

# Licensing Sub-Committee Report

Item No:	
Date:	
Licensing Ref No:	21/01011/LIPN - New Premises Licence
Title of Report:	167-169 Great Portland Street London W1W 5PA
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 February 2021		
<b>Applicant:</b>	Quick Commerce Ltd		
<b>Premises address:</b>	167-169 Great Portland Street London W1W 5PA	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form the premises will be stocked with convenience goods including alcohol for packaging to fulfil customer orders made Online or via an App.		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore has no licence history.		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off the premises
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	23:59	23:59	23:59	23:59	23:59	23:59	23:59
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	23:59	23:59	23:59	23:59	23:59	23:59	23:59
<b>Seasonal variations/ Non-standard timings:</b>		Members of the public will only have access to the premises between 0930 and 1630 for click and collect					
<b>Adult Entertainment:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Adam Deweltz
<b>Received:</b>	24 February 2021
<p>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 could undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder. The hours sought for the supply of alcohol are beyond those of Westminster's core hours and therefore against policy.</p> <p>This application will have to be heard before the Licensing Sub-Committee.</p>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Sally Fabbricatore
<b>Received:</b>	10 March 2021
<p>I refer to the application for a new Premises Licence for the above premises. The premises is situated in the West End Buffer Special Consideration Zone.</p> <p>This representation is based on the Operating Schedule and the ground floor plan of the premises, which is titled with the address.</p> <p>The applicant is seeking the following on the <b>ground floor</b>:</p> <ol style="list-style-type: none"> <li>1. To allow the Supply of Alcohol 'off' the premises Monday to Sunday 00:00-23:59 hours.</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 provision and hours proposed for the Supply of Alcohol may cause an increase in Public Nuisance in the area.</li> </ol> <p>As detailed in the Statement of Licensing Policy <a href="https://www.westminster.gov.uk/node/20023">https://www.westminster.gov.uk/node/20023</a> the core hours for off licences are as follows:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 8am to 11pm.</li> <li>• Sunday: 9am to 10.30pm.</li> </ul> <p>The 24 hours trading is beyond this, however the premises will operate as a click and collect premises between 09:30-16:30 hours daily and deliveries to customers can be made at any time of the day. A condition has been proposed limiting this.</p> <p>The applicant should have regard to the requirements of being located in a Special Consideration Zone.</p> <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions are proposed below (these are in addition to those conditions</p>	

agreed with the Police):

1. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
2. There shall be no self service of alcohol by members of the public on the premises.
3. Deliveries to the premises shall only take place between 07:00 and 23:00 hours.
4. To amend your proposed condition 4 from 'An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request' to 'An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products and refused sales of alcohol (by either way of delivery or click and collect from the premises). This log/register shall be made available for inspection by a police officer or other authorised officer on request.'

**The granting of the new Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the area.**

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	02 March 2021
<p>This neighbourhood is a residential, medical and business area. To allow for a 24/7 alcohol delivery company on Great Portland Street, does not make any planning sense. Aside from the obvious annoyance of scooters 24/7, The Portland Women and Childrens Hospital is down the street, Portland Place School, Queens College and South Bank upper schools are around the corner. Some of these students are 18. Also, as I have commented on the Cricket experience application across the street, Great Portland Street was on its way to becoming a happy additive street to the neighbourhood... with these two applications, the risk is that the street becomes the centre of drunken chaos.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	05 March 2021
<p>The [REDACTED] represents residents and businesses located around this site. We strongly object to this application for a 24/7 alcohol delivery centre at this location.</p> <p>Our objections regard the risk of:</p> <ul style="list-style-type: none"><li>- public nuisance</li><li>- crime and disorder</li><li>- public safety</li></ul>	

- protection of children

## **Public nuisance**

*'The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

*'Whether Operating Schedules contain adequate measures to prevent noise and vibration, whether air borne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation.'*

*'Minimising and controlling noise from vehicles associated with and providing services to the premises or open-air site and their customers (including delivery companies).'*

It is likely that this operation will require many deliveries made at all hours – once operating to scale, there is a risk of nuisance to the neighbourhood residents, pedestrians and road traffic. The waiting riders/drivers may impede traffic between the two pedestrian crossings and bikes block the path of passing pedestrians. Their delivery trucks may also block traffic on Great Portland Street during peak periods.

The high number of delivery vehicles may impede customers of the motorcycle equipment shop next door using by using the motorcycle bay in front of the shops. There is a risk of impeding access to the pharmacy and post office next door, and blocking pedestrians travelling the hospitals and medical facilities on the street.

Delivery vehicles should not dominate available parking options in the neighbourhood (see Foley Street and Bolsover Street images attached). Groups of delivery riders (serving Starbucks) have gathered on the corners of Great Portland Street and respectively Devonshire and Weymouth Street. On occasion, riders chained deck chairs to street furniture to establish 'standby' positions (on Weymouth Street).

Deliveries to the facility should be made at times when they will not disturb locals (especially at night). Noise travels far, especially at night, affecting residents living on Great Portland Street, Devonshire and Weymouth Streets. The operation should also not impair the activities of local businesses nearby.

In order to minimise noise nuisance delivery should ONLY be by electrical vehicle/bike or pushbikes.

## **Public safety**

Local businesses and residents acted with WCC to have this section of pavement widened and tree lined. We would like to ensure that this amenity remains unblighted. The operator should demonstrate how it will eliminate the risks of their riders' non-compliance with the Highway Code and public safety conventions.

Delivery riders are currently a threat to public safety here, as they are already ignoring the rules of the road (riding [at speed] on the pavement, not stopping for pedestrian crossings, riding the wrong way down the street etc.) The operator should demonstrate detailed procedures regarding: 1) how many riders will gather/wait, 2) where this will happen, 3) how/when/where their equipment will be secured, 4) how they will ensure that riders respect Highway Code standards (especially with regard to use of pavements, crossings and yielding to pedestrians).

### **Crime and disorder**

We are concerned at the possibility that the supply of alcohol at night will result in crime and/or disorder in the neighbourhood. We have rough sleepers and begging on the street and this site may become another focus for their activities. The late night supply of alcohol also risks attracting criminal activity. The Sainsbury's supermarket across the road has suffered incidents regarding its supply of alcohol and needed additional protection especially at night.

### **Protection of children from harm**

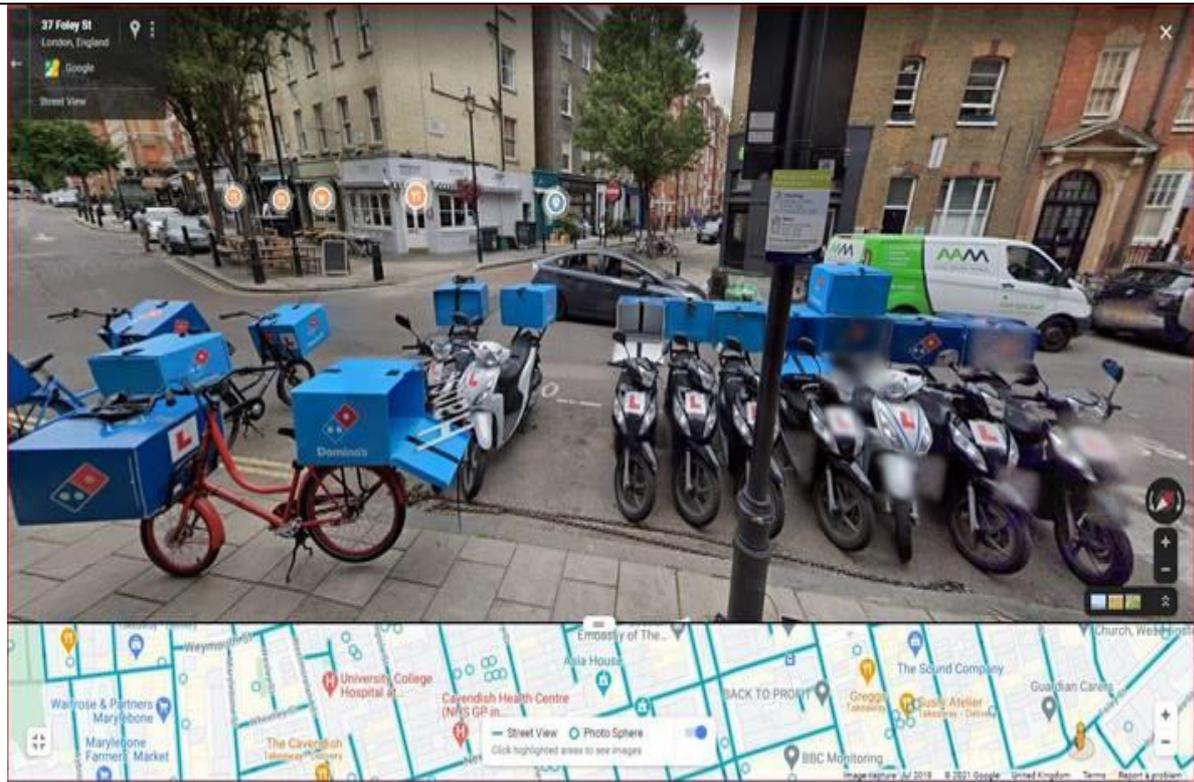
There are numerous schools and colleges on Great Portland Street, Portland Place and Cleveland Street. Many come to Great Portland Street to purchase lunch and snacks after school or college. ID age checks must be made. No advertisement or signage promoting the use alcohol should be visible from the site or on the delivery bags/bikes.

We would also appreciate further information regarding the following:

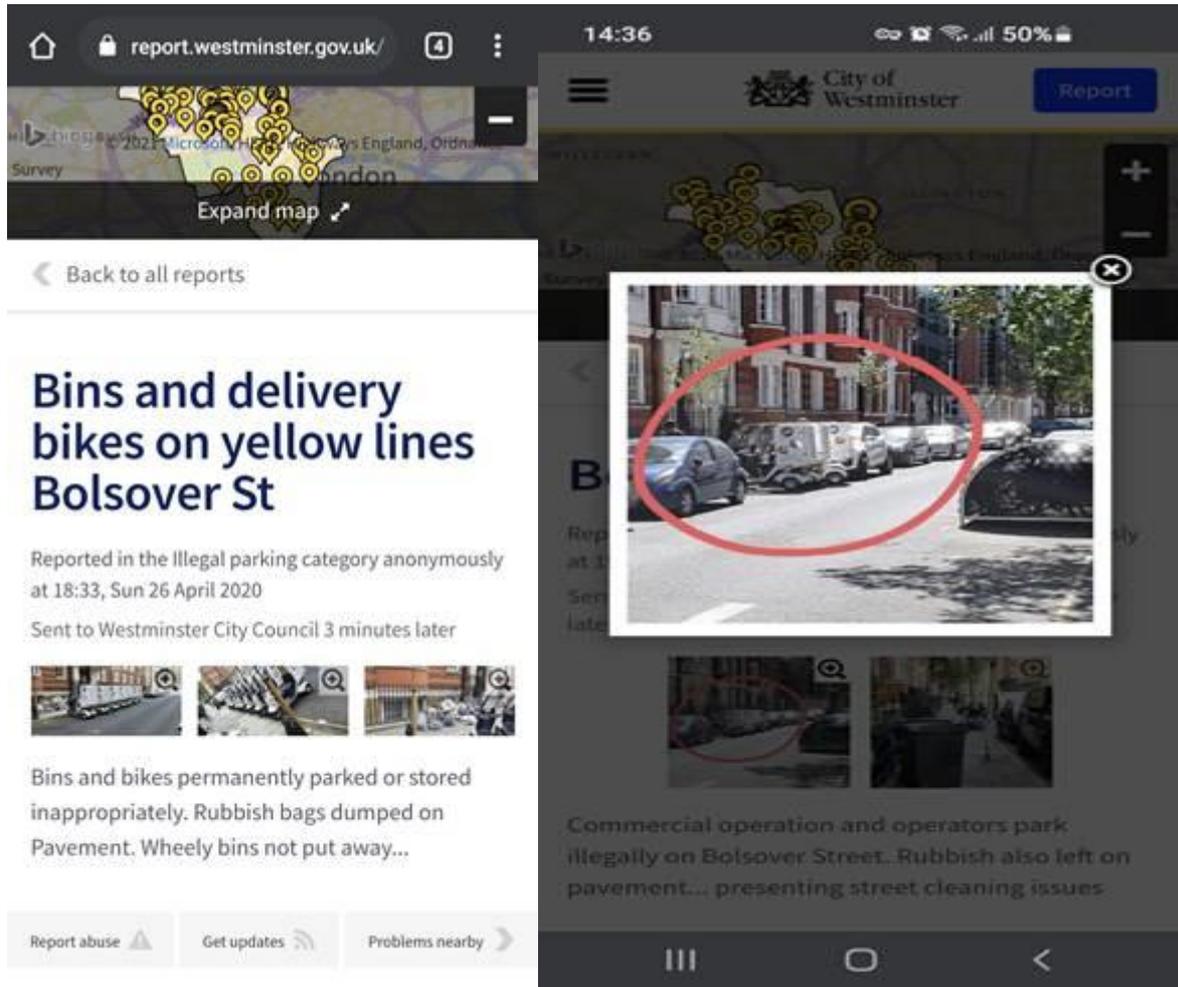
1. Will this be an online warehouse, fulfilment centre and/or logistics hub?
2. Will any changes be made to its shop frontage and/or its main points of access?
3. How many transactions, delivery movements per day/night should be expected at full operation?
4. Will delivery riders/drivers be managed directly by the operator? Or by a third party? If by third party, how will rider/driver compliance be maintained?
5. How many riders will be allowed outside the operation at one time? How will gathering points be managed and what procedure established (holding spots, patterns, bike/vehicle storage)
6. How/when will large collections/deliveries be made to site?

### **Attachments:**

- A. Foley Street (Dominoes Scooter domination of on-street parking bays)**



## B. Bolsover Street (Supper scooters and rubbish dumping issue)



<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████

<b>Received:</b>	09 March 2021
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On behalf of ██████████ I wish to object to this application on the basis that such an operation could cause a public nuisance, with endless motorbikes attending the premises. As the operation is intended to be 24/7 what protections are in place to make sure it does not become a venue for late night crime and disorder. What protections are in place for children and what considerations have been made regarding public safety.

Whilst we welcome new business coming to the area, we must know (especially when it comes to the sale of alcohol) that matters are well controlled and organised, so as not to disturb neighbouring residential buildings of which there are several in the immediate vicinity.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████

<b>Received:</b>	10 March 2021
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To Whom It May Concern..

I am sending this email in respect of the Planning Permission being sought at 167-169 for use as a 24/7 online alcohol delivery hub. I do not feel this type of business is at all appropriate for this area and given the proximity to a hospital and several schools. It has become apparent over the last ten years that the number of school children and teenage students has increased dramatically and , particularly the teenage students spend a lot of their free time loitering in and around Sainsbury's, Tesco, Nando's and Starbucks.. I think this type of business would be a great temptation for them . Given the decimation to business caused by COVID-19 , I am sure there will be plenty of sites, in the general area where the business could be established - but not on a prestigious street, such as Great Portland Street where the neighbourhood associations have worked very hard to re-establish as a quality business and retail street within a stone's throw of Oxford Street.

I wish them well , but Great Portland Street , the neighbourhood or the residents need this type of business to be established here.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██ ██ ██████████ ██████████

<b>Received:</b>	11 March 2021
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Dear Sirs,

The directors of ██████████ wish to support ██████████ objections to the application for a 24/7 alcohol delivery centre at 167-169 Great Portland Street W1W 5PA. 21-01011-LIPN.

Our objections regard the risk of:  
Public nuisance  
Crime and Disorder  
Public Safety  
Protection of Children

In addition, most deliveries would be to mansion blocks and such deliveries would not be at street doors but along corridors and in lifts, which are seldom silent, therefore night deliveries would disturb residents.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	08 March 2021

I have been a resident of the area for over 40 years. Having been reliably informed of the above application, I would like to raise my concerns regarding the supply of alcohol at night. I have a 9 year old daughter who often walks down to Great Portland Street to fetch items from Sainsbury and the pharmacy. We encourage her to do so as we know the safety in the area is of high level and we would not want that level of safety jeopardised. We would also request that strong ID checks be implemented and that absolutely no advertisement of alcohol be made so as not to promote any potential for underage drinking.

On a whole, we would expect another form of business to be allowed to operate in such a residential area. We already have to contend with a wine retail outlet, along with a whiskey exchange. Are we now changing the image of Great Portland Street to that of pure alcohol related sales?

Best  
Talal

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	07 March 2021

Please accept this email as notification of my objection to the application for a licence for a 24/7 alcohol delivery business at the address in the subject line of this email.

This objection is based on my residency and ownership of a [REDACTED] [REDACTED] which is very close to the premises concerned.

My objection covers four areas:

Public Nuisance; incoming deliveries and outgoing customer deliveries will add to noise, congestion and create parking problems. The area has already experienced problems with delivery drivers waiting for instructions to deliver Starbuck items. The proposed business will be planning for considerably more delivery drivers. Noise at night is already an issue, the proposed 24 hour operation will impact on residents reasonable expectations of peace and quiet at night.

Public Safety; In conjunction with WCC, local residents and businesses have worked hard at improving the amenity of the area. Delivery drivers already are beginning to blight these improvements. There are numerous examples of ignoring the one way system, driving over

zebra crossings when pedestrians are crossing. It is not clear where delivery drivers for the proposed business will park or where their equipment will be stored when not in use. There is a real risk of a further reduction in the living environment of the area.

Crime & Disorder; the supply of alcohol at night raises the risk of increased crime and disorder in the area. Sainsbury's, across the road from the planned premises, already suffers from alcohol-related crime requiring additional security within their shop.

Child Protection; the nearby area houses a number of schools whose children use the area to purchase lunch and snacks. The promotion of alcohol usage by advertising or promotional materials would be unacceptable.

The residents in the area have a track record of working constructively with business proposals which will add value. The hurdle for an alcohol delivery business to add value in a mainly residential area is a high one. The available documents for the licensing application do not provide sufficient explanation of its operations nor provide comfort on any of the 4 areas of my objection.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	10 March 2021

As a Councillor for Marylebone High Street Ward, I am objecting to the above application on the grounds that it will not promote the Licensing objectives, namely the prevention of public nuisance and crime and disorder.

The hours applied for the sales of alcohol by delivery rider from 18:00 - 08:00 are beyond Core Hours and likely to cause a public nuisance. No matter how good intentions are not to loiter and delivery by pedal/electric cycles, this will cause a public nuisance on both leaving the premises and arriving at the delivery address. There is the likelihood of the wrong door bell/ buzzer in a block of flats being pressed and disturbing residents on delivery.

All who live in Westminster are aware of how quiet the streets are in the early hours of the morning and how sound carries and is amplified.

I also object to the sales of beer/lager over 6.5%

I completely support the objections made by the [REDACTED].

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	08 March 2021

THIS REPRESENTATION is made by the [REDACTED], which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area. We are writing on behalf of the local community OBJECTING to the application by Quick Commerce Limited 21/01011/LIPN.

There is limited information available so we accept we may not understand this new delivery concept hitherto unknown in Marylebone. There is scant detail in the application as to how the

business will operate and therefore it is impossible to be sure that the Licencing Policies of Westminster will be observed. The problems appear to be with PN1, PS1, CH1, HRS1 and OS1.

It should be noted that the premises are located in a residential neighbourhood with apartments both above and opposite the premises.

It appears that the operation will be supplying customers via delivery personnel 24/7. Although a condition has been offered that night-time deliveries will be by push-bikes or electric vehicles it is not known how many movements there will be during any 24-hour period or their pattern. As is well known, at night ambient noise is lower and incidental noise will be more easily cause disturbance. A continuous stream of delivery drivers, even if on electric vehicles, is undoubtedly going to cause a nuisance outside Core Hours.

In addition, if the operation is successful it would seem highly likely that a large number of delivery drivers would be required to be loitering close to the premises if the target of delivery within half an hour to establishments in central London is the ultimate target. Although the noise created by a group of drivers during the day may be inconsequential it is probable that the congregation will disrupt the free flow of pedestrians in the street and consume the available parking spaces utilised by customers of other businesses.

We are uncertain of the ownership of the operating company. The companies who operate in this sector with similar names give cause for concern because they state that they operate as part of the 'gig' economy using freelance drivers for deliveries. If this is true then the company will have very little control over those drivers. Not only does that mean that any attempts to reduce public nuisance or enhance public safety will be meaningless it follows that the idea that delivery drivers will be trained and re-trained in age verification requirements will be a fiction. Therefore it is not possible to state with any certainty that children will be unable to access alcohol through this company thereby falling foul of CH1.

The whole operation including off-sales is projected to operate 24/7 which means that consideration needs to be given to whether policies HRS1 and OS1 are being breached. Given the uncertainty surrounding the details of this operation and the high likelihood of breaching PN1, CH1 and the request for hours outside HRS1 we would request that the committee reject this application as currently submitted.

<b>3.</b>	<b>Policy &amp; Guidance</b>
The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> </ol>

	<p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>For the purpose of Clauses A and B above, the Core Hours for applications for the premises use type as defined within this policy are: Off licences Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p>
<p><b>Policy OS1 applies</b></p>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per</p>

	Clause C. C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).
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#### 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

<b>4.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	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>	Kevin Jackaman Licensing Officer
<b>Contact:</b>	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.**

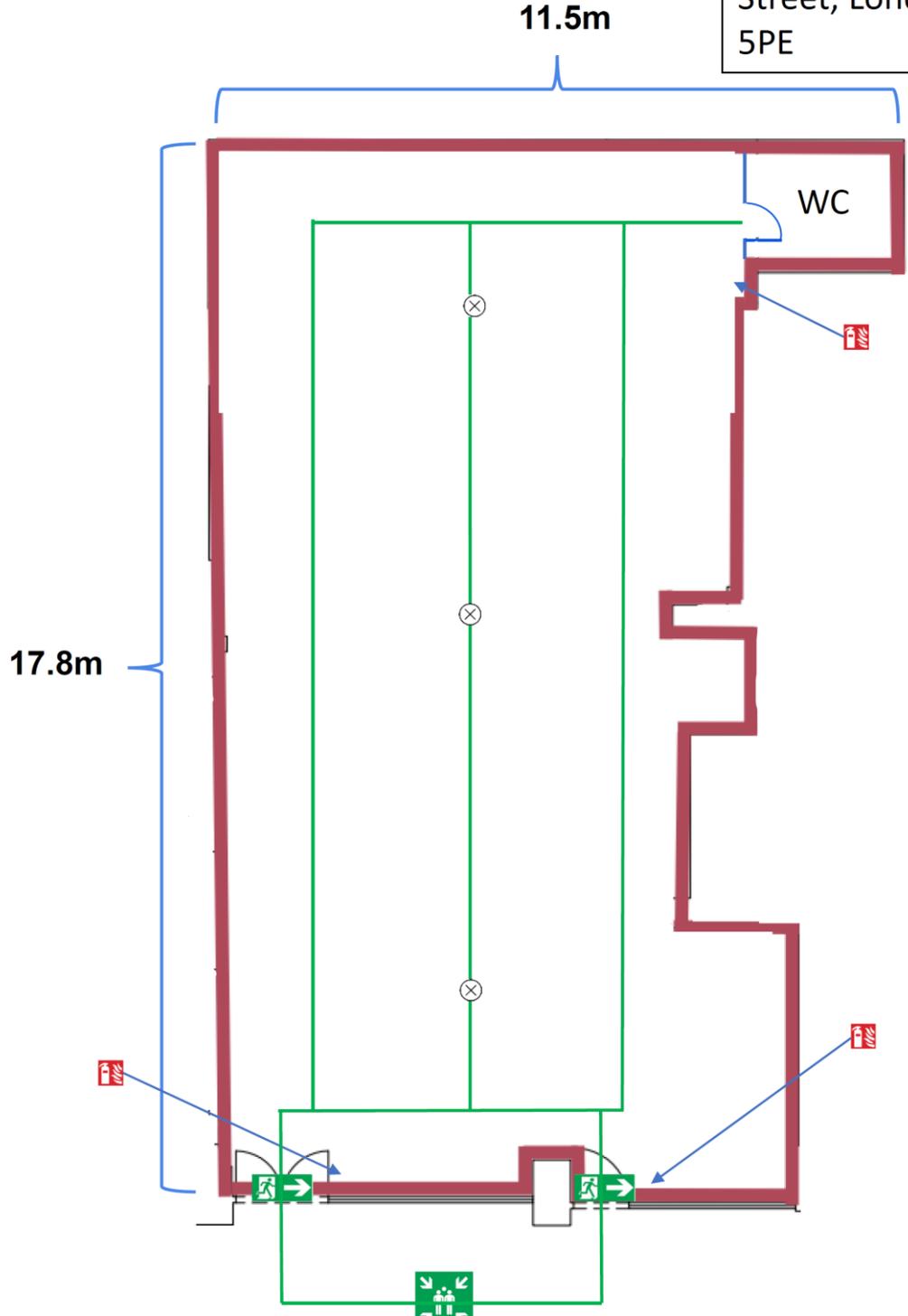
#### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service Representation	24 February 2021
<b>5</b>	Environmental Health Representation	10 March 20201

<b>6</b>	Interested Party Representation (1)	02 March 20201
<b>7</b>	Interested Party Representation (2)	05 March 20201
<b>8</b>	Interested Party Representation (3)	09 March 20201
<b>9</b>	Interested Party Representation (4)	10 March 20201
<b>10</b>	Interested Party Representation (5)	11 March 20201
<b>11</b>	Interested Party Representation (6)	08 March 20201
<b>12</b>	Interested Party Representation (7)	07 March 20201
<b>13</b>	Interested Party Representation (8)	10 March 20201
<b>14</b>	Interested Party Representation (9)	08 March 20201

The entire store is to be licensed for the sale of alcohol

167-169 Great Portland Street, London, W1W 5PE



**Legend**

-  Licensed area
-  Fire Exit
-  Assembly Point
-  Fire Extinguisher
-  Smoke Detector

A4 paper  
1cm = 1m

**Applicant Supporting Documents**

**Appendix 2**

None

There is no licence or appeal history for the premises.

## **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The 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. 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. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request.
12. There shall be no signage or advertisement or promotional material affixed to the outside of the premises that give any reference to the sale of alcohol taking place at the premises.
13. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
14. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises for click and collect customers 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 or other form of identification that complies with any mandatory condition that may apply to this licence.
15. All delivery riders shall receive training in age restricted sales.
  - Induction training must be completed and documented prior to the delivery of alcohol by the rider.
  - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.Training records will be available for inspection by a police officer or other authorised officer on request.  
Training records will be electronically stored by the licence holder for a period of 12 months.
16. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
17. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
  - details of the time and date the refusal was made;
  - the identity of the rider refusing the sale;
  - details of the alcohol the person attempted to purchase.This log/register will be available for inspection by a police officer or other authorised officer on request.
18. Members of the public will not be allowed to enter the premises save for the purpose of click and collect between the hours of 0930 and 1630.

19. Delivery of alcohol shall be to a residential address or place of work..
20. Between the hours of 1800 and 0800 riders will be permitted to collect orders and deliver by pedal bike, electric bike (or other electric vehicle) only.
21. Riders will not be permitted to smoke in the immediate vicinity of the premises.
22. Riders will not be permitted to congregate in the immediate vicinity of the premises.
23. Riders will be instructed not to loiter in the vicinity of residential premises.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
26. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly
27. 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.
28. The premises licence holder shall not sell super-strength beer, lager, cider or spirit mixtures with an alcohol content over 5.5% ABV (alcohol by volume) save for products agreed (email will suffice) with the police This restriction shall not apply in respect of the specialist branded, premium priced products - for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.
21. All delivery riders will be employed directly by the licence holder or a group company of the licence holder.

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

22. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
23. There shall be no self service of alcohol by members of the public on the premises.
24. Deliveries to the premises shall only take place between 07:00 and 23:00 hours save for newspapers/magazines, milk and bread.
25. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products and refused sales of alcohol (by either way of delivery or click and collect from the premises). This log/register shall be made available for inspection by a police officer or other authorised officer on request

**Conditions proposed by the Police**

None



Resident count: 158

Licensed premises within 75 m of 167 - 169 Great Portland Street. London, W1W 6PA				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/00370/LIPV	Kibele	175-177 Great Portland Street London W1W 5PJ	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 03:30
20/01515/LIPDPS	Nandos	190 Great Portland Street London W1W 5QZ	Restaurant	Sunday; 11:00 - 22:30   Monday to Saturday; 11:00 - 23:30   New Year's Eve; 11:00 - 02:30

06/04390/WCCMAP	Demartino Restaurant	196-198 Great Portland Street London W1W 5QF	Restaurant	Sunday; 11:30 - 15:00   Sunday; 18:00 - 22:30   Monday to Thursday; 11:30 - 15:00   Monday to Thursday; 18:00 - 23:00   Friday to Saturday; 11:30 - 15:00   Friday to Saturday; 18:00 - 00:00
18/03255/LIPT	Nicolas	157 Great Portland Street London W1W 6QR	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
20/02940/LIPDPS	Sainsburys	202 Great Portland Street London W1W 6PX	Shop (large)	Monday to Sunday; 00:00 - 00:00