



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

10 March 2022

21/11439/LIPN - New Premises Licence

21 Moscow Road  
London  
W2 4AH

Director of Public Protection and Licensing

Lancaster Gate

City of Westminster Statement of Licensing Policy

None

Karyn Abbott  
Senior Licensing Officer

Telephone: 0207 641 6500  
Email: [kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	16 October 2021		
<b>Applicant:</b>	Russian Food London Limited		
<b>Premises:</b>	N/A		
<b>Premises address:</b>	21 Moscow Road London W2 4AH	<b>Ward:</b>	Lancaster Gate
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Queensway / Bayswater
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a Russian and Eastern European grocery store.		
<b>Premises licence history:</b>	<p>This premises had the benefit of a premises licence <b>(13/03218/LIDPSR)</b> which was granted in September 2005 and revoked in February 2021 following a review. This can be found at <b>Appendix 4</b> of the Report.</p> <p>Submissions have been received by the Metropolitan Police Service in relation to the review which can be found at <b>Appendix 3</b>.</p>		
<b>Applicant submissions:</b>	The applicant has provided submissions addressing the relevant spatial policies and a letter to interested parties which can be found at <b>Appendix 2</b> .		
<b>Applicant amendments:</b>	None		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>		Last 2 weeks of December (Christmas and New Year Celebration) and 2 Weeks before Easter from 08.00 to 22.00					

Hours premises are open to the public							
<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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>		Last 2 weeks of December (Christmas and New Year Celebration) and 2 Weeks before Easter from 08.00 to 22.00					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities							
<b>Responsible Authority:</b>	Metropolitan Police Service						
<b>Representative:</b>	PC Adam Deweltz						
<b>Received:</b>	16 November 2021 <b>(Withdrawn 2<sup>nd</sup> February 2022)</b>						
<p><b>RE: Premises Licence Application for 21 Moscow Road, London, W2 4AH</b></p> <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.</p> <p><b>The Metropolitan Police Service withdrew their representation on 2<sup>nd</sup> February 2022 due to conditions proposed and agreed with the applicant. These conditions can be found at Appendix 5.</b></p>							
<b>Responsible Authority:</b>	Environmental Health Service						
<b>Representative:</b>	Maxwell Koduah						
<b>Received:</b>	19 November 2021						
<p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking to supply alcohol for consumption off the premises at the following times:</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 40px;">Monday to Sunday:</td> <td style="text-align: right;">10:00 to 21:00 hours</td> </tr> <tr> <td style="padding-left: 40px;">Last 2 weeks of December (Christmas and New Year):</td> <td style="text-align: right;">08:00 – 22:00 hours</td> </tr> <tr> <td style="padding-left: 40px;">2 Weeks before Easter:</td> <td style="text-align: right;">08:00 – 22:00 hours</td> </tr> </table> <p><b>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:</b></p> <p>The supply alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>Conditions, to replace those contained within the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety below. Applicant is advised to study these conditions and discuss same if they are minded.</p> <p><b>Proposed Environmental Health Conditions to replace those contained within the operating schedule</b></p> <ol style="list-style-type: none"> <li>All waste shall be properly presented and placed out for collection no earlier than 30</li> </ol>		Monday to Sunday:	10:00 to 21:00 hours	Last 2 weeks of December (Christmas and New Year):	08:00 – 22:00 hours	2 Weeks before Easter:	08:00 – 22:00 hours
Monday to Sunday:	10:00 to 21:00 hours						
Last 2 weeks of December (Christmas and New Year):	08:00 – 22:00 hours						
2 Weeks before Easter:	08:00 – 22:00 hours						

minutes before the scheduled collection times.

2. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.
3. Deliveries to the premises shall only take place between 08:00 and 22:00 hours
4. 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.
5. 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.
6. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
7. No licensable activities shall take place at the premises until the premises has 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

Please contact me if you wish to discuss these further.

## 2-B Other Persons

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Status:**

Valid

**In support or opposed:**

Opposed

**Received:**

15 November 2021

Prior to the opening of the Russian shop, the shop that was at this location had an alcohol license. This resulted in a number of issues for the residents of the area including but not limited to drunken antisocial behaviour, noise and loitering outside 21 Moscow Road and 5 Moscow Road.

I am part of a local group of residents in the buildings within the immediate surrounding of this shop. We all agree that there has been a significant improvement in the area since the off-license closed and we would all strongly object an alcohol license for the new shop. The sell of alcohol at the new shop will be very disturbing and disruptive for the local residents.

In addition, Moscow Road already is in an unusual situation with 3 pubs along 100m of a residential street. Therefore, adding in a licensed shop really escalates the disturbance as individuals could leave the pubs and continue drinking on the street by purchasing alcohol from the shop.

Please kindly take into account the serious issues that were caused previously.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29 November 2021 (Withdrawn 14 <sup>th</sup> February 2022)		

RE: Alcohol Licence Application; Russian Food London Limited; 21 Moscow Road W2 4AH; 21/11439/LIPN

The previous tenant sold alcohol during all opening hours including past those permitted by their licence. This was obvious to anyone seeking to buy alcohol past licensing hours or anyone observing their business practices and was ongoing for the whole period I lived in the street i.e. over 5 years.

I don't believe the landlord is going to ensure the new tenant abides by any permitted licencing hours because they failed to take any action against the previous tenant who eventually had their licence revoked after a lengthy police investigation.

As a neighbour I was tormented by the noise made by unemployed persons who used to hang around outside the shop for many hours of every day, year after year. They shouted at each other and harassed passers-by. My girlfriend felt unsafe living in Moscow Road as a result.

Whilst I wish the new tenants every success and welcome them to Moscow Road, I worry that if this shop is permitted to sell alcohol, the recent peace and relative quiet afforded the neighbours of this shop since it was closed earlier this year will cease and the noisy trouble makers will return to loiter outside the shop and the adjoining residential apartment building, reducing the quality of life for the neighbouring residents.

Please ensure my name, address and contact details are kept confidential.

**After mediation from the applicant explaining the application, the Interested Party withdrew on the 14<sup>th</sup> February 2022.**

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Support
<b>Received:</b>	10 December 2021		

In principal I am fully supportive of licensing granted to this business providing they keep to the terms of their application and respect the licensing rules as stated. I would not like to return to the previous situation where alcohol sold at this premise by the previous business caused much serious anti social behaviour in the area.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 November 2021		
<p>We already have 3 pubs in very close proximity ie along a 100m stretch of residential road. In the past when alcohol was sold at these premises it escalated the amount of people hanging around outside causing social disturbance and since the closure of that particular premises the improvement in the neighbourhood has been very significant without daily shouting and fights etc. I think we have enough alcohol for sale on our street in the pubs already and am keen not to reach a tipping point which we had before and made the neighbourhood feel unsafe as well as frequent disruptions heard from within our homes.</p> <p>Also why are they selling alcohol now - without a license - they did cover the bottles with paper but the paper is removed and this week the alcohol is visible every day</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 November 2021		
<p>We have endured years of noise and disruptive behaviour as result of previous licence granted to Olympic Foods. The trade had attracted and promoted various 'unsavoury' types that have not only brought disturbance into our neighbourhood, regularly affecting our enjoyment of peace &amp; quiet and sleep at nights, but illicit and illegal activities occurring during the day and beyond trading hours well into early hours of the morning (ie 1-3am).</p> <p>[REDACTED] where sound travels distinctly - especially at night, frequently well after trading hours -both from the shop, but also gatherings immediately outside characterised by abusive language, anti-social behaviour, and displays of verbal and at times physical aggression.</p> <p>We already live with 3 pubs across the road and within adjacent blocks, which already fuel neighbourhood disturbance and anti-social behaviour, therefore do not need to add further. We have actually enjoy peaceful months and descent sleep since closure of Olympic Foods and wish to maintain this with opening of new business in its place. The licensing and sale of alcohol should play no part in undermining the huge time-consuming efforts this community had invested together with WCC and the Met to force closure of Olympic Foods and the return of our neighbourhood. We remain adamant Premises Licence should not be approved for the above reasons.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	10 December 2021		
<p>On the basis that the new application from the new business does adhere, respect and maintain the licensing objectives on their application in principal will not have any objection. Time will however tell whether this will be the case and needs to be closely monitored by the authority.</p>			

<b>Name:</b>		██████████	
<b>Address and/or Residents Association</b>		██████████ ██ ████████████████████ ██████████ ██████████	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 December 2021		
No 21 MOSCOW ROAD W2 4AH PREMISES LICENCE APPLICATION Ref No 21/11439/LIPN			
<p>We note on above Premises Licence application a few of standard conditions have been offered in the application.</p> <p>However we object to application as there are many other conditions required in order to prevent any public nuisance or potential crime and disorder in Moscow Road , Queensway and the surrounding area.</p> <p>These premises have a history of problems resulting in a Review and subsequent closure.</p> <p>We trust applicant is not connected in any way with previous holders of Premises Licence.</p> <p>We would want 'sales area' for alcohol to be no more than 15% of shop, all sales of spirits to be from behind sales counter, no sale of miniatures.</p> <p>No display of alcohol or advertising of alcohol in windows of premises</p> <p>We request standard condition, due to anti social drinking issues in Moscow Road, Queensway and surrounding area, that there will be no sales of beer or cider over 5.5% APV, unless premium brand in bottles or cans.</p> <p>Standard condition required that entrance doors and windows to be kept closed except for customers entering or leaving.</p> <p>We also require condition that all Refuse and Recycling collections not to take place between 18.00 and 0800, in order to protect residential ammenity of flats above and opposite.</p> <p>A similar condition is also required covering deliveries to the premises and suggest hours for deliveries not to be between 18.00 and 08.00.</p> <p>We are content for our above representation and contact details to be forwarded to applicant and agent.</p> <p>As always, ██████████ is more than happy to discuss the matters raised above.</p> <p><b>Conditions proposed by the Interested Party can be found at Appendix 5.</b></p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy SCZ1 applies</b>	<p>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.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> <li>• West End Buffer.</li> <li>• Queensway/Bayswater.</li> <li>• Edgware Road.</li> <li>• East Covent Garden.</li> <li>• Mayfair.</li> <li>• Victoria.</li> </ul>
<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> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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</li> </ol>



	<p>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>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p><b>11b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)</b>  Monday to Saturday: 8am to 11pm.  Sunday: 9am to 10.30pm.</p>
<p><b>Policy SHP1 applies</b></p>	<p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.</li> <li>4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a shop in Clause C.</li> </ol> <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.</li> <li>4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a shop in Clause C.</li> </ol> <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> <li>1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.</li> <li>2. The licensable activities for the sale of alcohol for consumption on</li> </ol>

	the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.
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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

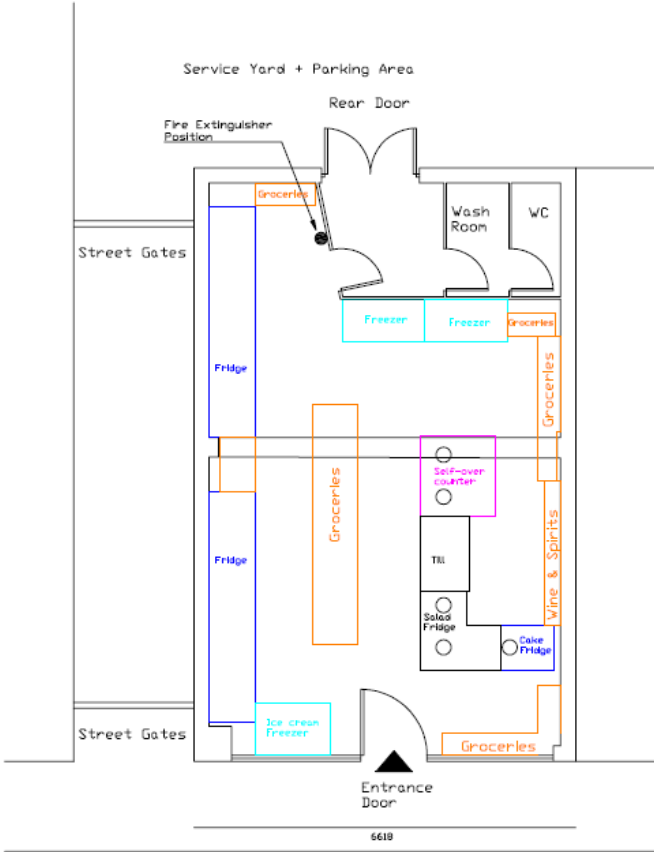
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Submissions from the Metropolitan Police Service
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kabbott@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	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service <b>(Withdrawn 2<sup>nd</sup> February 2021)</b>	16 November 2021
5	Environmental Health Service	19 November 2021
6	Representation 1	15 November 2021
7	Representation 2 <b>(Withdrawn 14<sup>th</sup> February 2021)</b>	29 November 2021
8	Representation 3	10 December 2021
9	Representation 4	23 November 2021
10	Representation 5	24 November 2021
11	Representation 6	10 December 2021
12	Representation 7	6 December 2021



**MOSCOW ROAD**

Dacha Russian Shop, 21 Moscow Road, London, W2 4NH  
Ground Floor Plan. Scale - 1:100. 12.11.2021

**From:** [Audrone Baltulyte](#)  
**To:** [Jackaman, Kevin: WCC](#)  
**Subject:** Re: 21 Moscow Road, London, W2 4AH - 21/11439/LIPN  
**Date:** 09 December 2021 22:00:59

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Dear Kevin,

I hope you are well.

Could you let me have your further submissions relating to the key local issues as identified at paragraph D49 of the Policy, and how these are to be addressed?

The local issues that need to be considered by applicants are:

- Elevated levels of noise nuisance at night.

Our operating/trading hour are 10am until 9pm and we do not sell alcohol for consumption on the premises, therefore our business is not a threat to elevate the levels of noise nuisance at night or I believe any other time.

- Illegal waste.

We have a CCTV outside of our premises, therefore our business should actually reduce the possibility of illegal waste. Our waste bins are at the gated with the lock back yard therefore we do not leave our waste on the street to attract illegal waste to be dumped.

- Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.

We are high end destination Russian delicatessen targeting Russian customers. All our alcohol is imported and expensive. We do not sell any local, cheap alcohol, therefore we not an outlet for cheap intoxication.

- Serious violent crimes.

We as a business understand our responsibilities to the community and we sell goods legally and efficiently. We have CCTV operating and recording 24 hours a day. We have minimum of 2 members of staff per shift.

I, Audrone Baltulyte, am a personal licence holder and take my responsibility seriously. Also I am designated premises supervisor for our other two premises of the same business, where we never had any incidents.

- Robberies at night

As I mentioned above, our trading hours are 10am until 9pm. And our CCTV is operation and recording 24 hours a day. Also we have alarm system in place.

I hope I understood and answered the questions clearly.

Please let me know what else we have to do and what'e the next stage of our application.

Thank you

Dear neighbours,

We are Russian Food Deli - very niche business, serving Russian and other Eastern European customers, who are missing food from their home countries. Our customers normally travel to us to do their weekly shopping as we sell everyday food items like rye bread, buckwheat, home made ready meals, dairy.. as well as luxurious items like black caviar and selected wines.

We have other two stores located in Fulham and East Finchley and have been trading for 10.5 years. Also we sell online so we can serve more customers. Please check our website:  
<https://dachashop.co.uk/>

The wide range of people are visiting our stores, but our main customers are Russians living in central London. I believe that our business can improve the street even further as we are destination store and we potentially attracting people to move to our area and increase the diversity. Also we strongly feel that our customers, who are new to the street potentially will use other businesses on the street like hair dressers and restaurants.

One of objecting neighbours wrote:

"Also why are they selling alcohol now - without a license - they did cover the bottles with paper but the paper is removed and this week the alcohol is visible every day"

We never sold the alcohol without the license. We only had beer in the fridge as our team was placing the orders and filling up the shelves to be ready for opening as we knew that the previous business had the premises licence. We thought that we only need to ask for licence transfer, which is very straight forward and quick process. However when we contacted the Westminster council, we learned that the license was suspended. And we removed the beer straight away. We never intended to sell it without the licence.

Integrity and accountability are two of our company's core values. And we not risking my own, our team's and neighbourhood's peace and safety for can of cheap alcohol drink.

I understand that we took over the premises with very bad reputation. And that the previous business' activities caused disturbance in our neighbourhood. Also I'm aware that since the forceful closure of the previous business the street dramatically improved. However, we are new business in the area and we have nothing to do with the previous lease holders. We appreciate that the neighbours are not happy and nervous to have another corner shop selling cheap alcohol creating nuisance. And we can assure that we will not have any illegal, cheap alcohol to promote the disturbance on the street and we will do everything in our power to protect our peaceful neighbourhood.

Please let us know if you have any more concerns regarding this matter.  
Thank you

Sincerely yours,

Audrone Baltulyte

**From:** [Deweltz, Adam: WCC](#)  
**To:** [Jackaman, Kevin: WCC](#)  
**Cc:** [Licensing: WCC](#)  
**Subject:** 21 Moscow Road, London, W2 4AH - 21/11439/LIPN  
**Date:** 02 February 2022 14:19:54  
**Attachments:** [MOSCOW ROAD CONDITIONS \(2\).docx](#)

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Dear Licensing Services,

21 Moscow Road, London, W2 4AH - 21/11439/LIPN

You will be aware that Westminster Police Licensing made a representation against the application for 21 Moscow road, W2 4AH on the grounds of prevention of crime and disorder.

You will also be aware of the history of this premises when the previous tenants/operators were involved in the supply of class A drugs. This criminal investigation is still on-going, however from a licensing perspective, the premises licence was reviewed by Police and Westminster's Licensing Sub-Committee revoked the premises licence.

The previous tenants were evicted and the premises was closed for 3 months under anti-social behaviour powers.

An application was lodge by a new tenant for a new premises licence. Police engaged with the new applicants and have visited the premises. Extensive checks have been conducted on the applicants using Police indices and it can be confirmed that no link between the previous tenants and new applicants is there. We are therefore satisfied that the new applicants are in no way connected to the previous operators and we take the view that each application must be judge on its own merits.

The operation style of the current applicant is not your conventional off licence and there is no reason to suspect any anti-social behaviour or crime will occur as a result of the premises selling alcohol. All conditions attached to this email have been agreed, and the hours sought for the supply of alcohol are within Westminster's core hours policy. We therefore feel the licensing objectives will be promoted by the premises.

As such, we the Metropolitan Police, as a responsible authority, withdraw our representation.

Many thanks,

Adam.

***PC Adam Deweltz  
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**Premises History****Appendix 4****Licensing Act 2003**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/06095/LIPCV	Premises Licence Conversion	19 September 2005	Deemed Decision under Licensing Act S8
06/10263/WCCMAP	Master Licence	18 December 2006	Granted under Delegated Authority
10/09430/LIPD	Premises Licence Duplicate	18 November 2010	Granted under Delegated Authority
12/04331/LIPDPS	Premises Licence Change of DPS	6 June 2012	Granted under Delegated Authority
13/00644/LIPT	Transfer of Premises Licence Holder from Mr Mobin Zolfaghari-Nia to Mr Pejman Akbari	18 February 2013	Granted under Delegated Authority
13/03218/LIDPSR	Premises Licence Removal of DPS	10 May 2013	Granted under Delegated Authority
21/00348/LIREVX	Review under Licensing Act (Summary)	12 February 2021	Revoked by Licensing Sub-Committee

There is no Temporary Event Notice or Appeal History



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

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

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

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

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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**

6. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

7. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

**Conditions proposed by the Police and agreed with the applicant to form part of the operating schedule.**

8.
  - a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
9. 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.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
12. 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.
13. No single cans of beer, cider or spirit mixtures shall be sold at the premises.
14. 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.
15. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
16. 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.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
18. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

19. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.

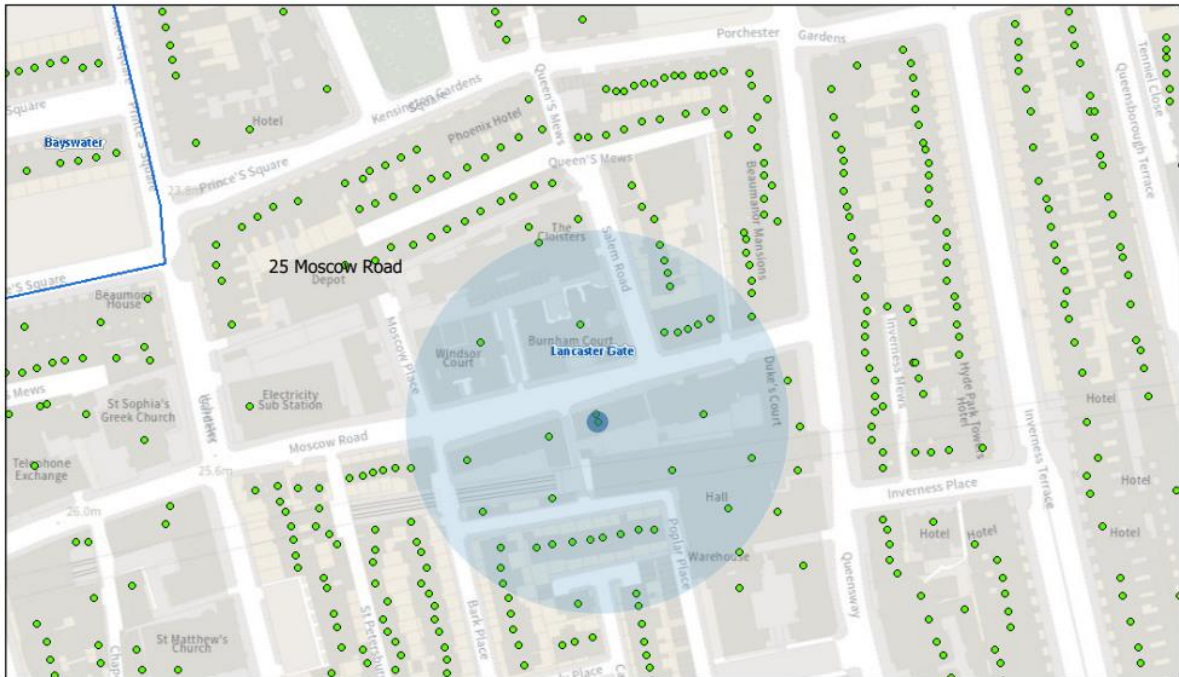
**Conditions proposed by the Environmental Health and agreed with the applicant to form part of the operating schedule.**

20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.
22. Deliveries to the premises shall only take place between 08:00 and 22:00 hours
23. 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.
24. 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.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
26. No licensable activities shall take place at the premises until the premises has 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

**Condition proposed by an Interested Party and agreed with the applicant to form part of the operating schedule.**

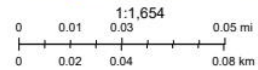
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 08:00 hours on the following day.
28. No display of alcohol or advertising of alcohol in windows of premises.

21 Moscow Road, London



23/02/2022, 10:09:01

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count = 287

Licensed premises within 75 metres of 21 Moscow Road, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/11680/LIPDPS	Byzantium Cafe	Ground Floor 31 Moscow Road London W2 4AH	Cafe	Monday to Sunday; 08:00 - 23:00
20/09002/LIPDPS	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Public house or pub restaurant	Sunday; 07:00 - 23:00   Monday to Saturday; 07:00 - 23:30
06/10120/WCCMAP	Athenian Grocery	16A Moscow Road London W2 4BT	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
15/09578/LIPV	Kaiseki Cocoro	45 Moscow Road London W2 4AH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
12/10331/LIPN	Mulberry Street	Ground Floor 47 Moscow Road London W2 4AH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
06/09762/WCCMAP	Santorini Taverna	10 - 12 Moscow	Restaurant	Sunday; 12:00 -

		Road London W2 4BT		00:00   Monday to Saturday; 10:00 - 00:30
19/00569/LIPDPS	Grosvenor Casino Golden Horseshoe	79-81 Queensway London W2 4QH	Casino or gambling club	Monday to Sunday; 00:00 - 00:00
20/08509/LIPT	Pizza Hut	Basement And Ground Floor 103 Queensway London W2 4SJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Friday; 10:00 - 00:30