

Licensing Sub-Committee Report

Item No:	
Date:	16 February 2017
Licensing Ref No:	16/11957/LIPN - New Premises Licence
Title of Domonto	Facentials Food To Co
Title of Report:	Essentials Food To Go
	7-14 Coventry Street
	London
	W1D 6DG
Report of:	Director of Public Protection and Licensing
Wards involved:	Ct lamasia
vvarus irivoiveu.	St James's
Policy contaxt:	City of Westminster Statement of Licensing Policy
Policy context:	City of Westiminster Statement of Licensing Folicy
Financial summary:	None
Daniel A. II.	AAP LL . S P L
Report Author:	Miss Heidi Lawrance
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1. Application

1-A Applicant and premises				
Application Type:	New Premises Licence, Licensing Act 2003			
Application received date:	3 November 2016			
Applicant:	Global VIPs Ltd			
Premises:	Essentials Food To Go			
Premises address:	7-14 Coventry Street Ward: St James's London			
	W1D 6DG	Cumulative Impact Area:	West End	
Premises description:	The premises is currently operating as a shop.			
Premises licence history:	This is an application for a new premises and therefore no history exists.			
Applicant submissions:	None submitted.			

1-B Pr	1-B Proposed licensable activities and hours						
Late Nigh	Late Night Refreshment: Indoors, outdoors or both Indoors					Indoors	
Day:	y: Mon Tues Wed Thur Fri Sat Sun					Sun	
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	End: 05:00 05:00 05:00 05:00 05:00 05:00						
	Seasonal variations/ Non- standard timings: None applied for.						

Hours pre	Hours premises are open to the public							
Day:	Mon	Tues	3	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00)	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00)	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-			Noi	ne applied	for.			
standard timings:								
Adult Entertainment:		Not	t applicable	Э.				

2. Representations

2-A Responsible Authorities				
Responsible	Metropolitan Police Service			
Authority:				
Representative:	PC Sandy Russell			
Received:	18 th November 2016			

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 premises are situated within the West End Cumulative Impact area.

The timings applied for are not conducive to Westminster Council's Licensing Policy Document. We would not be in a position to withdraw our representation due to this and feel it appropriate that the matter be left to a Sub-Committee.

Proposed Police conditions:

- 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. 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.
- A minimum of (X) SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close. (Numbers to be discussed but will be based on capacity)
- No drinks shall be served in glass containers at any time
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services

shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

- 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) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g any visit by a relevant authority or emergency service.

The hours your client has applied for are outside the hours stipulated on Westminster Council's Licensing Policy. The premises are situated within the Cumulative Impact area of the West End. The decision as to what timings you are able to trade will be decided by a Licensing Sub Committee.

Please let me know whether your client is willing to agree to the above conditions in principal as this will ease proceedings during the hearing. We will be maintaining our representation due to the above, I hope you understand. If you wish to discuss, please feel free to get in touch.

Responsible Authority:	Environmental Health Consultation Team
Representative:	Miss Sally Thomas
Received:	13 th December 2016

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.

The applicant has submitted a floor plan, titled with the address and dated 22.11.16. It is not clear from the plan what floor the unit is located on.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities:

1. The Provision of Late Night Refreshment 'indoors' on Monday to Sunday from 2300 to 0500 hours.

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

1. The Provision of Late Night Refreshment and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the

Cumulative Impact Area, and may impact upon Public Safety.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the Cumulative Impact Area and may impact on Public Safety.

Responsible	Licensing Authority
Authority:	
Representative:	Mr Steven Rowe
	AL.
Received:	19 th December 2016

I write in relation to the application submitted for a new Premises Licence for the above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

The application currently contains insufficient information to enable the Licensing Authority to make a suitable assessment. However, as it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1 and FFP2. The application is requesting for Late Night Refreshment from 23:00 to 05:00 on each of the days Monday to Sunday. The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set

out in paragraph (ii) (of Policy HRS1)".

The current application departs from core hours:

Late Night Refreshment:

Monday to Thursday: 5 ½ hours beyond 'core hours'

Friday to Saturday: 5 hours beyond 'core hours'

Sunday: 6 ½ hours beyond 'core hours'

Policy FFP2 which relates to fast food inside the Cumulative Impact Areas states 'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1'.

3. Policy & Guidance

The following policies was apply:	The following policies within the City Of Westminster Statement of Licensing Policy apply:			
Policy CIP1 applies:	 (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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 Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to sumulative impact in 			
	must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.			
Policy HRS1 applies:	(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.			
D. II. 5500 II.				
Policy FFP2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.			

4. Appendices

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

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	Senior Licensing Officer
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	Email: hlawrance@westminster.gov.uk

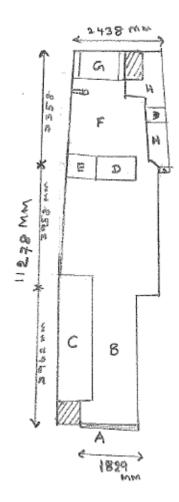
If you have any queries about this report or wish to inspect one of the background papers please contact the report author. Background Documents – Local Government (Access to Information) Act 1972 1 N/A Licensing Act 2003 7th January 2016 2 City of Westminster Statement of Licensing Policy March 2015 3 Amended Guidance issued under section 182 of the Licensing Act 2003 3rd November 2016 4 **Application Form** 18th November 2016 5 Representation – MET Police 13th December 2016 Representation – Environmental Health 6 19th December 2016 Representation – Licensing Authority 7

Premises Plans

ESSENTIALS FOOD TO GO

UNITS , THE TROCADERO

HOR QIW HOCKD ST , LONDON WID FOH



SCALE ! 1:100

A: OPEN MAINENTRANCE (PULL DOWN SHUTTER)

B: SHOP FLOOR

C ; FRIDGE

D; FOOD DISPLAY UNIT

E : SALES TILL

E : BEHIND CONNIER

G : TOBACCO CABINET

H! TABLE TOP UNIT

YAIR HRAW ! E

CO ! HANDWASH SINK.

A : FIRE EXIT

1 : FIRE EXTINGUISHER

Dms: 22.11.16

Applicant Supporting Documents

None submitted.

Premises History

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

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

P = D + (DxV)

Where -

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

Conditions consistent with the operating schedule

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system, searching equipment or scanning equipment
 - (f) any visit by a relevant authority or emergency service.
- 4. Staff will be given appropriate fire safety training.
- 5. The outside of the premises will be kept tidy at all times.

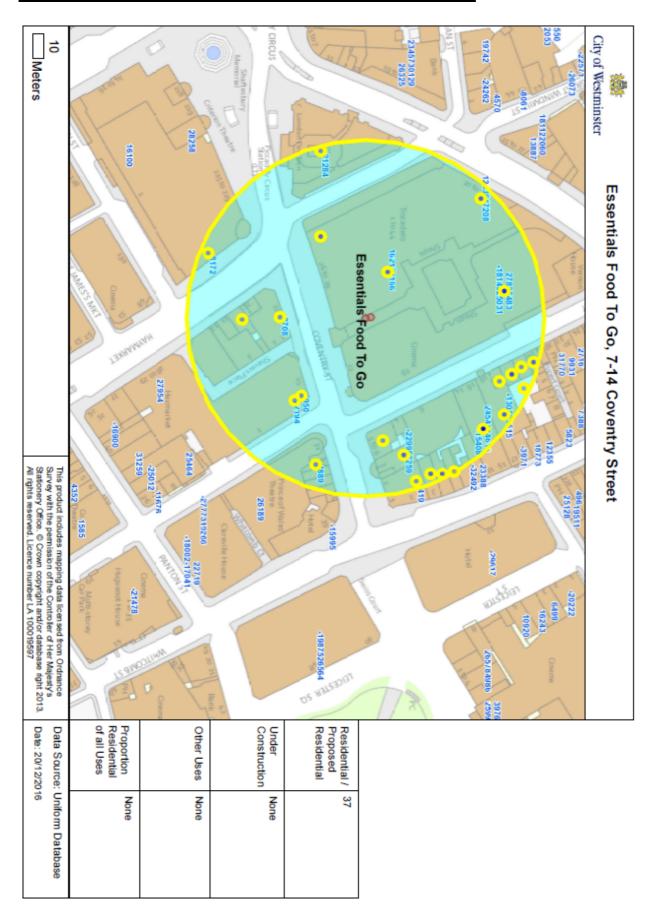
Conditions proposed by the Police

- 6. 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.
- 7. 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.

- 8. A minimum of (**X**) SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close. (Numbers to be discussed but will be based on capacity)
- 9. No drinks shall be served in glass containers at any time.
- 10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 11. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
- 12. 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) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.

Conditions proposed by the Environmental Health

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of: Essentials Food To Go, 7-14 Coventry Street

p/n	Name of Premises	Premises Address	Licensed Hours
22194	The Comedy Store	Ground Floor Right Haymarket House 1A Oxendon Street London SW1Y 4EE	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 05:00
24544	London Jade Garden	15 Wardour Street London W1D 6PH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-23301	Yo! Sushi	Unit 34a Trocadero 13 Coventry Street London W1D 7AB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-21284	Ripley's Believe It Or Not!	The London Pavillion 1 Piccadilly London W1J 0DA	Monday to Sunday 10:00 - 00:00
-15408	Waxy O'Connor's	Basement And Ground Floor 14 - 16 Rupert Street London W1D 6DD	Friday to Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
-8419	Kentucky Fried Chicken	1 - 2 Coventry Street London W1D 6BH	Sunday 23:00 - 02:30 Monday to Saturday 23:00 - 03:00
3708	Aberdeen Steak House	21-22 Coventry Street London W1D 7AE	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 10:00 - 01:00
12436	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Sunday 09:00 - 03:00 Monday to Saturday 09:00 - 03:30
-22995	Cafe De Paris	Basement And Lower Ground Floor 3-4 Coventry Street London W1D 6BL	Monday to Sunday 09:00 - 06:00
-18145	District	Basement 21 Rupert Street London W1D 7PJ	Monday to Sunday 09:00 - 03:00
-8172	Caffe Concerto	45 Haymarket London SW1Y 4SE	Monday to Sunday 08:00 - 23:30
-1305	Morden & Lea	17 Wardour Street London W1D 6PJ	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00

-950	TGI Fridays	25-29 Coventry Street London W1D 7AG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30 Sundays before Bank Holidays 12:00 - 01:00
2782	Ed's Easy Diner	Unit 34B Trocadero 19 Rupert Street London W1D 7PN	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
3166	Biagio's	Unit F1 Basement Trocadero 13 Coventry Street London W1D 7DH	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
4889	Cornishe	32 Coventry Street London W1D 6BR	Monday to Sunday 23:00 - 05:00
5483	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
7259	G. Casino Piccadilly	Upper Ground Floor To Third Floor 3-4 Coventry Street London W1D 6BL	Monday to Saturday 10:00 - 10:00 Sunday 12:00 - 12:00
14616	London Jade Garden	15 Wardour Street London W1D 6PH	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
16217	Picturehouse Central	Trocadero 13 Coventry Street London W1W 7DH	Monday to Sunday 00:00 - 23:59
17208	Golden Nugget Casino	22-32 Shaftesbury Avenue London W1D 7EU	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
25031	Platinum Lace Gentleman's Club	Unit 33 Trocadero 13 Coventry Street London W1D 7AB	Sunday 15:00 - 03:30 Monday to Saturday 15:00 - 06:30
29515	Morada Brindisa	18 Rupert Street London W1D 6DE	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00