



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	3 March 2017
Licensing Ref No:	16/13896/LIPV - Premises Licence Variation
Title of Report:	Sidney Rose Mini Market Ground Floor 34-36 Maddox Street London W1S 1PD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	19 December 2016		
Applicant:	Mr Vijay Natwarlal Shukla		
Premises:	Sidney Rose Mini Market		
Premises address:	Ground Floor 34-36 Maddox Street London W1S 1PD	Ward:	West End
		Cumulative Impact Area:	None.
Premises description:	Sidney Rose Mini Market is currently operating as a local convenience store.		
Variation description:	<p>The applicant would like to extend its business operations to 24 hours, 7 days a week.</p> <p>The proposition of the business service within the extended operational hours would be:</p> <ol style="list-style-type: none"> 1) Selling all goods including alcohol for 24 hours. 2) The selling of pre-cooked late night refreshments. 3) Having a 24hours delivery service, which would have the full goods catalogue of Sidney rose minimarket. 		
Premises licence history:	The premises has had a premises licence since September 2005.		
Applicant submissions:	<p>The applicant has stated that they will abide by the general rules and regulations we are governed by and to uphold then responsibility.</p> <p>They do not envisage any new impact to public safety beyond the current business offerings. They will continue to abide by all legal obligations in terms of code of practice and required insurances.</p> <p>The applicant believes that the business is not going to be engaged in those activities which would invariably append to public nuisance. The adoption of extensive CCTV operations should prove to be a deterrent in this matter also.</p>		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
					Outdoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday			23:00	05:00		Please Plan attached at Appendix 1
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.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Off Sales		Off Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	00:00	00:00	Please Plan attached at Appendix 1.	No Change.
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	10:00	22:30	00:00	00:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None.			None.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	06:00	21:00	Please Plan attached at Appendix 1.	No Change.
Tuesday	08:00	23:00	06:00	21:00		
Wednesday	08:00	23:00	06:00	21:00		
Thursday	08:00	23:00	06:00	21:00		
Friday	08:00	23:00	06:00	21:00		
Saturday	08:00	23:00	06:00	21:00		
Sunday	10:00	22:30	06:00	21:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				None.	

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
<p><u>Condition 6</u></p> <p>External and Internal CCTV recording will be in operation as a deterrent against violent crime and abuse.</p>	To be added.	
<p><u>Condition 7</u></p> <p>Strict age verification will be conducted, particularly in relation to those items that can be harmful for children such as tobacco and alcohol.</p>	To be added.	
Adult entertainment:	Current position:	Proposed position:
	Not applicable	Not applicable.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team

Representative:	Ms Ayesha Bolton
Received:	27 th January 2017

I refer to the application for variation of Premises Licence for the above premises. This representation is based on the application and the operating schedule submitted.

The applicant is seeking the following:

1. To extend the hours for Supply of Alcohol 'Off' the premises only Monday to Sunday 00.00 to 00.00 hours.
2. To provide Late Night Refreshment 'Outdoors' only Monday to Sunday 00.00 to 00.00 hours.

I wish to make the following representation.

1. The hours requested for Supply of Alcohol Off the premises only will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
2. The hours requested for Late Night Refreshment Outdoors only will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

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

The applicant is requested to contact me on the email or telephone number above to arrange a site meeting.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	23 rd January 2017

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 variation of a premises licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.

Our objections relate to the follow:

- There are insufficient conditions offered to support the licensing objectives
- More information required to assess this application

- The hours sought are beyond core hours as defined by WCC Statement of Licensing Policy

Applicant's Response :

I have read the objections but I am not clear at all what the police require. They have not detailed their response at all.

1) conditions have clearly been specified. We are a business and need to survive and innovate so that we can make profit.

2) what more information do they require? Just writing more information required is not helpful at all.

3) We know that the licence is beyond core hours and that's why we have applied for 24 hours.

Do these objections make the case final. Preferably we would like to discuss this with you.

Police Response:

It is quite normal for Police to make a representation regarding a premises licence variation application during the consultation period. My letter to you simply states the reasons I am objecting to your application. It is the beginning of a process of ensuring that you will promote the licensing objectives. I will request a meeting with you and visit your premises or my Environmental Health colleague will make enquires on my behalf; depending on my commitments. I will consider proposing a list of conditions to provide reassurances to Police. My objection is simply to allow the Police to have an involvement in the application process. It is not a final decision on what our position is. I will be in contact with you in the forthcoming weeks to further discuss your application.

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 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.

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
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 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

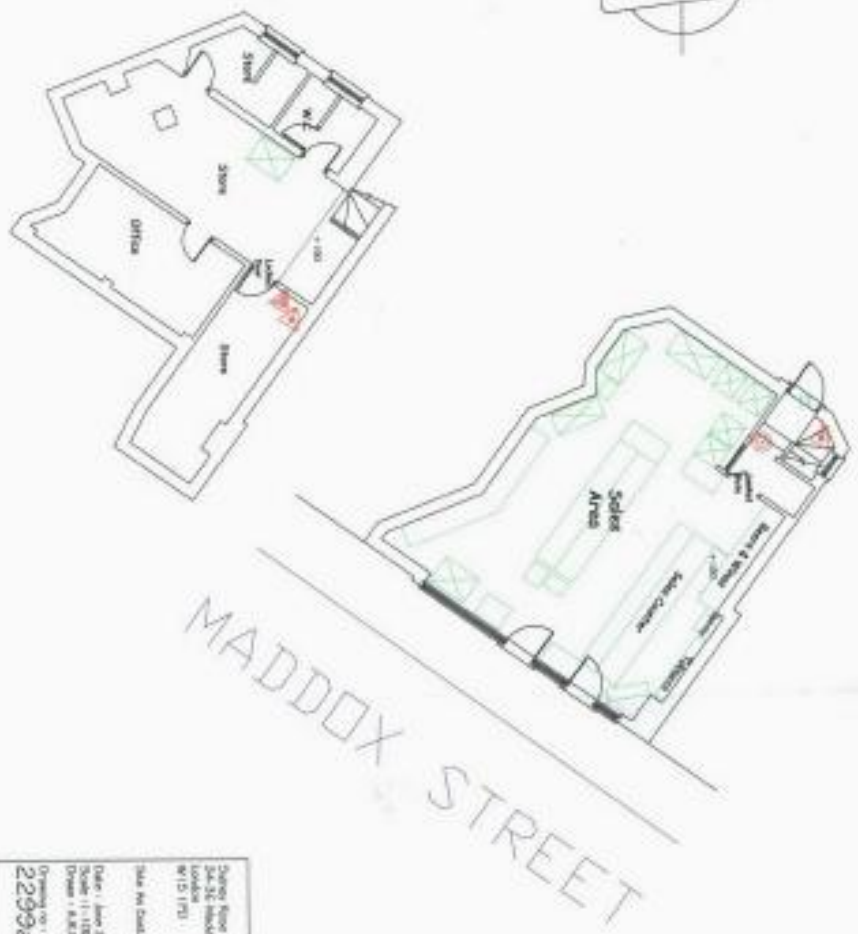
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	19 th December 2017
5	Representation – MET Police	23 rd January 2017
6	Representation – Environmental Health	27 th January 2017

Premises Plans

Appendix 1



Site Location Plan
Site Marked in Red



Legend - Fire alarm / fire fighting installation

-  Fire Alarm - new
-  Fire Alarm - other
-  Fire Alarm - other
-  Fire Fighting - other
-  Fire Fighting - other
-  Fire Fighting - other

Scale: 1:1000
Date: 15/05/2011
Drawing No: 2299/05/01

MADDOX STREET

Client: Royal Mail
24-26 Maddox Street
London
W1D 7PL

Date: June 2009
Scale: 1:100 & 1:150
Drawn: A.S.C.

Drawing No:
2299/05/01

Architect: John Associates
Architectural Design Consultants
London House
125 Strand, Strand Area
London
Phone: 020 7593 9977
Fax: 020 7593 9977
020 7593 9977

Applicant Supporting Documents

None Submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/05993/WCCMAP	Application for a new premises Licence	20.09.2005	Granted under Delegated Authority

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 -

Mandatory:

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.

6. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 8:00 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, 8:00 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.

7. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

None.

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

None.

Conditions proposed by the applicant:

8. External and Internal CCTV recording will be in operation as a deterrent against violent crime and abuse.
9. Strict age verification will be conducted, particularly in relation to those items that can be harmful for children such as tobacco and alcohol.

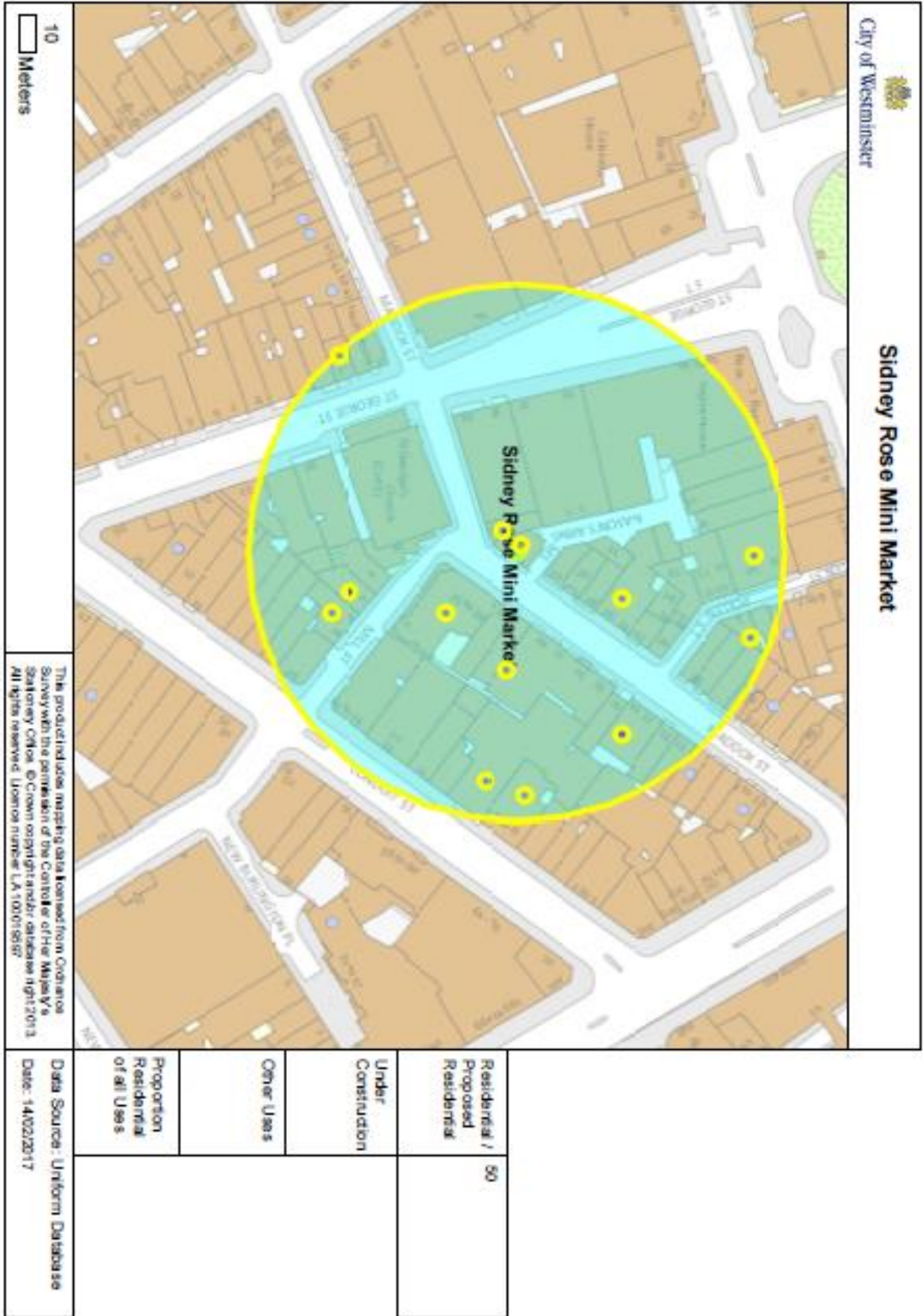
Conditions proposed by Environmental Health

None.

Conditions proposed by Metropolitan Police

None.

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of Sidney Rose Mini Market :

p / n	Name of Premises	Premises Address	Licensed Hours
-26043	28/50	17-19 Maddox Street London W1S 2QH	Monday to Thursday 08:00 - 00:00 Friday to Saturday 08:00 - 00:30 Sunday 08:00 - 23:00
-23294	Maddox	3-5 Mill Street London W1S 2AU	Monday to Sunday 00:00 - 00:00
-18216	28/50	17-19 Maddox Street London W1S 2QH	Monday to Thursday 08:00 - 00:00 Friday to Saturday 08:00 - 00:30 Sunday 08:00 - 23:00
-13340	Sketch	9 Conduit Street London W1S 2XG	Monday to Sunday 00:00 - 00:00
-4502	Masons Arms Public House	Whole Building 38 Maddox Street London W1S 1PY	Monday to Saturday 10:00 - 00:30 Friday to Saturday 10:00 - 00:30 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00
8223	The East India Company	7 - 8 Conduit Street London W1S 2XF	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
14292	Pollen Street Social Jason Atherton	Ground Floor 10 Pollen Street London W1S 1NH	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30
17409	Wild Honey Restaurant	12 St George Street London W1S 2FB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
23284	Sunflower Cafe Restaurant	3 Pollen Street London	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-20013	Pattersons	Basement And Ground Floor 4 Mill Street London W1S 2AX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

-15949	Goodman	26 Maddox Street London W1S 1QH	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-14557	No 4 Mayfair	First Floor 4 Mill Street London W1S 2AX	Monday to Saturday 09:00 - 05:30 Sunday 12:00 - 23:00
-5572	Sidney Rose Mini Market	Ground Floor 34-36 Maddox Street London W1S 1PD	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
10243	Hibiscus	Ground Floor 29 Maddox Street London W1S 2PA	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:00
29955	Black Roe	Basement And Ground Floor 4 Mill Street London W1S 2AX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-30206	The Windmill Public House	6-8 Mill Street London W1S 2AZ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30