



City of Westminster

Item No:	
Date:	23 September 2021
Licensing Ref No:	21/02317/LIPV - Premises Licence Variation
Title of Report:	Cumberland Food & Wine 11 Great Cumberland Place London W1H 7LU
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	23 March 2021		
Applicant:	Chelsea Food and Wine Company Limited		
Premises:	Cumberland Food & Wine		
Premises address:	11 Great Cumberland Place London W1H 7LU	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area:	None
		Special Consideration Zone:	Edgware Road
Premises description:	The premises currently operate as a convenience store with off sales		
Variation description:	To vary the existing premises licence so as to:- 1) Vary the terminal hour for the sale of alcohol for consumption off the premises to 00:00 Monday to Saturday i.e. to remove the time-limited extension of hours, to instead remain in perpetuity. 2) Remove EH works conditions at 12, 24 and 36.		
Premises licence history:	The premises have had the benefit of a premises licence since October 2005. The current premises licence (licence number 20/03272/LIPV) is attached as Appendix 2 of this report. A full licence history for the premises appears at appendix 4.		
Applicant submissions:	None		
Applicant amendments:	The application has been amended so that the variation will be time limited until 30 September 2022		

1-B	Current and proposed licensable activities, areas and hours				
Late night refreshment					
Indoors, outdoors or both		Current :		Proposed:	
		Both		No change	
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Current: Proposed:
Monday	23:00	05:00	No change		Ground floor and external seating area
Tuesday	23:00	05:00			
Wednesday	23:00	05:00			
Thursday	23:00	05:00			
Friday	23:00	05:00			
Saturday	23:00	05:00			
Sunday	23:00	05:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			No change	

Sale by Retail of Alcohol (On Sales)						
On or off sales			Current :		Proposed:	
			On and Off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground floor and external seating area	No change
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

Sale by Retail of Alcohol (Off sales)						
The hours for the sale of alcohol off the premises shall be extended to 00:00 until 30 September 2022. From 1 st October 2022, the hours for off sales will revert to: 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 Sunday.						
On or off sales			Current :		Proposed:	
			On and off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	08:00	00:00	Ground floor and external seating area	No change
Tuesday	08:00	23:00	08:00	00:00		
Wednesday	08:00	23:00	08:00	00:00		
Thursday	08:00	23:00	08:00	00:00		
Friday	08:00	23:00	08:00	00:00		
Saturday	08:00	23:00	08:00	00:00		
Sunday	10:00	22:30	No change			
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	05:00	No change		Ground floor and external seating area	No change
Tuesday	08:00	05:00				
Wednesday	08:00	05:00				
Thursday	08:00	05:00				
Friday	08:00	05:00				
Saturday	08:00	05:00				
Sunday	08:00	05:00				
Seasonal variations/ Non-standard		Current:			Proposed:	
		None			No change	

timings:		
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1-C	Layout alteration
No change of playout is proposed	

1-D	Conditions being removed	
<p>12. The minor variation application shall have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.</p> <p>24. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined</p> <p>36. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority</p>		
Adult entertainment:	Current position:	Proposed position:
	None	No change

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	Brian Lewis
Received:	15 April 2021
<p>Police object to this application, as we believe it will not promote the licensing objectives contained within the 2003 Licensing Act, namely the prevention of crime and disorder, for the following reasons:</p> <p>The premises is seeking to sell alcohol beyond core hours as set out in policy HRS1. The Metropolitan Police believe that there is a likelihood, intoxicated persons will be attracted to the premises to purchase further alcohol. This will lead to increased levels of crime and disorder in areas surrounding the premises; therefore, in contravention of policy CD1.</p> <p>The Metropolitan Police have submitted supporting statements from Police Sargent Martin Hubbard and PC David Miller. A copy of the statements appear at appendix 3</p>	
Responsible Authority:	Environmental Health
Representative:	Anil Dryan
Received:	20 April 2021
<p>I refer to the application for variation of the Premises Licence for the above premises.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. Vary the terminal hour for the sale of alcohol for consumption off the premises to 00:00 	

Monday to Saturday i.e. to remove the time-limited extension of hours, to instead remain in perpetuity.

2. Remove EH 'works' conditions at 12, 24 and 36.

I wish to make the following representations based on the plans and operating schedule submitted:

1. To remove the time limited extension permitting increased hours of 'off' sales may lead to an increase in Public Nuisance in the area.
2. The removal of these 'works' conditions may lead to an increase in Public Nuisance in the area and may impact on Public Safety

Environmental Health also makes the following further comments:

- The Council recently revised its Statement of Licensing Policy which came into force in January 2021. One of the new requirements under the Policy is that greater emphasis has been placed on licensed premises to demonstrate compliance with policy CH1, Protection of Children from Harm
- Also, in the new Policy the premises is located in the Edgware Road Special Consideration Zone and policy SCZ1 applies. Under this policy applicants *'should demonstrate that they have taken account of the issues particular to the Zone in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.'*
- Before Environmental Health can agree to the removal of the works conditions a site visit will need to be carried out.

The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a site visit.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	6 September 2021		
<p>THIS REPRESENTATION is made by the [REDACTED] which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road. We are writing to object to the application by the Chelsea Food And Wine Company Ltd 21/02317/LIPV.</p> <p>We are stunned that for the fourth time in 12 months this company has submitted a licencing application attempting to extend the shop's hours. To put it into context it is necessary to set out the licence history. The licence was an old converted off sales licence, to 'core hours' for off - sales, i.e. 11pm Mon- Sat, 10.30pm Sun. It remained that way until 2014.</p> <p>With respect to off-sales the previous licence (18/11232/LIPVM) had permitted sale of alcohol</p>			

for consumption off the premises from 08:00 to 23:00 Monday to Saturday, 10:00 to 22:30 Sunday. However, in May last year a variation was granted to allow off-sales until 12:00 midnight Monday to Saturday (20/03272/LIPV). This is a temporary extension which expires on 27th May 2021.

This current situation had come about incrementally through 9 substantive applications since 2014 to vary the licence (in addition to two withdrawn applications). They are summarised below.

14/09194/LIPV - to permit on sales within a hatched area, subject to various conditions, to the same hours as for off sales i.e. 11pm Mon- Sat, 10.30pm Sun.

15/ 06561/LIPV - amending and deleting various conditions.

16/14114/LIPVM - to add late night refreshment to 1am Mon- Sun and to increase opening hours accordingly. It should be noted that this application was submitted, accepted and granted as a minor variation under rather than as a full variation.

17/14156/LIPVM - no application form available.

18/04278/LIPV - amending and deleting a number of conditions.

18/11232/LIPVM - to extend late night refreshment and opening 2am. Again, this was submitted, accepted and granted as a minor variation.

18/16121/LIPV - to extend the hours for on sales to core hours Mon- Sat.

19/05249/LIPVM - to extend late night refreshment and opening to 3am. Again, this was submitted, accepted and granted as a minor variation.

19/07469/LIPVM - to extend late night refreshment and opening to 5am. Again, this was submitted, accepted and granted as a minor variation.

20/ 03272/LIPV - to extend hours for off sales to 2am and remove condition re: the terminal hour for tables and chairs.

This last application was noteworthy on account of the tactics employed. Having submitted a most ambitious application the applicant pulled back 'graciously' after objections from The Metropolitan Police and The Marylebone Association. The applicant then only applied for a temporary extension of off-sales and only until midnight Monday to Saturday. The sub-Committee granted this unusual application rather to our surprise. Unfortunately, the full decision gives no clue to the thinking behind what basis the application was granted.

Subsequently application 20/10380/LIPV was submitted with a view to extending opening hours to 24/7. We wrote a representation in which we said:

"We view this latest application as being part of the continuing pattern of attempting incremental changes to the licence. Applying for off-sales 24/7 seems to us overly ambitious so perhaps we shall see a modification if the Police and we object again so that again the applicant appears a reasonable person willing to compromise."

In fact not only did we and the police object but the residents of Cumberland Court (in which building the shop is located) also objected and the application was completely withdrawn just before the hearing due on 11th February 2021.

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

Our objections continue to be based on the belief that extending off-sales beyond core hours in this location will be counter to polices PN1 and CD1 and are outside HRS1.

It is important to note that when reviewing Cumulative Impact Zones for the new Licencing Policy WCC wrote about the Edgware Road as follows:

"Particularly high was the concentration of serious violent crimes at night, ambulance call outs to the locations of licensed premises, drug offences recorded at night and robberies at night. Both theft incidents at night and noise complaints at night were elevated here as well. Looking across all incident types this area recorded nearly four times the borough's average rate of

incidents per square kilometre during 2017 and 2019.” (Proposals for the revision of Westminster City Council’s Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment. Licensing Act 2003. Policy SCZ1 -Para C9)

The premises are located in the Edgware Road Special Consideration Zone.

“Special Consideration Zones Policy SCZ1

A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.”

(Statement of Licensing Policy. Licensing Act 2003. Effective from January 2021)

The application form is rather light on detail. The one available on WCC website is referenced 20/03272/LIPN (which was last year’s application) despite being dated 23 March 2021. The times requested for serving alcohol are 08:00 to 00:00 Mondays to Saturdays – Sunday it appears they will be closed. In the application under Section M(A) it states “Save for removal of conditions 12, 24 and 36, the remaining conditions on the licence address the licensing objectives. No further measures are considered necessary.”

Clearly the application fails completely in the requirement to set out proposed mitigation measures as required by The Licencing Policy.

Our contention is that this store could easily become a focus for people wanting to buy alcohol after 23:00. It is located next to an area with a serious crime problem. It is located within a residential block of flats and in a street with many private residences. If it is one of a very few late-night liquor stores in Central London the risk to residents’ peace and quiet will be great.

In summary we urge the sub Committee to reject what appears to be another incremental variation continuing attempts to extending hours as we believe that this application if granted will be contrary to the following Licensing Objectives: The Prevention of Public Nuisance and The Prevention of Crime and Disorder

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	12 April 2021		

I am the [REDACTED] at Cumberland Court and I have to constantly move people away from the building entrance and throw away their rubbish cans and food wrappers. Residents are always complaining to me about the noise late at night from people who are drunk and loud and throwing things around and keeping them awake all night

Some of these people also wee up against the building entrance or around the back and I have to clean this up and they are drunk.

This all night shop sells beer and spirits to anyone and doesn't seem to care what happens so giving them more hours to sell it would make things much worse for me and for the residents.

Please cancel the application

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	14 September 2021		

We are writing to object to the application by the Chelsea Food and Wine Company• Ltd 21/02317/LIPV. This Representation is made by [REDACTED] as the [REDACTED] of the residential building known as [REDACTED] which is located directly above the Chelsea Food & Wine Company Ltd store which fronts. Great Cumberland Place, located approximately 300metres from Marble Arch and very close to Edgware Road, London W1.

[REDACTED], but also the [REDACTED] who rent & manage over. 50 of the 65 apartments in the building on long-term residential tenancies. He is also the owner

We cannot believe that for the fourth time in less than a year, this company has submitted a licencing application attempting to extend the shop's alcohol off-sales hours.

The original licence was an old converted off sales licence, to 'core hours' for off - sales and it remained that way until 2014. The previous licence (18/11232/LIPVM) had permitted sale of alcohol for consumption off the premises from 08:00 to 23:00 Monday to Saturday, 10:00 to 22:30 Sunday. However, in May last year a variation was granted to allow off-sales until 12:00 midnight Monday to Saturday (20/03272/LIPV). This is a temporary extension which expires on 27th May 2021.

This current situation had come about incrementally through 9 applications since 2014 to vary the licence (in addition to two withdrawn applications) and the last application was noteworthy on account of the tactics employed by Chelsea Food & Wine. Having submitted a most ambitious application, they retreated after objections from The Metropolitan Police and The Marylebone Association. The applicant then only applied for a temporary extension of off-sales and only untilmidnight Monday to Saturday which the sub-Committee granted, somewhat surprisingly.

It should be noted that Chelsea Food & Wine are required to obtain the landlords' consent before applying for planning changes which have been denied (for the following reasons set out below)so this latest application, regardless of the above, clearly demonstrates their apparent disregardfor their landlord and for the residents of Cumberland Court.

Residents of Cumberland Court are regularly subjected to substantial amounts of noise pollution, people sitting on the entrance steps to the building drinking alcohol and throwing empty cans into flowerpots and the entrance of the building, late night disturbances, antisocial behaviour andalarming amounts of litter caused primarily by customers of Chelsea Food & Wine and they feelthat the current 24hr opening hours of Chelsea Food & Wine clearly contributes directly to the above problems that adversely affect their everyday lives. The buildings' concierges regularly have to clear waste from the entrance area of the building for health & safety purposes as the various types of litter represent a substantial trip-hazard and encourage vermin & pest infestation

Understandably, they fear that allowing Chelsea Food & Wine to make alcohol

available to its customers for even longer periods will encourage even more such disturbances and will lead to an increased volume of customers remaining in the vicinity well into the early hours of the morning who are typically either intoxicated or overly excitable and this will undoubtedly encourage further increased levels of noise during the early hours of the mornings. It follows that it will also increase the volume of waste food, drinks bottles & cans and general rubbish produced which will have further adverse effects on the neighbouring area, thereby ultimately devaluing their properties accordingly.

We view this latest application as being part of the continuing pattern of attempting incremental and veiled changes to the licence and we respectfully request that this application is denied

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<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"> 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. 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. 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. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 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. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 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. 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>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>C. For the purpose of Clauses A and B above, the Core Hours for this application as defined within this policy are:</p> <p>4. Off licences Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement. Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Policy OS1(A) applies</p>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 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. <p>Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 Clause C. <p>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.).</p>
<p>Policy SCZ1 applies</p>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should</p>

	<p>demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zone for this application is:</p> <ul style="list-style-type: none"> • Edgware Road.
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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.

5.	Appendices
Appendix 1	Premises Licence 20/03272/LIPV
Appendix 2	Applicant supporting documents
Appendix 3	Metropolitan Police supporting statements
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police representation	15 April 2021
5	Environmental Health representation	20 April 2021
6	Interested Party representation (1)	06 April 2021
7	Interested Party representation (2)	12 April 2021
8	Interested Party representation (3)	14 April 2021



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

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

Premises licence

Regulation 33, 34

Premises licence number:

20/03272/LIPV

Original Reference:

05/10250/LIPC

Part 1 – Premises details

Postal address of premises:

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

Where the licence is time limited, the dates:

The hours for the sale of alcohol off the premises shall be extended to 00:00 from 28th May 2020 until 27th May 2021

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol (On the premises)

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Sale by Retail of Alcohol (Off the premises)

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 08:00 to 05:00

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

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

Part 2

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

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

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

05729781

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

Name: Samirali Shaukatali Sunesara

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

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

Licence Number: H04300
Licensing Authority: London Borough of Hounslow

Date: 04 June 2020

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$
 Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

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

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

17. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
21. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
22. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
23. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
24. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
25. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

28. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
29. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
30. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday.
33. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
36. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
37. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
38. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
39. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
40. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
41. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
42. No sales of alcohol are permitted for consumption off the premises after 23.00 hours on New Year's Eve or on any day when a concert takes place in Hyde Park.



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

Schedule 12
Part B

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

Premises licence
summary

Regulation 33, 34

Premises licence number:

20/03272/LIPV

Part 1 – Premises details

Postal address of premises:

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

Where the licence is time limited, the dates:

The hours for the sale of alcohol off the premises shall be extended to 00:00 from 28th May 2020 until 27th May 2021

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol (On the premises)

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Sale by Retail of Alcohol (Off the premises)

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 08:00 to 05:00

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

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

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

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

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

05729781

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

Name: Samirali Shaukatali Sunesara

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

Restricted

Date: 04 June 2020

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

Applicant Supporting Documents

Appendix 2

None



NW London Design Out Crime
Team,
Ruislip Police Station,
The Oaks,
Ruislip,
HA4 7LE
4th June 2021

PC Bryan Lewis,
Westminster Licensing Team,
Charing Cross Police Station

Dear PC Lewis,

Re: 11 Great Cumberland Place, Westminster W1H 7LU

I am a trained Metropolitan Police Designing Out Crime Officer and have served in this role for almost 6 years, with a total of 19 years in the police. The specialist training I have undertaken on environmental design and layout permits me to comment on local authority planning requests and provide specific advice to architects and developers owing to my role within the Designing Out Crime team. The training also focuses on problem solving and the reduction of long-term crime and anti-social behaviour issues within communities. This can result in attention being given to licensing applications if a negative impact from such a request could be expected within a local community.

The consumption of alcohol often leads to the lowering of inhibitions and as a consequence has a detrimental effect on standards of behaviour. In the public realm, this often results in an anti-social element entirely dominating a space and thereby damaging the quality of life for everyone. This can lead to areas becoming blighted by alcohol related crime and disorder.

The application in question focuses on the provision of alcohol until midnight between Monday and Saturday from a venue at 11 Great Cumberland Place W1H 7LU. The address is a short walk – no more than a minute – to Marble Arch and the north east end of Hyde Park. Marble Arch has an underpass system and an isolated above ground traffic island around the arch itself, which currently has a large homeless community. The location also has issues around begging and drug use. These issues are exacerbated by the underlying design and layout of the area. With a venue nearby offering alcohol for consumption off the premises, the increased time for the sale of alcohol could help to worsen the situation around Marble Arch by encouraging longer periods of alcohol consumption in public, well into the night. It is likely to attract street drinkers from other areas to the location, seeking to obtain alcohol, which would doubtless be consumed nearby. Permitting this application will also increase recent concerns about summer and early autumn disorder in nearby Hyde Park as a result of lockdown easing. The impact on neighbouring businesses and local residents will be seen in an increase in crime and disorder which often comes with unrestrained alcohol use and its longer

availability. This would also place an additional burden on police and council resources to deal with issues arising. There is no way the Metropolitan Police Designing Out Crime team can support this request as it will worsen an area with existing environmental and social problems, and we agree with the Westminster Police Licensing team in objecting to the application.

The objection to this application would be in line with two of the licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance.

I would also ask the committee to consider the requirements of section 17 Crime and Disorder Act 1998: "It shall be the duty of each Authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all it reasonably can to prevent Crime and Disorder in its area".

Yours sincerely,

Martin Hubbard | Police Sergeant | Metropolitan Police Service

Designing Out Crime Group

Continuous Policing Improvement Command

E-mail: Martin.Hubbard@met.pnn.police.uk

Office Email: DOCOMailbox.NW@met.police.uk

Address: North West DOCO Office, Ruislip Police Station, The Oaks, Ruislip, HA4 7LE

WITNESS STATEMENT

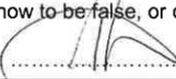
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: David MILLER

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  Date: 16/04/21

My name is David Miller. I have worked in the metropolitan police for 16 years as a uniformed PC. I have spent 6 years on response team working over 24 hours, 7 days a week. I have worked in central Westminster and south Westminster response teams. For 20 years I have worked on STN Safer Neighbourhood team's covering the areas of Oxford Regent and Bond Street ORB SNT for 5 years and the last 5 years in Marylebone High Street SNT. This has given a broad view of policing both 999 response calls and long-term neighbourhood problem solving.

In response to your information that Cumberland Food & Wine 11 Great Cumberland Place Marylebone London W1H 7LU are wishing to extend the hours where they can sell alcohol. There have been several interactions with the police and the venue. Mostly late night and early hours of the morning relating to theft/alcohol.

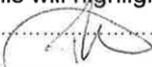
The area in Marble Arch is close to the west end yet is still in a residential area. This often causes issues where groups of people drink alcohol before going on to the west end for their night out. Even though we are still on lockdown it is a significant ASB issue in local communities where alcohol is sold. An extended time of sale could facilitate this behaviour and could draw people who participate in this practice due to the convenience of extended hours.

There have been some issues due to the pubs being closed. This is where people use an off-licence and drink nearby as a group. This is above and beyond any regular homeless/alcohol issues which can also be exasperated because of an off-licence. I believe that any extension to current times of sale of alcohol would be detrimental to the community and potentially attracts undesirable individuals to the venue itself.

There are several public squares/areas in the vicinity, most notably Marble Arch/Hyde Park and Oxford Street/Edgware Road. All frequented by beggars and the homeless. Those from the homeless community and those who beg are often associated with street drinking. This is also a factor to take into account regarding extended hours of licence at the venue.

Please see a small collection of the most recent incidents below.

CWZS00249233 02/04/21 02:24 hours. Persons stopped and searched for suspected theft from the store relating to CRIS 6508806/21 Burglary. Members of the public entering the store and being refused service for alcohol, then going on to take it by force. Also Cris 6507689/21 23/03/21 at 05:09 hour's burglary, similar incident where member of the public tried to buy alcohol in the early hours exemplifies how a venue known to be open late and early which sells alcohol can be targeted due to the scarcity of venues open at this time. If hours are extending this will highlight the venue as selling alcohol out of hours.

Witness Signature: 

Signature Witnessed by Signature:

Page 1 of 2

Continuation of Statement of:

There has been a theft of alcohol shoplifting CRIS6545538/20.

CWRT01034402 05/03/2021 3 males sitting on the street in Home Row drinking alcohol.

CWRT01032865 29/01/21 Reports of people drinking in Montagu square gardens.

The area around Great Cumberland Place is very old and many of the street are designed for horse and carts, many areas were old stables like Mews Places. In my own experience residents that live in the area stop me when I am on patrol often claiming about late night disturbance due to People Street drinking out of hours and not relating to pubs.

Witness Signature: 
Signature Witnessed by Signature:

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/10250/LIPC	Premises Licence conversion	03.10.2005	Granted under delegated authority
06/01671/LIPDPS	Variation of DPS	09.03.2006	Granted under delegated authority
06/06700/WCCMAP	Master licence	07.09.2007	Granted under delegated authority
06/12873/LIPDPS	Variation of DPS	09.01.2007	Granted under delegated authority
07/04910/LIPDPS	Variation of DPS	25.05.2007	Granted under delegated authority
07/08047/LIPDPS	Variation of DPS	25.05.2007	Granted under delegated authority
10/01570/LIPDPS	Variation of DPS	24.03.2010	Granted under delegated authority
10/01573/LIPT	Transfer of premises licence: Select Service Partner Limited to European Retail Limited	24.03.2010	Granted under delegated authority
10/08210/LIPCH	Change of name: Cumberland Food and Wine	19.10.2010	Granted under delegated authority
10/08979/LIPDPS	Variation of DPS	02.12.2010	Granted under delegated authority
13/03692/LIPVM	Minor variation – adding CCTV condition agreed with the Police	11.06.2013	Granted under delegated authority
14/08680/LIPT	Transfer of premises licence: European Retail Limited to Chelsea Food and Wine Company Limited	24.10.2014	Granted under delegated authority
14/09194/LIPV	Full variation – add “on sales” of alcohol	24.09.2015	Granted by Licensing Sub Committee
15/06561/LIPV	Full variation – update with model conditions	07.09.2015	Granted under delegated authority

15/11866/LIPV	Full variation – add late night refreshment	11.05.2016	Application withdrawn
16/02975/LIPDPS	Variation of DPS	12.05.2016	Granted under delegated authority
16/14114/LIPVM	Minor variation – add late night refreshment	14.06.2017	Granted under delegated authority
17/14156/LIPVM	Minor variation – remove condition that entrance door to be kept closed	20.12.2017	Granted under delegated authority
17/14171/LIPV	Full variation – vary hours for “on sales” of alcohol	24.01.2018	Application withdrawn
18/04278/LIPV	Full variation - amend conditions	13.06.2018	Granted under delegated authority
18/11232/LIPVM	Minor variation – Extend hours for late night refreshment to 02:00	12.10.2018	Granted under delegated authority
18/16121/LIPV	Full variation – Extend the hours for “on sales” to core hours	12.02.2019	Granted under delegated authority
19/05249/LIPVM	Minor variation - Extend hours for late night refreshment to 03:00	17.06.2019	Granted under delegated authority
19/07469/LIPVM	Minor variation - Extend hours for late night refreshment to 05:00	09.07.2019	Granted under delegated authority
20/03272/LIPV	Full variation – extend the hours for “off sales” to 02:00 (reduced to 00:00 and time limited to May 2021)	28.05.2020	Granted by Licensing Sub Committee
20/09461/LIPV	Full variation – to extend the hours for the sale of alcohol off the premises from the end of permitted hours to the start of permitted hours the following day, for a temporary period to 30 September 2021.	17.11.2020	Application withdrawn
20/10380/LIPV	Full variation - to extend the permitted hours for the sale of alcohol off the premises to 24 hours a day for a time-limited period until 30 September 2021.	04.02.2021	Application withdrawn

Temporary Event Notices	Date of Event	Activities/Hours	Decision
21/06663/LITENP	16 and 17 July 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06832/LITENP	30 and 31 July 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06833/LITENP	6 and 7 August 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06834/LITENP	13 and 14 August 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06836/LITENP	20 and 21 August 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06838/LITENP	27 and 28 August 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06839/LITENP	3 and 4 September 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06840/LITENP	10 and 11 September 2021	Sale of alcohol 23:00 to 23:59	Event permitted
21/06841/LITENP	17 and 18 September 2021	Sale of alcohol 23:00 to 23:59	Event permitted

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.
10. Hot food and/or hot drink sold between 23:30 and 05:00 Monday to Thursday and 00:00 and 05:00 Friday and Saturday shall be for consumption off the premises (take away) only.
11. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the public trading area is to be removed and/or secured so as to prevent access to the alcohol by customers.
12. The minor variation application shall have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

The applicant is seeking to remove the above condition

13. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. If there is a designated smoking area, a notice shall be prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.
15. A personal licence holder shall be on the premises after 20.00 hours daily.
16. The only alcohol displayed behind the service counter shall be bottled spirits. This does not include spirit mixtures.

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

17. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
21. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
22. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the

licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.

23. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
24. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.

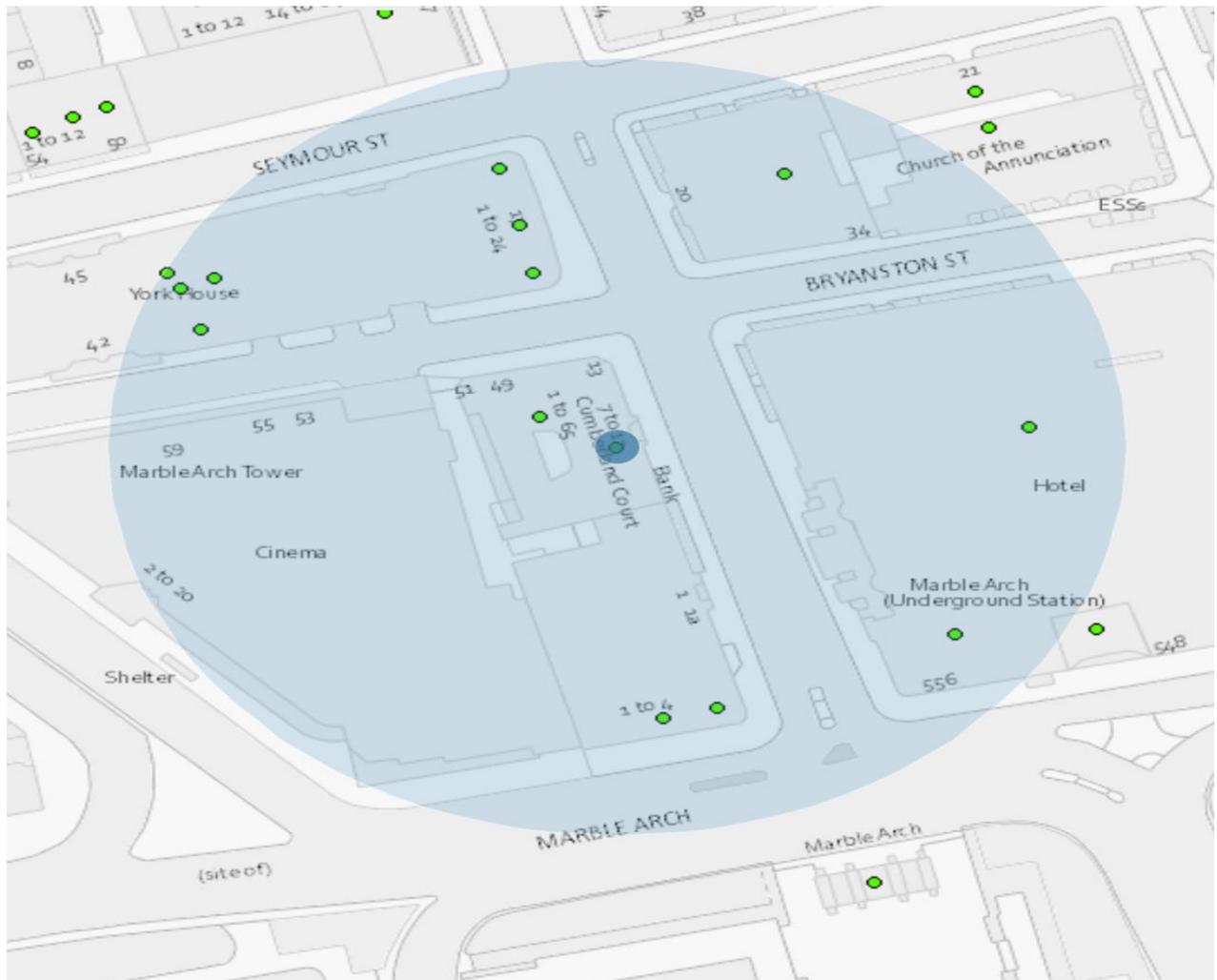
The applicant is seeking to remove the above condition

25. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
29. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
30. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. All tables and chairs shall be removed from outside the premises by 23:30 hours Monday to Thursday; 00:00 hours Friday and Saturday and 23:00 hours Sunday.
33. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
36. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.

The applicant is seeking to remove the above condition

37. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
38. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
39. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
40. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
41. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
42. No sales of alcohol are permitted for consumption off the premises after 23.00 hours on New Year's Eve or on any day when a concert takes place in Hyde Park.



Resident count: 93

Licensed premises within 75 m of Cumberland Food and Wine. 11 Cumberland Place, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
18/02536/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/07871/LIPT	Prezzo	7 - 9 Great Cumberland Place London W1H 7LU	Restaurant	Monday to Sunday; 12:00 - 00:00

16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London	Shop	Monday to Sunday; 07:00 - 01:00
20/06740/LIPVM	Not Recorded	Marble Arch Tower 55 Bryanston Street London W1H 7AA	Shop (very large)	Monday; 07:00 - 23:00 Tuesday; 07:00 - 23:00 Wednesday; 07:00 - 23:00 Thursday; 07:00 - 23:00 Friday; 07:00 - 23:00 Saturday; 07:00 - 23:00 Sunday; 07:00 - 23:00
18/03362/LIPST	RU2, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Restaurant	Monday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00
18/03364/LIPST	RU3, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Cafe	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 10:00 - 22:30
20/03281/LIPN	Odeon Cinema 5-14 Marble Arch, 12-22 Edgware Road 53-63 Brya	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Not Recorded	Monday to Sunday; 00:00 - 00:00
18/03365/LIPST	RU4, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Restaurant	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00
18/03368/LIPST	RU6, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Not Recorded	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00

18/03367/LIPST	RU5, Marble Arch Place	Development Site At 5-9 Marble Arch, 2-20 (evens) Edgware Road & 53-59 (odd) Bryanston Street London	Cafe	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00
20/04484/LIPDPS	The Hard Rock Hotel	Cumberland Hotel Great Cumberland Place London W1H 7DL	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00