



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	28 May 2020
Licensing Ref No:	20/03272/LIPV - Premises Licence Variation
Title of Report:	Cumberland Food & Wine 11 Great Cumberland Place London W1H 7LU
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 April 2020		
<b>Applicant:</b>	Chelsea Food And Wine Company Limited		
<b>Premises:</b>	Cumberland Food & Wine		
<b>Premises address:</b>	11 Great Cumberland Place London W1H 7LU	<b>Ward:</b>	Bryanston & Dorset Square
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises currently operates as a convenience store.		
<b>Variation description:</b>	<p>The application seeks the following:</p> <ul style="list-style-type: none"> <li>To vary the terminal hour for the Sale by Retail of Alcohol for consumption off the premises from 23:00 on Monday to Saturday and 22:30 on Sunday to 02:00 on Monday to Sunday</li> <li>To remove condition 32.</li> </ul>		
<b>Premises licence history:</b>	The premises have had the benefit of a licence, Licence number 19/08177/LIPRW from 2005 which is still currently in place. A copy of the licence can be found at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>	
		Outdoors			No variation sought	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	05:00	No variation sought		Ground Floor	No variation sought
<b>Tuesday</b>	23:00	05:00				
<b>Wednesday</b>	23:00	05:00				
<b>Thursday</b>	23:00	05:00				
<b>Friday</b>	23:00	05:00				
<b>Saturday</b>	23:00	05:00				
<b>Sunday</b>	23:00	05:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On sales		No variation sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No variation sought		Ground Floor	No variation sought
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current: N/A			Proposed: N/A	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Off sales		No variation Sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	08:00	02:00	Ground Floor	No variation sought
Tuesday	08:00	23:00	08:00	02:00		
Wednesday	08:00	23:00	08:00	02:00		
Thursday	08:00	23:00	08:00	02:00		
Friday	08:00	23:00	08:00	02:00		
Saturday	08:00	23:00	08:00	02:00		
Sunday	10:00	22:30	10:00	02:00		
Seasonal variations/ Non-standard timings:		Current: N/A			Proposed: N/A	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	05:00	No variation sought		Ground Floor	No variation sought
Tuesday	08:00	05:00				
Wednesday	08:00	05:00				
Thursday	08:00	05:00				
Friday	08:00	05:00				
Saturday	08:00	05:00				
Sunday	08:00	05:00				
Seasonal variations/ Non-standard timings:		Current: N/A			Proposed: N/A	

**1-C Conditions proposed to be removed**

**Condition 32**

All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday.

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbricatore
<b>Received:</b>	20 April 2020
<p>I refer to the application for variation of a Premises Licence (19/07469/LIPVM), issued under the Licensing Act 2003.</p> <p>This representation is based on the Operating Schedule, no plan has been submitted.</p> <p>The applicant is seeking to:</p> <ol style="list-style-type: none"><li>1. To extend the terminal hour for Supply of Alcohol 'off' the premises from Monday to Saturday 23:00 hours to 02:00 hours and Sunday 22:30 hours to 02:00 hours.</li><li>2. To remove condition 32: <i>'All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday'</i>.</li></ol> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"><li>1. The extension of hours may cause an increase in Public Nuisance in the area.</li><li>2. The removal of condition 32 may cause an increase in Public Nuisance in the area.</li></ol> <p>The applicant has not proposed conditions within the Operating Schedule.</p> <p><b>The granting of this variation application as presented would have the likely effect of causing an increase in Public Nuisance in the area.</b></p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	07 April 2020
<p>Police object to this application, as there is a substantial risk it will not promote the licensing objectives, namely the prevention of crime and disorder, for the following reasons:</p> <ul style="list-style-type: none"><li>• Hours sought for the sale of alcohol exceed core hours as set out in the WCC statement of licensing policy.</li><li>• Removal of condition 32, a control measure dealing with customers seated outside.</li></ul> <p>I am willing to discuss this application at any time convenient for us both.</p>	

<b>2-B Other Persons</b>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	27 April 2020		

This representation is made by the [REDACTED] which is recognised by Westminster as the [REDACTED].

We are writing to object to the application by the Chelsea Food And Wine Company Ltd 20/03272/LIPV.

We are concerned that this application may have been submitted during Covid-19 restrictions in order to avoid too much public scrutiny. With the lockdown there will have been far fewer opportunities for locals to become aware of the application so we believe objections may be an underrepresented.

We understand that with a Late-Night Refreshment Licence until 5:00am that the applicant would like to serve alcohol to customers during the same time. However, this store is situated very close to Marble Arch and we believe it would be inappropriate for alcohol to be available easily outside Core Hours in this location. It could easily encourage a high number of people to travel to the locality in order to acquire alcoholic beverages after other public houses and restaurants have closed. It would be reasonable to expect that the easy availability of alcohol in this area would lead to higher incidents of drunkenness and disorderly behaviour.

There also seems to be no justification for allowing outside tables and chairs to be in operation after Core Hours. Indeed it seems surprising that Condition 32 currently allows tables and chairs as late as Core Hours. Elsewhere in Marylebone tables are generally halted by 23:00 and frequently much earlier. Although the area is busy there are residential apartment immediately above the premises which probably suffer enough already.

We believe that this application if granted as applied for will be contrary to the following Licensing Objectives: The Prevention of Public Nuisance and The Prevention of Crime and Disorder.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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><b>For premises for the supply of alcohol for consumption on the premises:</b>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><b>For premises for the supply of alcohol for consumption off the premises:</b>  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p> <p><b>For premises for the provision of other licensable activities:</b>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy OS1 applies</b>	<p>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.</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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Current premises licence and premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service representation	20 April 2020
<b>5</b>	Metropolitan Police Service representation	7 April 2020
<b>6</b>	Resident representation	27 April 2020



**Applicant Supporting Documents**

**Appendix 2**

There are no supporting documents from the applicant.

Current Premises Licence

City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part A

WARD: Bryanston  
And Dorset Square  
UPRN: 200001911787

Premises licence

Regulation 33, 34

Premises licence  
number:

19/07469/LIPVM

Original Reference:

05/10250/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Cumberland Food & Wine  
11 Great Cumberland Place  
London  
W1H 7LU

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

Monday to Sunday: 23:00 to 05:00

**Sale by Retail of Alcohol (On the premises)**

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

**Sale by Retail of Alcohol (Off the premises)**

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

**The opening hours of the premises:**

Monday to Sunday: 08:00 to 05:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Chelsea Food And Wine Company Limited  
276 Preston Road  
Harrow  
Middlesex  
HA3 0QA

**Registered number of holder, for example company number, charity number (where applicable)**

05729781

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Samirali Shaukatali Sunesara

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** H04300  
**Licensing Authority:** London Borough Of Hounslow

**Date:** 16 March 2020

**This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.**

## 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 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.

(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 -

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

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.
- (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.
- (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.

## **Annex 2 – Conditions consistent with the operating Schedule**

9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.
10. Hot food and/or hot drink sold between 23:30 and 05:00 Monday to Thursday and 00:00 and 05:00 Friday and Saturday shall be for consumption off the premises (take away) only.
11. 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 public trading area is to be removed and/or secured so as to prevent access to the alcohol by customers.
12. The minor variation application shall have no effect 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.
13. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. If there is a designated smoking area, a notice shall be prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.
15. A personal licence holder shall be on the premises after 20.00 hours daily.
16. The only alcohol displayed behind the service counter shall be bottled spirits. This does not include spirit mixtures.

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

17. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. 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.
21. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall 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 relevant officer of a responsible authority.
22. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
23. 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
24. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
25. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
26. 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.
27. 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.

28. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
29. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
30. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday.
33. 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.
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
36. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
37. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
38. 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.
39. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
40. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record 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.
41. 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.





City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part B

Premises licence  
summary

WARD: Bryanston  
And Dorset Square  
UPRN: 200001911787

Regulation 33, 34

Premises licence  
number:

19/07469/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Cumberland Food & Wine  
11 Great Cumberland Place  
London  
W1H 7LU

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

Monday to Sunday: 23:00 to 05:00

**Sale by Retail of Alcohol (On the premises)**

Monday to Thursday: 10:00 to 23:30  
Friday and Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

**Sale by Retail of Alcohol (Off the premises)**

Monday to Saturday: 08:00 to 23:00  
Sunday: 10:00 to 22:30

**The opening hours of the premises:**

Monday to Sunday: 08:00 to 05:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Chelsea Food And Wine Company Limited  
276 Preston Road  
Harrow  
Middlesex  
HA3 0QA

**Registered number of holder, for example company number, charity number (where applicable)**

05729781

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** Samirali Shaukatali Sunesara

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 16 March 2020

**This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.**

## Premises History

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/10250/LIPC	Conversion Licence	03.10.2005	Granted under delegated authority
06/01671/LIPDPS	Application to vary the designated premises supervisor	09.03.2006	Granted under delegated authority
06/06700/WCCMAP	Master Licence	07.09.2007	Granted under delegated authority
06/12873/LIPDPS	Application to vary the designated premises supervisor	09.01.2007	Granted under delegated authority
07/04910/LIPDPS	Application to vary the designated premises supervisor	10.07.2007	Granted under delegated authority
07/08047/LIPDPS	Application to vary the designated premises supervisor	12.09.2007	Granted under delegated authority
10/01570/LIPDPS	Application to vary the designated premises supervisor	30.03.2010	Granted under delegated authority
10/01573/LIPT	Application to transfer the premises licence	30.03.2010	Granted under delegated authority
10/08210/LIPCH	Change of details on a premises licence	02.12.2010	Granted under delegated authority
10/08979/LIPDPS	Application to vary the designated premises supervisor	02.12.2010	Granted under delegated authority
13/03692/LIPVM	Minor Variation application	11.06.2013	Granted under delegated authority
14/08680/LIPT	Application to transfer the premises licence	24.10.2014	Granted under delegated authority

14/09194/LIPV	Variation application	24.09.2015	Granted by Licensing Sub-Committee
15/06561/LIPV	Variation application	07.09.2015	Granted under delegated authority
16/02975/LIPDPS	Application to vary the designated premises supervisor	12.05.2016	Granted under delegated authority
16/14114/LIPVM	Minor Variation application	14.06.2017	Granted under delegated authority
17/14156/LIPVM	Minor Variation application	20.12.2017	Granted under delegated authority
18/04278/LIPV	Variation application	13.06.2018	Granted under delegated authority
18/11232/LIPVM	Minor Variation application	12.10.2018	Granted under delegated authority
18/16121/LIPV	Variation application	12.02.2019	Granted under delegated authority
19/05249/LIPVM	Minor Variation application	17.06.2019	Granted under delegated authority
19/07469/LIPVM	Minor Variation application	09.07.2019	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 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 -

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

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.

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.

## **Annex 2 – Conditions consistent with the operating Schedule**

9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.
10. Hot food and/or hot drink sold between 23:30 and 05:00 Monday to Thursday and 00:00 and 05:00 Friday and Saturday shall be for consumption off the premises (take away) only.
11. 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 public trading area is to be removed and/or secured so as to prevent access to the alcohol by customers.
12. The minor variation application shall have no effect 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.
13. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. If there is a designated smoking area, a notice shall be prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.
15. A personal licence holder shall be on the premises after 20.00 hours daily.
16. The only alcohol displayed behind the service counter shall be bottled spirits. This does not include spirit mixtures.

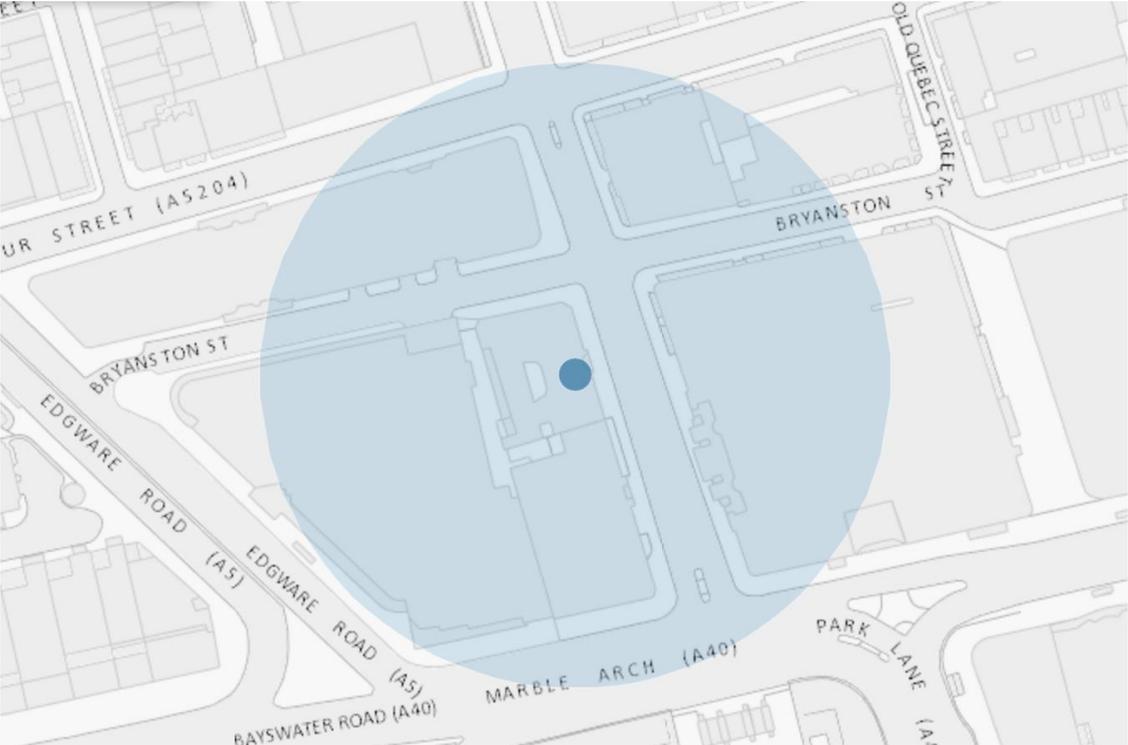
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

17. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. 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.
21. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall 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 relevant officer of a responsible authority.
22. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
23. 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
24. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
25. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
26. 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.
27. 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.

28. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
29. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
30. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday.

**Applicant proposes to remove condition 32.**

33. 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.
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
36. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
37. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
38. 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.
39. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
40. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record 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.
41. 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.



Resident count: 93

**Licensed premises within 75 Metres of 11 Great Cumberland Place, London, W1H 7LU**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
19/07469/LIPVM	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7LU	Shop	Monday; 08:00 - 05:00   Tuesday; 08:00 - 05:00   Wednesday; 08:00 - 05:00   Thursday; 08:00 - 05:00   Friday; 08:00 - 05:00   Saturday; 08:00 - 05:00   Sunday; 08:00 - 05:00
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
19/13112/LIPDPS	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00
16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Shop	Monday to Sunday; 07:00 - 01:00
18/03365/LIPST	RU4, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Restaurant	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
18/03368/LIPST	RU6, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Not Recorded	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
18/03364/LIPST	RU3, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-	Cafe	Monday to Thursday; 08:00 - 00:00

		20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London		Friday to Saturday; 08:00 - 00:30   Sunday; 10:00 - 22:30
18/03367/LIPST	RU5, Marble Arch Place	Development Site At 5-9 Marble Arch, 2- 20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Cafe	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
18/03362/LIPST	RU2, Marble Arch Place	Development Site At 5-9 Marble Arch, 2- 20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Restaurant	Monday to Saturday; 08:00 - 00:00   Sunday; 08:00 - 23:00
20/00822/LIPDPS	The Hard Rock Hotel	Cumberland Hotel Great Cumberland Place London W1H 7DL	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
14/05500/LIPDPS	Sainsbury's	7 - 9 Marble Arch London	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30