

Licensing Sub-Committee Report

Item No:	
Date:	1 November 2018
Licensing Ref No:	18/09828/LIPN - New Premises Licence
Title of Report:	61 Kingly Street London W1B 5QL
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 Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	22 August 2018		
Applicant:	Regency Coffee Boutique Limited		
Premises:			
Premises address:	61 Kingly Street London W1B 5QL	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The application form describes the premises as a convenience store.		
Premises licence history:	<p>This is an application for a new premises licence and as such there is no licence history.</p> <p>However, there was an application for a new premises licence was refused by Licensing Sub Committee on 02.08.2007.</p>		
Applicant submissions:	None.		
Amendments to application:	The applicant has amended the start time for the commencement time for the sale of alcohol Monday to Saturday from 08:00 to 10:00.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	20:00	20:00	20:00	20:00	20:00	20:00	20:00
Seasonal variations/ Non-standard timings:			None.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:30	06:30	06:30	06:30	06:30	07:00	09:30
End:	20:00	20:00	20:00	20:00	20:00	20:00	20:00
Seasonal variations/ Non-standard timings:			None.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service (<i>Withdrawn</i>)
Representative:	Anil Drayan
Received:	18 th September 2018
<p>I refer to the application for a new premises licence for the above premises which are located in the West End Cumulative Impact Area.</p> <p>The applicant has submitted plans of the premises, no reference, showing the licensable area.</p> <p>The following Licensing activities are being sought:</p> <ol style="list-style-type: none">1. Supply of alcohol 'off' the premises from 08:00 to 20:00 hours Monday to Saturday and 10:00 to 20:00 hours Sunday. <p>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</p> <ol style="list-style-type: none">1. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance and may impact on Public Safety in the West End Cumulative Impact Area <p>The applicant has offered a list of conditions and undertakings which are under consideration as to whether they are sufficient to allay Environmental Health concerns.</p> <p>The applicant is requested to contact the undersigned to arrange a site visit after which Environmental Health may propose additional conditions.</p> <p>Please contact me if you require further advice or information.</p> <p><i>The Environmental Health Service have proposed the following condition which has been agreed by the applicant:</i></p> <ol style="list-style-type: none">1. No licensable activities shall take place at the premises until the premises has 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. <p><i>Following the agreement of the conditions the Environmental Health Service have withdrawn their representation.</i></p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	18 th September 2018
<p>Our objection relates to the following:</p> <ul style="list-style-type: none">• Insufficient conditions to promote the prevention of crime and disorder.• This premises is located in the West End Cumulative Impact Area and will lead to an increase in the concentration of premises offering the sale of alcohol. This may	

undermine the licensing objectives.

The Metropolitan Police Service have proposed the following conditions which have been agreed by the applicant:

1. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
2. 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.
3. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
4. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

Responsible Authority:	Licensing Authority
Representative:	Roxana Haq
Received:	17 th September 2018

I write in relation to the application submitted for a New Premises Licence for:

18/09828/LIPN: 61 Kingly Street, London W1B 5QL

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

This application seeks the following:

Sale by retail of alcohol for consumption off the premises:

Monday to Saturday 08:00 to 20:00.
Sundays 10:00 to 20:00

The premises is located within the West End Cumulative Impact area and as such policy points CIP1, and OS2 must be considered.

We note the hours applied for licensable activities is within the Westminster core hours. The Licensing Authority acknowledges that the applicant has offered conditions that go some way in mitigating the potential adverse effects on the licensing objectives, however the applicant must demonstrate that they will not add to cumulative impact in the Cumulative Impact Area. Unless the applicant can satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted, it will be for Licensing Sub-Committee

Members to determine this application, given its location within the West End Cumulative Impact area.

Please accept this as a formal representation and we look forward to receiving any further submissions which will be forwarded on for Members information.

2-B Other Persons

Received: 29 August 2018

There are already too many people drinking on the streets, so enabling them to buy more alcohol to do this is not good for the area.

The Licensing Services provided the applicant with the conditions proposed by the applicant and agreed with the responsible authorities and the resident provided the further comment:

My only problem is that, with so many Bars & Restaurants in the street, there are too many people walking around with drinks with no control, so there is not a place for somewhere selling alcohol to take away. It adds to the problem.

3. Policy & Guidance

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

<p>Policy HRS1 applies</p>	<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> <p>For premises for the supply of alcohol for consumption off the premises:</p> <p>Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>
<p>Policy CIP1 applies:</p>	<p>(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.</p> <p>(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 cumulative impact in the Cumulative Impact Areas.</p>
<p>Policy OS2 applies:</p>	<p>Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. 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 Sam Eaton Senior Licensing Officer
Contact:	Telephone: 020 7641 2700 Email: seaton@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	April 2018
4	Representation – Environmental Health Service - <i>Withdrawn</i>	18 th September 2018
5	Representation – Metropolitan Police Service	18 th September 2018
6	Representation – Licensing Authority	17 th September 2018
7	Representation	29 th August 2018

Premises Plans

Attached.

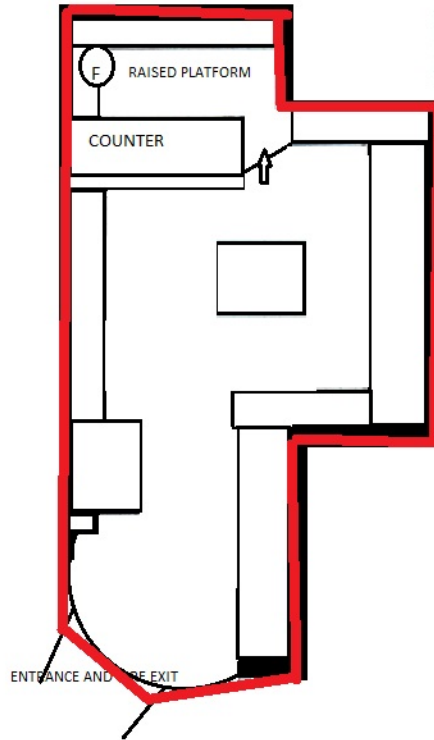
PREMISES; KINGLY NEWS
61 KINGLY STREET
LONDON
W1B 5QL

 FIRE EXTINGUISHERS
1 X 4KG POWDER OR
EQUIVALENT

 LICENSABLE AREA

WHOLE OF LICENSABLE AREA
TO BE LICENSED FOR ALCOHOL
DISPLAY

MAXIMUM 15% OF RETAIL
SPACE FOR ALCOHOL DISPLAY



SCALE BAR 1:100 AT A4



Applicant Supporting Documents

None.

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.
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:

6. Staff training shall be recorded and updated every 6 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks , and other relevant matters as regards the licensing act, and the responsibilities of staff.
7. The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.. The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer

8. There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers. This reporting document shall be immediately available upon request of an authorised officer
9. The premises licence holder shall ensure that a 'challenge 25' policy is adopted on the premises at all times. Signage of the 'challenge 25' policy shall be prominently displayed on the premises. Acceptable identification shall be a passport, photo driving licence or PASS accredited identity card
10. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
11. Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
12. No single can sales – a minimum quantity in can sales to be four cans.
13. The premises shall install and maintain a comprehensive CCTV system as per the following 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 in line with data protection law.

Following discussions with Environmental Health Service the condition has been amended to:

*The premises shall install and maintain a comprehensive CCTV system as per the following 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 IN LINE WITH DATA PROTECTION LAW (such as a section 29 request)***

The CCTV system shall be checked REGULARLY to ensure it is working in line with the requirements of the licence.

14. 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.
15. 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.
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. 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
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. 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.
19. 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.
20. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
21. No deliveries of alcohol before 8am or after 8pm
22. Signage advertising alcohol licensing hours to be displayed at entrance to prevention point of sale and near alcohol display

Following discussions with Environmental Health Service the condition has been amended to:

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.

23. There shall be litter patrols on a regular basis (at least daily).
24. There shall be no single can sales – minimum quantity in can sales to be four cans.
25. Signage of the 'challenge 25' policy shall be prominently displayed on the premises.

Following discussions with Environmental Health Service the condition has been amended to:

Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years

26. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly
27. There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers. This reporting document shall be immediately available upon request of an authorised officer.
28. The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register

shall record any refused sale of alcohol.. The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register
At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.

29. Staff training shall be recorded and updated every 6 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks , and other relevant matters as regards the licensing act, and the responsibilities of staff

Conditions proposed by the Environmental Health Service and agreed with the applicant to form part of the operating schedule:

30. No licensable activities shall take place at the premises until the premises has 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 the Metropolitan Police Service and agreed with the applicant to form part of the operating schedule:

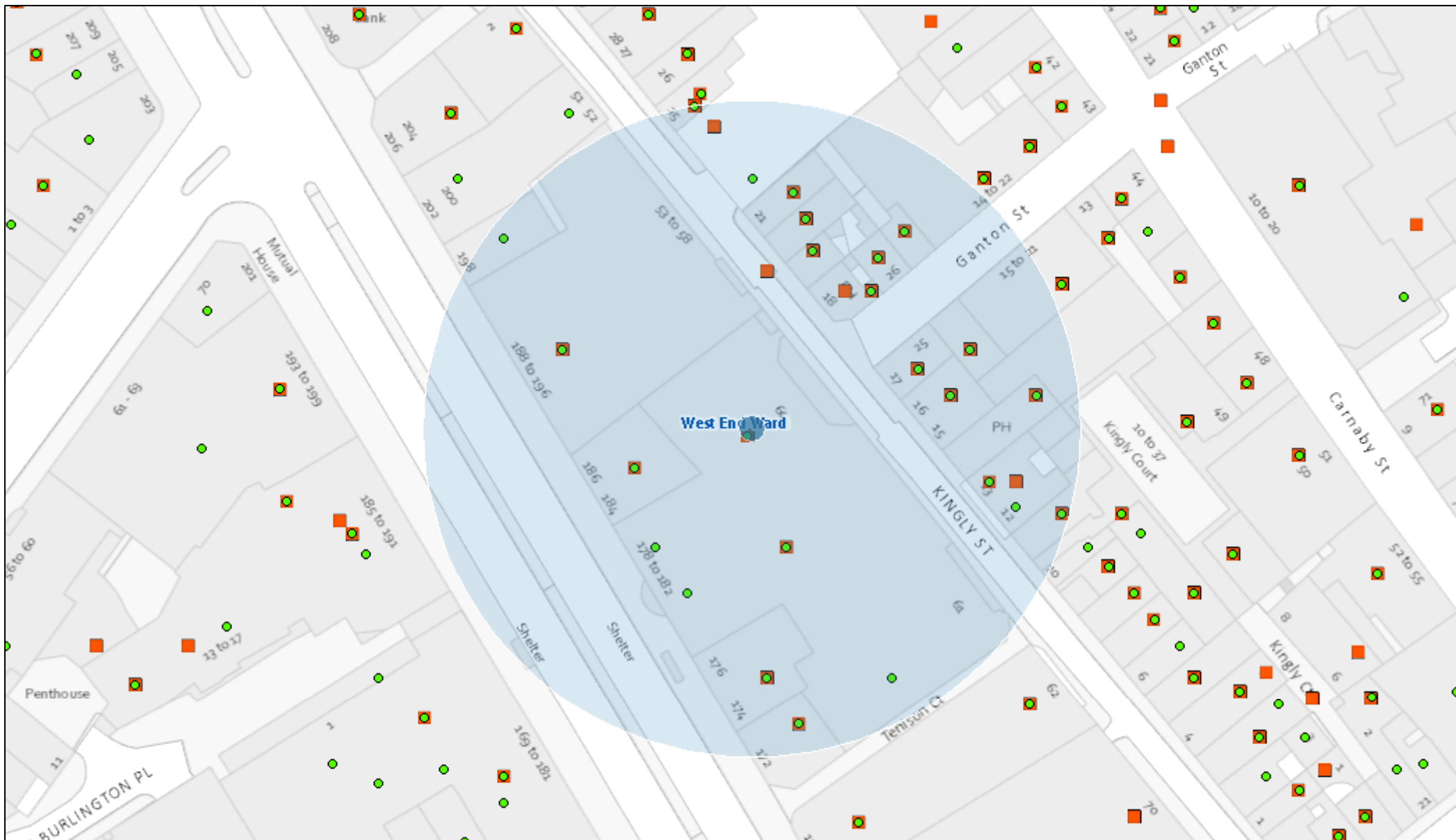
31. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
32. 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.
33. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
34. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

Residential Map and List of Premises in the Vicinity




Attached.

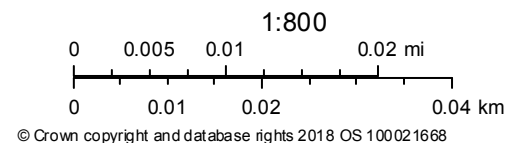
Resident count: 3

61 Kingly Street, London



October 19, 2018

-  Detailed Boundary
-  Property Mailing List
- Ward Labels
-  Ward Boundaries



Premises within 50 metres of: 61 Kingly Street, London

Ref	Name of Premises	Premises Address	Licensed Hours
17/11973/LIPDPS	Dehesa	17 Kingly Street London W1B 5PU	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
18/08398/LIPDPS	Blue Posts Public House	18 Kingly Street London W1B 5PX	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:00
14/09561/LIPVM	Urban Tearooms	19 Kingly Street London W1B 5QD	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 10:00 - 22:30
18/00042/LIPDPS	Jinjuu	Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PS	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
17/14320/LIPDPS	Hamleys	Basement To Seventh Floor 188 - 196 Regent Street London W1B 5QR	Monday to Wednesday; 10:00 - 20:00 Thursday to Friday; 10:00 - 21:00 Saturday; 09:00 - 20:00 Sunday; 12:00 - 18:00
14/03870/LIPT	Mother Mash	26 Ganton Street London W1F 7QZ	Monday to Friday; 08:00 - 23:00 Saturday to Sunday; 10:00 - 23:00
12/00611/LIPV	Ain't Nothin' But	20 Kingly Street London W1B 5PZ	Monday to Thursday; 09:00 - 01:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:30
14/05163/LIPDPS	Rosa's	23A Ganton Street London W1F 9BW	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00 Christmas Eve;

			12:00 - 00:00 Christmas Eve; 10:00 - 00:00
17/10506/LIPVM	Not Recorded	21 Kingly Street London W1B 5QA	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 23:00 Sundays before Bank Holidays; 10:00 - 00:30
15/08543/LIPCH	Pix	Basement And Ground Floor 24 Ganton Street London W1F 7QY	Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 22:30
18/06181/LIPDPS	Wright Brothers Soho	12 - 13 Kingly Street London W1B 5PB	Monday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00
16/10514/LIPDPS	Red Lion Public House	14 Kingly Street London W1B 5PR	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
15/00525/LIPN	Pizza Pilgrims Kiosk	11 Kingly Street London W1B 5PL	Monday to Saturday; 08:00 - 23:00 Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30
18/02217/LIPDPS	Pizza Pilgrims	11 Kingly Street London W1B 5PL	Monday to Sunday; 08:00 - 00:30