

Licensing Sub-Committee Report

Item No:	
Date:	1 October 2020
Licensing Ref No:	20/06120/LIPN - New Premises Licence
Title of Report:	41 Great Titchfield Street London W1W 7PG
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	20 July 2020		
Applicant:	Mr Giovanni Di Iulio		
Premises address:	41 Great Titchfield Street London W1W 7PG	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	According to the application form the premises are a family run Italian Delicatessen.		
Premises licence history:	The premises have held a premises licence since 2005 (licence number 06/06856/WCCMAP) however the licence lapsed in July 2020. A copy of the lapsed licence appears at appendix 2		
Applicant submissions:	Since submission, the proposed Designated Premises Supervisor (DPS) has been withdrawn from the application. An alternative DPS will be appointed before he premises start trading.		

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:0	10:000	10:00	10:00	10:00	10:00	N/A
End:	20:00	20:00	20:00	20:00	20:00	20:00	N/A
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	David Morgan
Received:	29 July 2020 (withdrawn 3 September 2020)
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, <u>are</u> making a representation against this application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>There are limited conditions contained within your operating schedule and I require some further information regarding your plans for the sale of alcohol.</p> <p>To move forward, can you please supply me with your business plan regarding how the delicatessen will run and what plans you have for the sale of alcohol.</p> <p>For example, are you hoping to serve alcohol with meals as well as selling off alcohol to take away. How will these meals be served etc? Are you going to use delivery services such as Deliveroo, Just Eat etc.</p> <p>Once I have an idea how you are going to operate your venue, I will offer you some specific conditions that I would like to see placed on your license and if you agree with these, I can then withdraw my representation.</p> <p>Following agreement of conditions, the Metropolitan Police Service withdrew their representation on 3 September 2020</p>	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbriatore
Received:	29 July 2020 (withdrawn 27 August 2020)
<p>I refer to the application for a new application for the above premises.</p> <p>The applicant has submitted a layout plan for the ground floor, this is not titled or dated.</p> <p>This representation is based on the plans and Operating Schedule submitted.</p> <p>The applicant is seeking the following licensable activities on the ground floor:</p> <ol style="list-style-type: none"> 1. The Supply of Alcohol for consumption 'on and off' the premises Monday to Saturday 10:00-20:00 hours. <p>I wish to make the following representations in relation to the above application:</p> <ol style="list-style-type: none"> 1. The Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety. <p>The applicant has provided some additional information and has proposed conditions. It is not</p>	

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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> 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><u>For premises for the provision of other licensable activities:</u> 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>
Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions

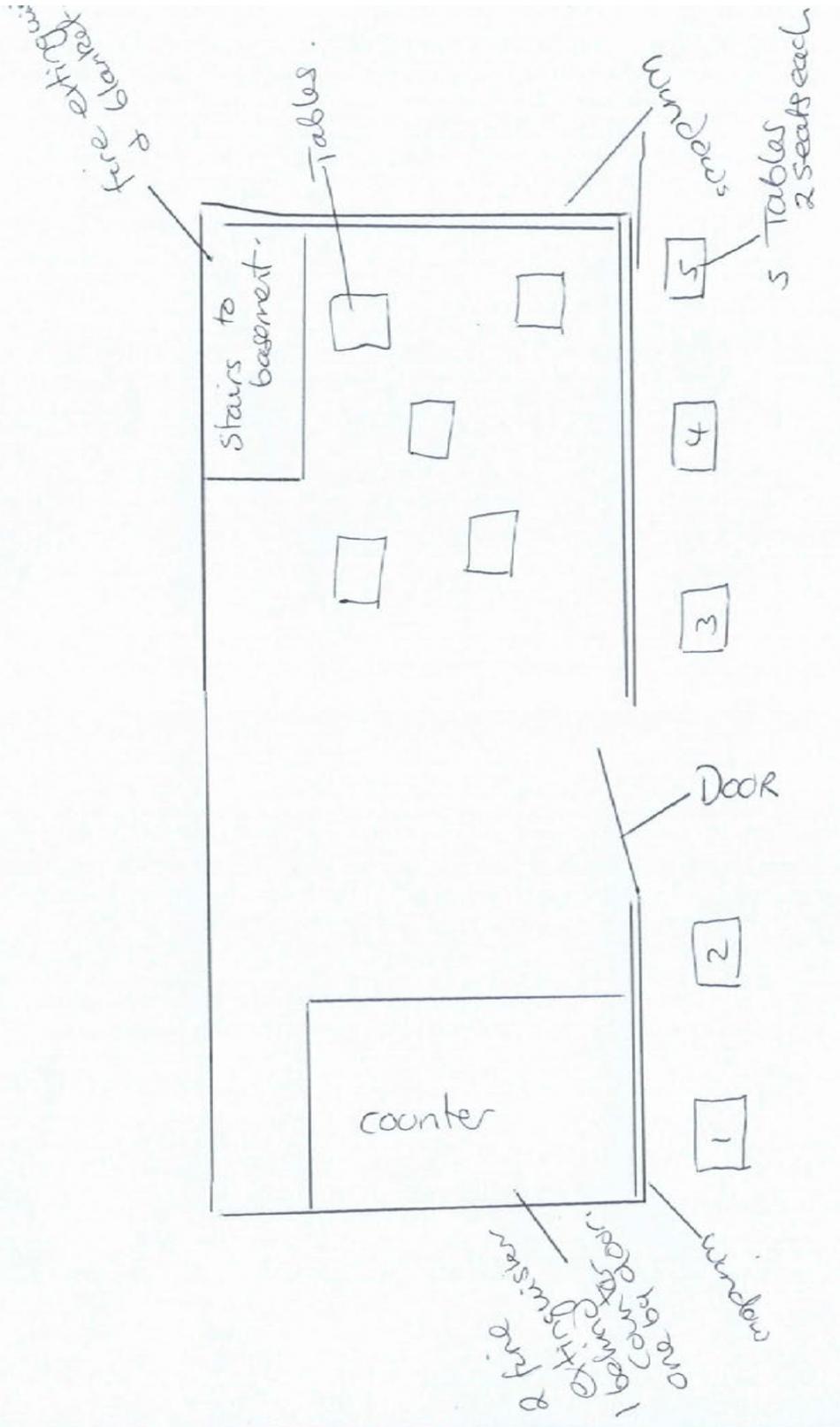
Appendix 5	Residential map and list of premises in the vicinity
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Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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	Metropolitan Police Service representation (withdrawn 3 September 2020)	29 July 2020
5	Environmental Health Service representation (withdrawn 27 August 2020)	29 July 2020
6	Interested party representation	7 August 2020





City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 999000050540

Premises licence

Regulation 33, 34

Premises licence number:

06/06856/WCCMAP

Part 1 – Premises details

Postal address of premises:

Harris Delicatessen
41 Great Titchfield Street
London
W1W 7PF

Telephone Number: 0207 636 4228

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Regulated Entertainment:

- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
- Sale by Retail of Alcohol

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

Regulated Entertainment:

- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted
- Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

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

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

Off

Part 2

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

Mr Giuseppe Pozzuto
41 Great Titchfield Street
London
W1W 7PF
Telephone Number : 0785 062 5510

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

N/A

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

Name: Mr Giuseppe Pozzuto
Address: 104 Maresfield Court
Finchley Road
London
NW3 5JP
Phone: Not Supplied

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: Not Supplied
Licensing Authority: Not Supplied

Date: _____

Signed: _____
Director of Legal & Administrative Services

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.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

Conditions Applicable to the Sale of Alcohol

4. 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.
5. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

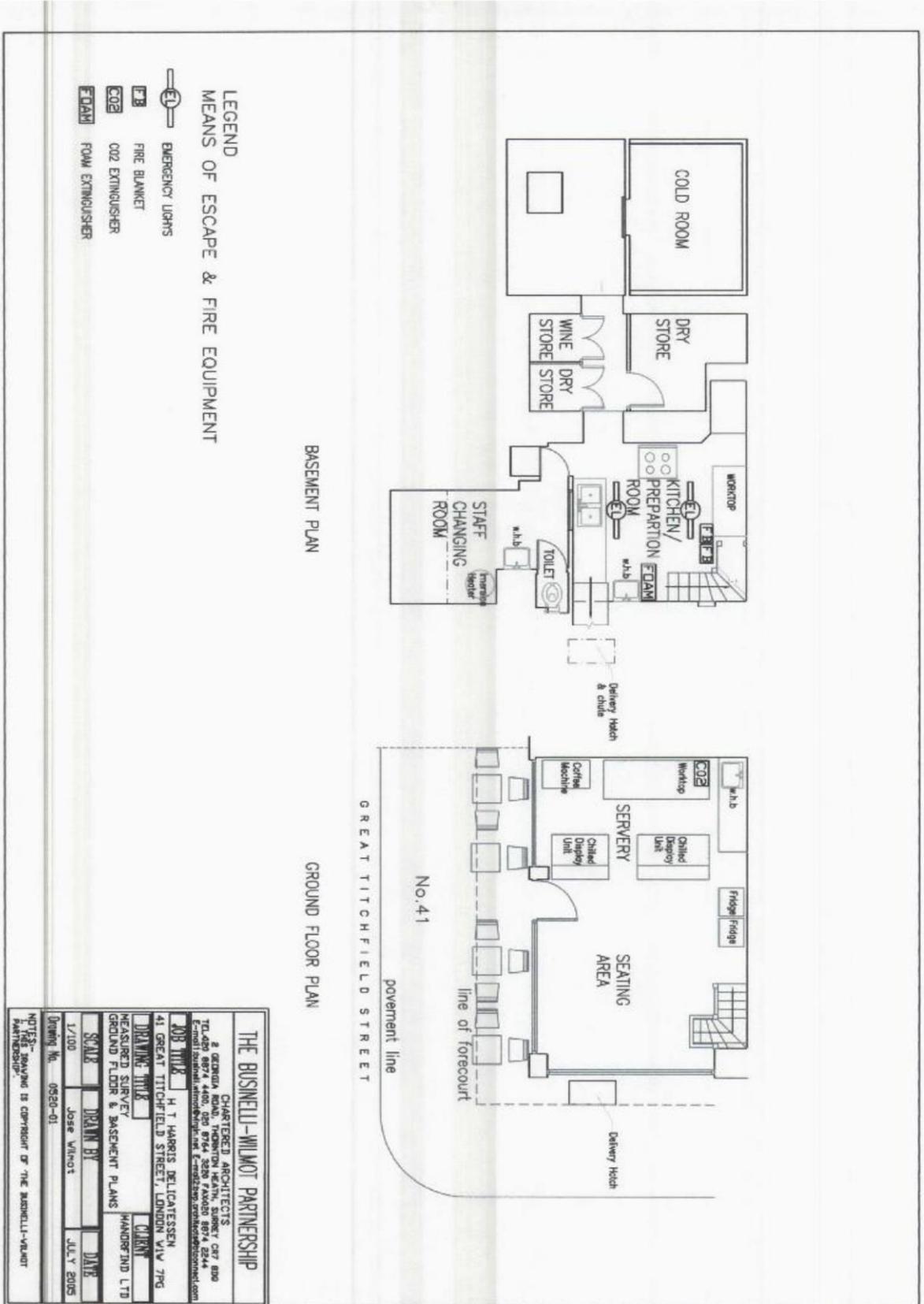
Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Annex 4 – Plans





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

Schedule 12
Part B

WARD: West End
UPRN: 999000050540

Premises licence
summary

Regulation 33, 34

Premises licence number:

06/06856/WCCMAP

Part 1 – Premises details

Postal address of premises:

Harris Delicatessen
41 Great Titchfield Street
London
W1W 7PF

Telephone Number: 0207 636 4228

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Regulated Entertainment:

- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Sale by Retail of Alcohol

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

Regulated Entertainment:

- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00

Sale by Retail of Alcohol: Sunday - 10:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday - 08:00 to 23:00

Sunday - 10:00 to 22:30

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

Off

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

Mr Giuseppe Pozzuto
41 Great Titchfield Street
London
W1W 7PF

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

N/A

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

Name: Mr Giuseppe Pozzuto

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

Restricted

Date: _____

Signed: _____
Director of Legal & Administrative Services

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/08329/LIPC	Conversion	20.09.2005	Granted by Licensing Sub Committee
06/06856/WCCMAP	Master licence	20.09.2005	Granted under delegated authority

Licence 06/06856/WCCMAP lapsed in July 2020

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 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 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.

Conditions consistent with the operating schedule

None

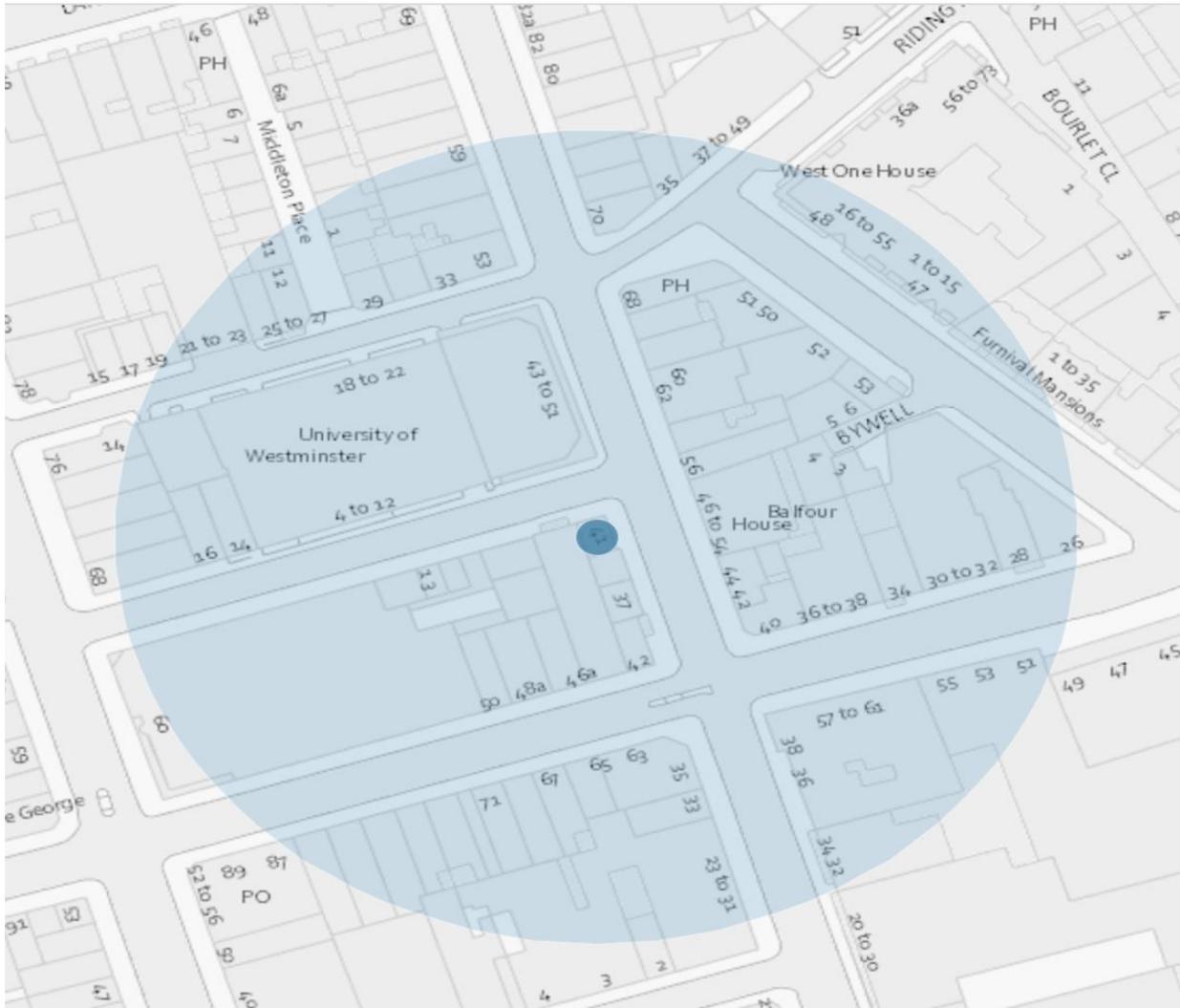
Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the operating schedule

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. There shall be no self service of alcohol.
11. The consumption of alcohol on the premises shall be limited to customers who are seated and limited to 10 people only.
12. The supply of alcohol for consumption on the premises shall be limited to 30 September 2021.
13. A sign shall be displayed in the premises stating there are no public WCs.
14. All sales of alcohol for consumption away from the premises or off the premises (the premises being the areas shown on the licensing plan) shall be in sealed containers only, and shall not be consumed on the premises.
15. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. A Challenge 21 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.

Conditions proposed by the Police and agreed by the applicant so as to form Part of the operating schedule

19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
20. 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.

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



Resident count:165

Licensed premises within 75m of 41 Great Titchfield Street, London W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/06113/LIPN	Fashion And Media News	39 Great Titchfield Street London W1W 7PF	Shop (large)	Monday to Tuesday; 08:00 - 21:00 Wednesday; 08:00 - 22:00 Thursday to Friday; 08:00 - 23:00 Saturday; 10:00 - 19:00

20/04823/LIPDPS	Riding House Cafe	43 Great Titchfield Street London W1W 7PQ	Restaurant	Monday to Thursday; 09:30 - 00:00 Friday to Saturday; 09:30 - 01:00 Sunday; 12:00 - 23:30 Sundays before Bank Holidays; 12:00 - 00:00
12/07336/LIPN	The Sweet Spot	60 Great Titchfield Street London	Restaurant	Monday to Sunday; 06:00 - 23:00
18/07713/LIPN	University Of Westminster	4 - 12 Little Titchfield Street London W1W 7BY	University	Not Recorded; XXXX - XXXX
17/05643/LIPDPS	Homeslice	Basement And Ground Floor 52 Wells Street London W1T 3PR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/12710/LIPDPS	The King's Arms	68 Great Titchfield Street London W1W 7QL	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/16729/LIPV	Banjarah	79-81 Mortimer Street London W1W 7SJ	Restaurant	Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Saturday; 10:00 - 01:30 Sunday; 12:00 - 01:00
17/06354/LIPN	Engine Partners UK Ltd	60 Great Portland Street London W1W 7RT	Office	Not Recorded; XXXX - XXXX

20/04446/LIPDPS	Quintessential Brands	Third Floor 3 - 4A Little Portland Street London W1W 7JB	Not Recorded	Monday to Friday; 09:00 - 17:30
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