



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	16 February 2017
Licensing Ref No:	16/14143/LIPV - Premises Licence Variation
Title of Report:	Baker Street News 202 Baker Street London NW1 5RT
Report of:	Director of Public Protection and Licensing
Wards involved:	Regent's Park
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:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 December 2016		
Applicant:	Baker Street News Limited		
Premises:	Baker Street News		
Premises address:	202 Baker Street London NW1 5RT	Ward:	Regent's Park
		Cumulative Impact Area:	None
Premises description:	This premises is licensed to sell alcohol for consumption off the premises in line with the City Council's Core Hours Policy.		
Variation description:	To add late night refreshment from 23:00 - 05:00, Monday to Sunday and amend the opening hours to 00:00 - 00:00, Monday to Sunday		
Premises licence history:	The premises is currently licensed under 15/07742/LIPDPS. For a full licence history, please refer to Appendix 3 of this report.		
Applicant submissions:	None.		

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

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Not permitted			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Currently not permitted		23:00	05:00	Currently not permitted	On the ground floor (as per the existing plans)
Tuesday			23:00	05:00		
Wednesday			23:00	05:00		
Thursday			23:00	05:00		
Friday			23:00	05:00		
Saturday			23:00	05:00		
Sunday			23:00	05:00		
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None			No variation applied for		
			None			No variation applied for

Sale by Retail of Alcohol							
On or off sales		Current :			Proposed:		
		Off			No variation applied for		
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	

Monday	08:00	23:00	No variation applied for	Ground Floor only	No variation applied for
Tuesday	08:00	23:00			
Wednesday	08:00	23:00			
Thursday	08:00	23:00			
Friday	08:00	23:00			
Saturday	08:00	23:00			
Sunday	12:00	22:00			
Seasonal variations/ Non-standard timings:	Current:		Proposed:		
	None		No variation applied for		
	None		No variation applied for		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	00:00	00:00	Ground Floor only	No variation applied for
Tuesday	08:00	23:00	00:00	00:00		
Wednesday	08:00	23:00	00:00	00:00		
Thursday	08:00	23:00	00:00	00:00		
Friday	08:00	23:00	00:00	00:00		
Saturday	08:00	23:00	00:00	00:00		
Sunday	08:00	23:00	00:00	00:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No variation applied for	
	None				No variation applied for	

1-C	Layout alteration
	None

1-D Conditions being varied, added or removed	
Condition	Proposed variation
No conditions being varied but a number being proposed to address the additional licensable activity being applied for under this application. Please see column on the right.	<p>1. Notices will be prominently displayed at the store exit requesting customers to respect the needs of local residents and leave the area quietly.</p> <p>2. The provision of late night refreshment shall be limited to hot drinks and food items that shall be warmed by microwave/hotplate.</p> <p>3. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 12 persons.</p>

4. There shall be no primary cooking at the premises.

5. No noise generated on the premises, or by its associated plant and equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

6. Between 23.00 hours and 05.00 hours no fumes, steam or odours shall be emitted from the licensed premises so as to cause nuisance to any persons living or carrying on a business in the area where the premises are situated.

7. Between 23.00 & 05.00 hours the premises licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from shop customers immediately outside the premises.

8. At least two staff members will be on duty between 23.00 hours and 05.00 hours.

9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours the following morning.

10. No deliveries except for newspapers and magazines to the premises shall take place between 23.00 hours & 05.00 on the following morning.

11. No licensable late night refreshment activities shall take place at the premises until the premises have been assessed as satisfactory by the environmental health consultation team at which time this condition shall be removed from the licence by the licensing authority.

Adult entertainment:	Current position:	Proposed position:
	None	No variation applied for

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ayesha Bolton
Received:	18 th January 2017
<p>I refer to the application for variation of Premises Licence for the above premises</p> <p>The applicant has submitted floor plans for the Ground Floor of the Premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To extend the hours for Late Night Refreshment Monday to Sunday 23.00 to 05.00 hours. <p>I wish to make the following representation.</p> <ol style="list-style-type: none"> 1. The hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety. <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>Note: Environmental Health have proposed conditions which are attached at Appendix 4.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	19 th January 2017
<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 would undermine the Crime Prevention Objective.</p> <p>It is for this reason that we are objecting to the application.</p> <p>Should you wish to discuss the matter further please contact PC Reaz Guerra on 0207 641</p>	

1709 or via email, rquerra@westminster.gov.uk.

3. Policy & Guidance

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

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.
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

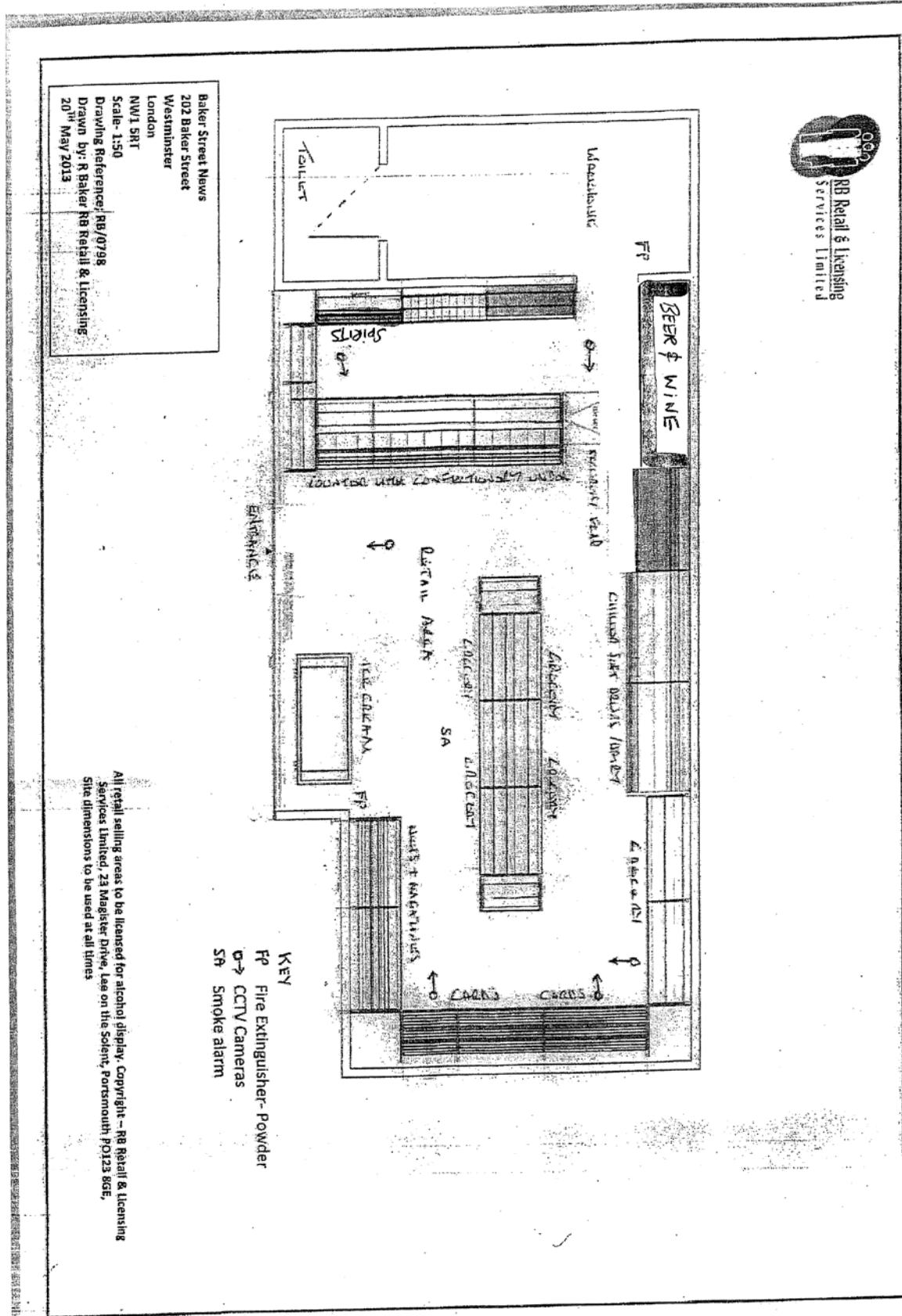
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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	3 rd January 2017
5	EH Representation	18 th January 2017
6	Police Representation	19 th January 2017



Baker Street News
 202 Baker Street
 Westminster
 London
 NW1 5RT
 Scale- 1:50
 Drawing Reference/ RB/0798
 Drawn by: R Baker RB Retail & Licensing
 20th May 2013



KEY
 FP Fire Extinguisher - Powder
 CCTV Cameras
 SA Smoke alarm

All retail selling areas to be licensed for alcohol display. Copyright - RB Retail & Licensing Services Limited, 23 Magister Drive, Lee on the Solent, Portsmouth PO123 8GE. Site dimensions to be used at all times.

No supporting documents have been submitted by the applicant

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New	Application to permit the sale of alcohol for consumption off the premises	25.07.2013	Granted by Licensing Sub-Committee
DPS Variation	Application to vary the designated premises supervisor	28.09.2015	Granted under delegated authority
Variation	Current Application		Pending

There is no appeal history

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: On Current Licence -

Annex 1 – Mandatory conditions

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

6. 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. There must be a camera above the till points to record all customer transactions. The CCTV system shall continually record whilst the venue 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.
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 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.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. A direct telephone number for the manager at the premises shall be made available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
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. 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.
13. All tills shall prompt staff to ask for age verification identification when presented with an alcohol sale.
14. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
15. 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.
16. 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.

17. The Licence Holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public all alcohol within the trading area is to be secured behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers or staff.
18. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
19. Prior to any "designated sporting event" (as defined in the Sporting Events Control of Alcohol Act 1985) at Wembley Stadium, the premises licence holder shall ensure that;
 - (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event;
 - (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event;
 - (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated sporting event;
 - (iv) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;
 - (v) All members of staff working at the premises are informed of this condition prior to taking up employment;
 - (vi) On the day of the relevant designated sporting event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.
20. There shall be no self service of spirits at the premises except for spirit mixtures below 5.5% ABV (alcohol by volume).
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. An incident log shall be maintained at the premises noting any incidents of disorder occurring at the premises.
24. No deliveries of alcohol to the premises shall take place between the hours of 19:00 and 07:00 hours on the following day.
25. 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.

Conditions consistent with the operating schedule

26. Notices will be prominently displayed at the store exit requesting customers to respect the needs of local residents and leave the area quietly.

27. The provision of late night refreshment shall be limited to hot drinks and food items that shall be warmed by microwave/hotplate.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 12 persons.
29. There shall be no primary cooking at the premises.
30. No noise generated on the premises, or by its associated plant and equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
31. Between 23.00 hours and 05.00 hours no fumes, steam or odours shall be emitted from the licensed premises so as to cause nuisance to any persons living or carrying on a business in the area where the premises are situated.
32. Between 23.00 & 05.00 hours the premises licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from shop customers immediately outside the premises.
33. At least two staff members will be on duty between 23.00 hours and 05.00 hours.
34. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours the following morning.
35. No deliveries except for newspapers and magazines to the premises shall take place between 23.00 hours & 05.00 on the following morning.
36. No licensable late night refreshment activities shall take place at the premises until the premises have been assessed as satisfactory by the environmental health consultation team at which time this condition shall be removed from the licence by the licensing authority.

Conditions proposed by EH

37. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the *premises* as newsagents/convenience store.
38. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of hot food and drink.
39. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.



Baker Street News, 202 Baker Street, London NW1 5RT



Residential / Proposed Residential	242
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: 31/01/2017

Premises within 75 metres of: Baker Street News, 202 Baker Street, London NW1 5RT

p / n	Name of Premises	Premises Address	Opening Hours
11159	Cinnamon Spice	12-14 Glentworth Street London NW1 5PG	Sunday 10:00 - 22:30 Monday to Saturday 10:00 - 23:00
13516	Tesco	11-15 Melcombe Street London NW1 6AE	Monday to Sunday 06:00 - 00:00
15415	Treats	Platform 1 & 2 Baker Street Station Marylebone Road London NW1 5LA	Monday to Sunday 00:00 - 00:00
13523	Pizza Hut	187 Baker Street London NW1 6UY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
-1028	Francesca Restaurant	215 Baker Street London NW1 6XE	Monday to Sunday 07:00 - 21:00
5978	Nambu-tei Japanese Restaurant	Berkeley Arcade 209A Baker Street London NW1 6AB	Monday to Saturday 10:00 - 23:00 Sunday 12:00 - 22:30
-4675	Treats	Shop B In Jubilee Line Ticket Hall Baker Street Station Marylebone Road London NW1 5LA	Monday to Sunday 00:00 - 00:00
20557	Treats	Buffet Bar In Metropolitan Line Ticket Hall Baker Street Station Marylebone Road London NW1 5LA	Monday to Sunday 00:00 - 00:00
-32367	Baker Street News	202 Baker Street London NW1 5RT	Monday to Sunday 06:00 - 23:00
-27759	Ask	197 Baker Street London NW1 6UY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-14884	Yo! Sushi	194 Baker Street London NW1 5RT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10254	You Me Sushi	224-226 Baker Street London NW1 5RT	Monday to Sunday 11:00 - 23:00
9479	Soho Japan	195 Baker Street London NW1 6UY	Sunday 08:00 - 22:00 Monday to Saturday 08:00 - 23:00