

Licensing Sub-Committee Report

Item No:	
Date:	26 November 2020
Licensing Ref No:	20/09100/LIPN - New Premises Licence
Title of Report:	3 Chippenham Road London W9 2AH
Report of:	Director of Public Protection and Licensing
Wards involved:	Harrow Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Angela Seaward Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	6 October 2020		
Applicant:	Vm Leasing Limited		
Premises address:	3 Chippenham Road London W9 2AH	Ward:	Harrow Road
		Cumulative Impact Area:	None
Premises description:	According to the application form, the premises intends to operate as a hot food takeaway		
Premises licence history:	There is no licence history for this premises		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		No seasonal variations or non-standard timings applied for					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		No seasonal variations or non-standard timings applied for					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police (Withdrawn)
Representative:	PC Adam Dweltz
Received:	14 th October 2020
With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.	

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I have been through the operating schedule and note the conditions you have included. I have amended some of these, which will allay some of the concerns Police have.

Please let me know if you are willing to agree to the proposed conditions.

Following mediation with the applicant amended conditions have been proposed and agreed to form part of the operating schedule which can be seen in Appendix 4

Responsible Authority:	Environmental Health
Representative:	Maxwell Owusu Koduah
Received:	20 October 2020

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking to provide Late Night Refreshment "indoors" Monday to Sunday from 23:00 to 01:00 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

The hours requested to provide late night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

Following mediation with the applicant conditions have been proposed and agreed to form part of the operating schedule which can be seen in Appendix 4

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	3 rd November 2020		

As a local resident, I wish to **object** to the premises licence application under review, for the following reasons:

1. The kitchen for this establishment does not have adequate mitigation measures for the

filtration of smells emanating from within. A large number of local residents are currently unable to open their windows due to an overpowering smell of frying food, which often lingers until late into the night. Numerous residents have complained about this, yet nothing is done. Extending the business' trading hours will result in residents being exposed to these smells until the early hours, which is unacceptable.

2. The current extractor system for this business (although ineffective, as noted above) is incredibly loud and causes a significant noise nuisance to residents such as myself, and can be heard by residents living on Harrow Road, Chippenham Road and Chippenham News. I cannot leave my windows open at night, as the noise is so loud that it stops me from being able to sleep.
3. The business attracts a large number of delivery riders well into the early hours. There have been **numerous** incidents of couriers creating noise nuisances on the surrounding streets, as well as urinating (or worse) on the doorsteps of residents of both Chippenham Road and Chippenham Mews.

No local residents wishes to stifle business during these difficult precedent, if this business was allowed to operate under extended trading hours, and would have **significant, detrimental** impact on the life of the local residents, such as myself. Unfortunately, I do not believe there to be any acceptable mitigations other than limiting operating hours in this instance, as the business management do not appear to wish to engage with local residents to improve the situation.

I would ask the licensing committee **please** to take into account the voice of residents such as myself. I would also note that most residents have a very good relationship with the other food preparation businesses nearby, who have made significant effort to mitigate the impact of their businesses and ensure they do not disturb residents.

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J Dunn		[REDACTED]	
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3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. For premises for the supply of alcohol for consumption on the premises: 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 For premises for the provision of other licensable activities: 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
Policy FFP1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. 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.

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

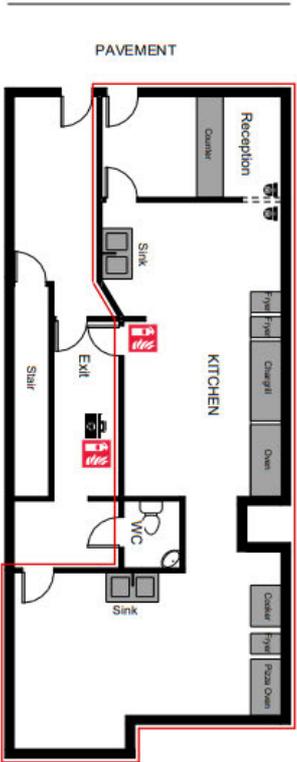
Report author:	Angela Seaward Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

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	Environmental Health	20 th October 2020
5	Public Representation 1	3 rd November 2020
6	Public Representation 2	3 rd November 2020
7	Public Representation 3	3 rd November 2020
8	Public Representation 4	3 rd November 2020
9	Public Representation 5	3 rd November 2020
10	Public Representation 6	3 rd November 2020
11	Public Representation 7	3 rd November 2020
12	Public Representation 8	3 rd November 2020
13	Public Representation 9	3 rd November 2020
14	Public Representation 10	3 rd November 2020
15	Public Representation 11	3 rd November 2020
16	Public Representation 12	3 rd November 2020

3 CHIPPENHAM ROAD, LONDON, W9 2AH



- LEGEND
- Licensable Area
 - ▭ Fryer, Chargill, Oven, Cooker, Sink
 - 🔥 Fire Extinguisher
 - 🚑 First Aid Kit
 - 📹 CCTV
 - ▬ Building Boundary
- SCALE 1:100

Applicant Supporting Documents

Appendix 2

None

Licensing Act 2003 history – premises licence

None

Licensing Act 2003 history – review applications

None

Licensing Act 2003 history – Temporary event notices

20/08090/LITENN	This application was to licence the provision of Late Night Refreshment from 26.09.2020 to 28.9.2020	Granted under Delegated Authority	15 ^h September 2020
20/08363/LITENN	This application was to licence the provision of Late Night Refreshment from 29.09.2020 to 05.10.2020	Granted under Delegated Authority	23 rd September 2020
20/08908/LITENN	This application was to licence the provision of Late Night Refreshment from 26.10.2020 to 01.11.2020	Granted under Delegated Authority	28 ^h August 2020
20/07257/LITENP	This application was to licence Sale by Retail of Alcohol from 14.9.2020 to 19.9.2020	Granted under Delegated Authority	28 ^h August 2020

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

9. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;
- The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of

these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request

- The police must be informed if the system will not be operating for longer than one day of business for any reason
- One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering
- The system will provide coverage of any exterior part of the premises accessible to the public
- The system shall record in real time and recordings will be date and time stamped
- Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and
- At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request

The Metropolitan Police have proposed the following alternative conditions which have been agreed with the applicant so as to form part of the operating schedule

- 9. 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.**
- 10. 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.**
11. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises
12. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which 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 visit by a relevant authority or emergency service.
14. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times

15. A health and safety risk assessment will be completed and reviewed regularly, and will be made available to authorised officers of the council and the Metropolitan Police upon request
16. A fire safety risk assessment will be completed as per government guidelines on an annual basis (**Regulatory Reform (Fire Safety) Order 2005**) And produced to authorised officers of the council, the Metropolitan Police and the London Fire Service upon request.
17. The licensee shall ensure that a gas safety certificate is in existence at the premises and reviewed at the appropriate time
18. Staff will attend to any spillages within the venue as soon as practicable to minimise risk of injury to customers.
19. Customers will be actively discouraged from gathering outside of the premises
20. Staff shall carryout regular checks to ensure the area is clear of litter, to monitor customer behaviour and to ensure there is no outbreak of noise from the premises.
21. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
22. The main doors of the premises shall be kept closed throughout the duration of licensable activity except for access and egress
23. The licensee will provide adequate bins for use by customers and encourage their use
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between the hours of 22:00 and 08:00
25. During licensable hours there will always be a minimum of two members of staff present
26. Staff will be trained to identify signs of intoxication, suspicious or aggressive behaviour and how to appropriately deal with such customers so as to provide adequate care and minimise risk
27. The licensee undertakes to use only experienced and reputable delivery companies whereby deliveries will only be delivered to the registered address as per the booking.

The Metropolitan Police have proposed the following alternative condition which has been agreed with the applicant so as to form part of the operating schedule

27. **The licensee undertakes to use only experienced and reputable delivery companies whereby deliveries will only be delivered to a bona fide address as per the booking.**
28. There will be no takeaway service of food for immediate consumption – all food taken away is to be closed/wrapped up

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

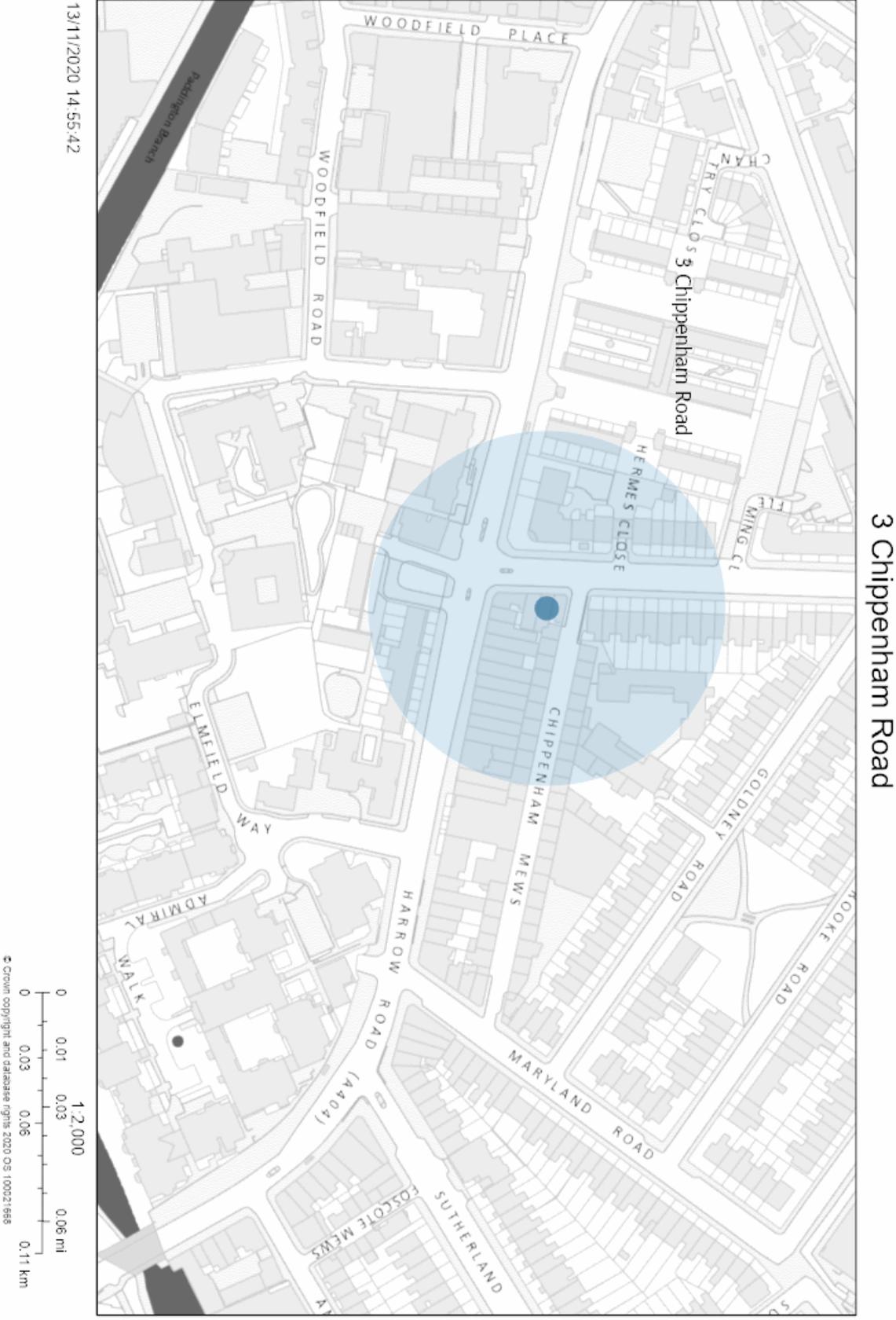
29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from

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

30. Vehicles used for delivery must switch of their engines when waiting outside of the Premises for the collection of food for delivery.
31. Drivers shall wait inside the premises between deliveries/for deliveries.

Conditions proposed by the Metropolitan Police and agreed with the applicant so as to form part of the operating schedule

32. Delivery riders/drivers will be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder will positively encourage delivery riders/drivers to use quieter vehicles that are less likely to cause a nuisance, such as bicycles.



Resident Count =231

Licensed premises within 75 metres of 3 Chippenham Road

Licence Number	Trading Name	Address	Premises Type	Time Period
11/07847/LIPN	Supermercado Portugal	Basement And Ground Floor 396 Harrow Road London W9 2HU	Cafe	Monday to Saturday; 08:00 - 22:00 Sunday; 10:00 - 22:00