police discovering an abandoned rucksack last Friday. My objection is that neither the police nor the Council seem able to protect residents from this extreme anti-social behaviour and I cannot see how they can effectively manage the consequences of any further premises licenses. It takes 45 minutes for council officials to attend a noise complaint alone - and I understand the lives of neighbours of the Chiltern Firehouse are a misery because of the inability to control the behaviour of guests there.</p> <p>I actually believe that all licenses should be reviewed in the area, or the council should provide residents with a detailed explanation about how they are intending to deal with this anti-social behaviour - rather than asking us to comment on yet more license applications.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(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.</p> <p>(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.</p>
Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

4. Appendices

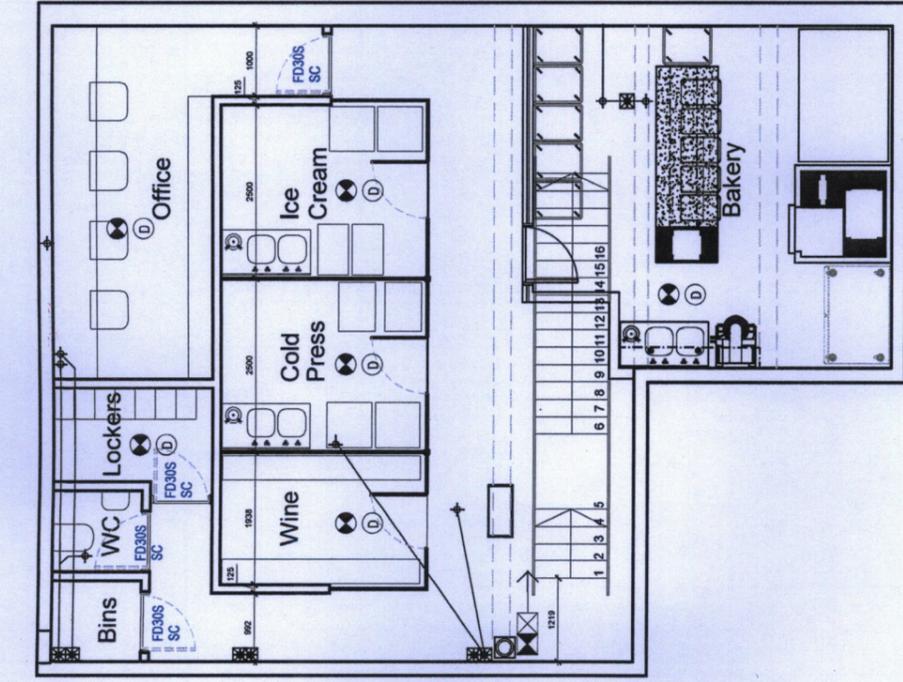
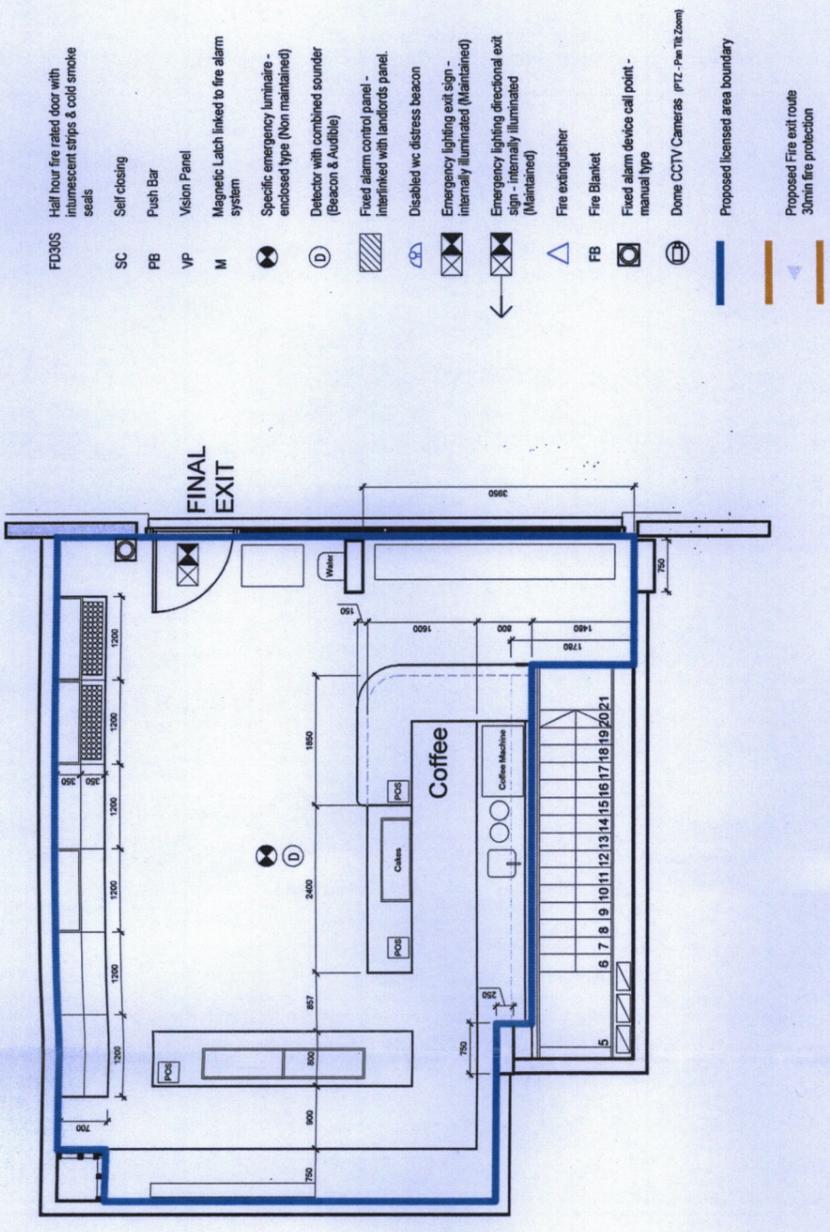
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - none
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	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
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	23 rd March 2016
5	Plans	23 rd March 2016
6	Environmental Health Representation	18 th April 2016
7	Metropolitan Police Representation	16 th April 2016
8	Ms Bebbington Representation	28 th March 2016



- FD30S Half hour fire rated door with
luminescent strips & cold smoke
seals
- SC Self closing
- PB Push Bar
- VP Vision Panel
- M Magnetic Latch linked to fire alarm
system
- Specific emergency luminaire -
enclosed type (Non maintained)
- Detector with combined sounder
(Beacon & Audible)
- Fixed alarm control panel -
interlinked with landfords panel
- Disabled wc distress beacon
- Emergency lighting exit sign -
internally illuminated (Maintained)
- Emergency lighting directional exit
sign - internally illuminated
(Maintained)
- Fire extinguisher
- Fire Blanket
- FB Fixed alarm device call point -
manual type
- Ⓜ Dome CCTV Cameras (PTZ - Pan Tilt Zoom)
- Proposed licensed area boundary
- Proposed Fire exit routes
30min fire protection

NOTE:
Fire alarm system to be min L2
addressable

② Proposed Ground Level

① Proposed Basement

ama 51 Calthorpe Street London WC1X 0HH	andy martin architecture architects and designers tel: +44 20 3397 1999 info@andymartinarchitecture.com	Revision 01.02.2016 07.03.2016	A B	Preliminary Issue Revised to include updated layout and CCTV positions	General Notes	Project Chiltern St Deli Chiltern Street, London	Scale 1:100 @ A3	Project commencement 22 February 2016	Drawing number CSD 260 SK	Rev A
		Proposed Basement Licensing Plan					Drawing name			

Appendix 2

There are no further submissions from the applicant.

Appendix 3

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -

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

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

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

Where -

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

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

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

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

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

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

Conditions superseded by the EH conditions below.

Conditions proposed by the Environmental Health and agreed with the applicant

1. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.
2. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
3. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
4. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
5. There shall be no self-service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
6. 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.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
10. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours.
11. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. A diary log shall be kept detailing all refused sales of alcohol. The log should include

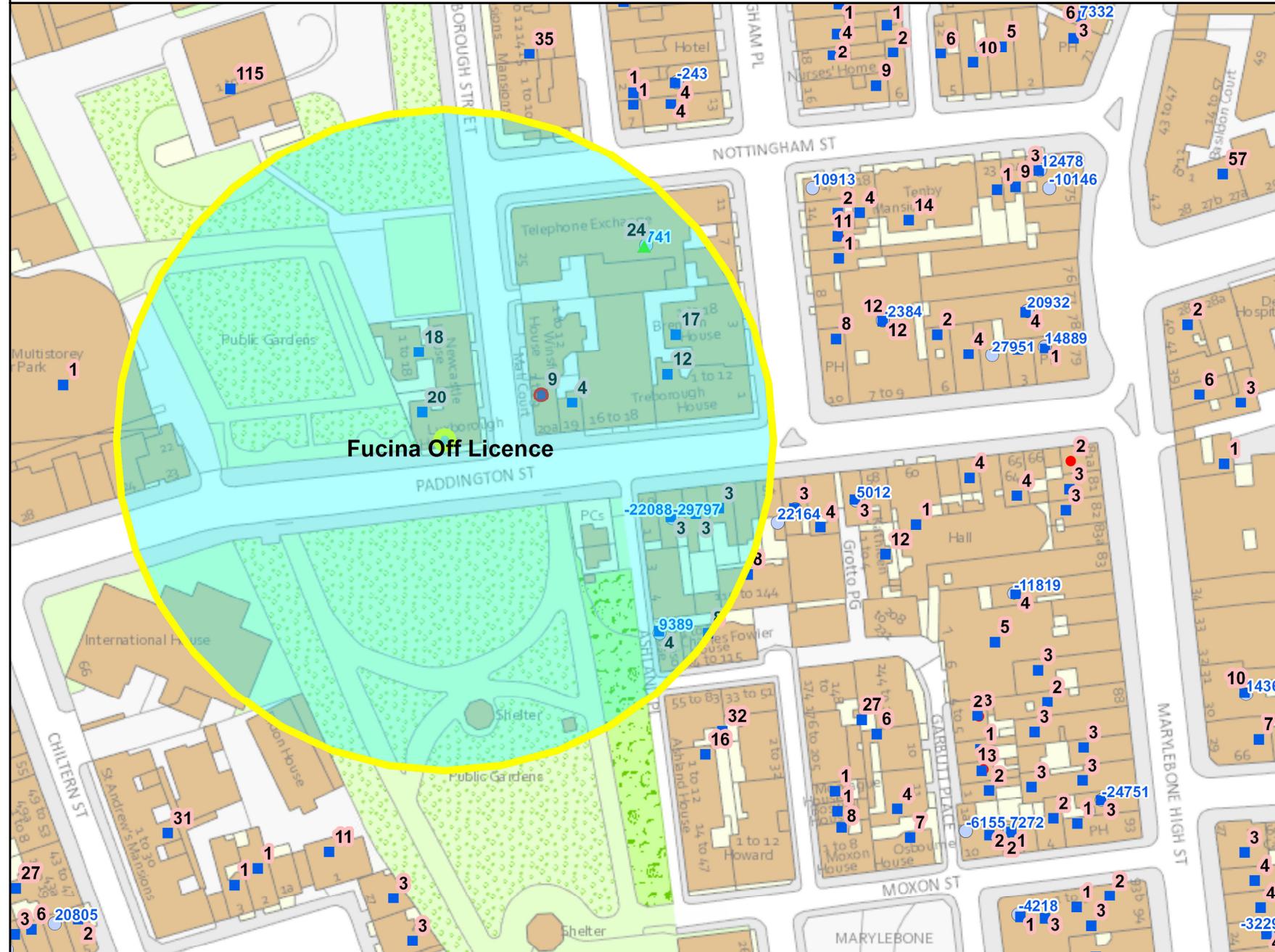
the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.

15. 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.

Condition proposed by the Police and agreed with the applicant

16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service

Fucina Off Licence, 22 Paddington Street, London W2



Residential / Proposed Residential	120
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

10
Meters

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Data Source: Uniform Database
Date: 26/05/2016

Premises within 75 metres of: Fucina Off Licence, 22 Paddington Street, London W2

p / n	Name of Premises	Premises Address	Opening Hours
741	The Hellenic Centre	Flat 8 Fifth Floor 25 Luxborough Street London W1U 5AR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
9389	Gunmakers	Dennison House Ashland Place London W1U 4AL	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
22088	Bombay Spice	Basement And Ground Floor 50 Paddington Street London W1U 4HP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
29797	16/03601/LIPDPS	Flat 1 50 Paddington Street London W1U 4HP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00