



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	20 July 2022
Licensing Ref No:	22/03479/LIPV – Premises Licence Variation
Title of Report:	WH Smith Retail Unit Marylebone Station Melcombe Place London NW1 6JJ
Report of:	Director of Public Protection and Licensing
Wards involved:	Regents Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	30 March 2022		
Applicant:	WH Smith Travel Holdings Limited		
Premises:	WH Smith Retail Unit		
Premises address:	Marylebone Station Melcombe Place London NW1 6JJ	Ward:	Regents Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	A newsagent and shop unit operating within London Marylebone train station.		
Variation description:	<p>This application seeks the following:</p> <p>1) To replace condition 15 at Annex 2 which states: <i>“There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV”</i> so that it reads as follows: <i>“Save for spirit mixers, there shall be no self-service of spirits on the premises.”</i></p> <p>2) To vary the opening hours as follows: Monday to Friday 0700 to 0000 (currently 0800 to 2000) Saturday and Sunday 0700 to 2300 (currently 0930 to 2000)</p> <p>3) To vary the hours for the sale of alcohol Monday to Friday 0800 to 2300 (currently 0800 to 2000) Saturday 0800 to 2300 (currently 0930 to 2000) Sunday 0900 to 2230 (0930 to 2000)</p>		
Premises licence history:	The premises has had the benefit of a premises licence since 2021. The current premises licence (21/00380/LIPN) can be viewed at Appendix 3 of this report along with the premises history.		
Applicant submissions:	<p>Following the submission of the representation from the Metropolitan Police Service, the applicant has contacted the Police advising of the following in respect of the Removal of ABV restriction on spirit mixers:-</p> <p>“An application was submitted by the applicant to remove a similar condition for their premises at Victoria Station. This was granted in the absence of any representations. The applicant is simply seeking to make the same adjustment to the licences for Marylebone and Paddington to bring these sites in line with not only Victoria but their other premises across the capital (and further afield) where we have made a succession of applications to remove the same condition. All have been granted thus far and those premises where the restriction has been removed continue to operate without issue.</p>		

	<p>The applicant offers a very limited range of alcohol (including a small range of spirit mixers) within their premises (the premises licences for Paddington and Marylebone both restrict the sales area for alcohol to no more than 15% of the total sales area in the premises and each licence is subject to, amongst other things, a condition restricting sales of super strength beers, lagers and ciders). Save for spirit mixers all other spirits will continue to be offered for sale from behind the counter”</p> <p>The applicant has also written a letter of mediation to resident objectors which can be seen at Appendix 2.</p>
Applicant amendments:	None

1-B	Current and proposed licensable activities, areas and hours
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Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	20:00	08:00	23:00	See plans at appendix 1.	No changes are being sought to the licensable area.
Tuesday	08:00	20:00	08:00	23:00		
Wednesday	08:00	20:00	08:00	23:00		
Thursday	08:00	20:00	08:00	23:00		
Friday	08:00	20:00	08:00	23:00		
Saturday	09:30	20:00	08:00	23:00		
Sunday	09:30	20:00	09:00	22:30		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			None		None	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	20:00	07:00	00:00	See plans at appendix 1.	No changes are being sought to the premises area.
Tuesday	08:00	20:00	07:00	00:00		
Wednesday	08:00	20:00	07:00	00:00		
Thursday	08:00	20:00	07:00	00:00		
Friday	08:00	20:00	07:00	00:00		
Saturday	09:30	20:00	07:00	23:00		
Sunday	09:30	20:00	07:00	23:00		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			None		None.	

1-C	Layout alteration
No changes are being sought to the layout of the premises.	

1-D	Conditions being varied, added or removed
Condition	Proposed variation
Condition 15: There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.	New Condition 15: Save for spirit mixers, there shall be no self-service of spirits on the premises.
Adult entertainment:	Current position:
	None.
	Proposed position:
	None.

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	04 May 2022
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Prevention of Crime and Protection of Children from Harm licensing objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p>	
Responsible Authority:	Environmental Health Service (Withdrawn 31 May 2022)
Representative:	Maxwell Koduah
Received:	22 April 2022
<p>I refer to the variation application 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 the following variations:</p> <p>Extend the hours for the supply of alcohol be for consumption off the premises to the following times: Monday to Saturday 08:00 – 23:00 hours and Sunday 09:00 – 22:30 hours Replace condition 15 which reads: <i>There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.</i> With <i>Save for spirit mixers, there shall be no self-service of spirits on the premises</i></p> <p>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 representation:</p> <p>The proposed extension in the hours of alcohol supply may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area The proposed changes in conditions safeguarding the supply of alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>Please contact me if you wish to discuss this further.</p> <p>Following agreement of conditions with the applicant, The Environmental Health Service withdrew their representation on 31 May 2022.</p>	

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	6 April 2022 (<i>withdrawn 27th May 2022</i>)		
<p>The ability to purchase alcohol just before midnight could lead to an array of anti-social behavior in the immediate area. The immediate area already has several regular abusers of alcohol/drugs who hang around the Marylebone Station and the ability to get alcohol at 7am and up to midnight would attract more.</p> <p>The extended timing could lead to further antisocial behavior and attract vulnerable people that are addicted to alcohol as they would know that they can easily purchase take away alcohol form Marylebone Station from 7am until midnight.</p> <p>Marylebone Station and their retail units should really serve the station users and not attract people because of its attractive off license hours. There is no proven or real demand to have yet another place to purchase alcohol, not alone from 7am until midnight. All small independent newsagents, small supermarkets, and public houses, in the immediate area serve alcohol already.</p> <p>WH Smith is essentially a newsagent, and their staff may not be trained, and may not want to, to deal with the variety of anti-social issues that may arise because of having, essentially an off license operating from 7am until midnight.</p> <p>A precedent set by the refusal of an extended license on 3 Melcombe Place</p> <p>Following mediation with the applicant the objection was withdrawn on 27 May 2022</p>			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	20 April 2022 (<i>withdrawn 17th May 2022</i>)		
<p>There is no need for an additional licence in the station. There are a variety of places around which sell alcohol - M and S in the station; a shop in nearby Melcombe Place, and a couple of places down the road in Melcombe Street as well as a variety of pubs. WHSmith should stick to its core business</p> <p>Following mediation with the applicant the objection was withdrawn on 17 May 2022</p>			

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Hours 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. 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. 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. 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>C. For the purpose of Clauses A and B above, the Core Hours for</p>

applications for each premises use type as defined within this policy are:

1. Casinos

Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 9am to Midnight.

3. Delivery Centres

Monday to Saturday: 8am to 11pm.

Sunday: 9am to 10.30pm.

4. Hotels

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

For the sale of alcohol to guests for consumption in hotel/guest rooms only:

Anytime up to 24 hours.

5. Outdoor Spaces

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

7. Qualifying Clubs

Monday to Thursday 9am to 11.30pm

Friday and Saturday 9am to Midnight

Sunday: 9am to 10.30pm

Sunday immediately prior to a bank holiday: 9am to Midnight.

8. Restaurants

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

11a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

	<p>11b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) 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.</p> <p>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>Shops Policy SHP1 applies</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"> 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 operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late-night Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 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. 2. The licensable activities for the sale of alcohol for consumption on 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.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

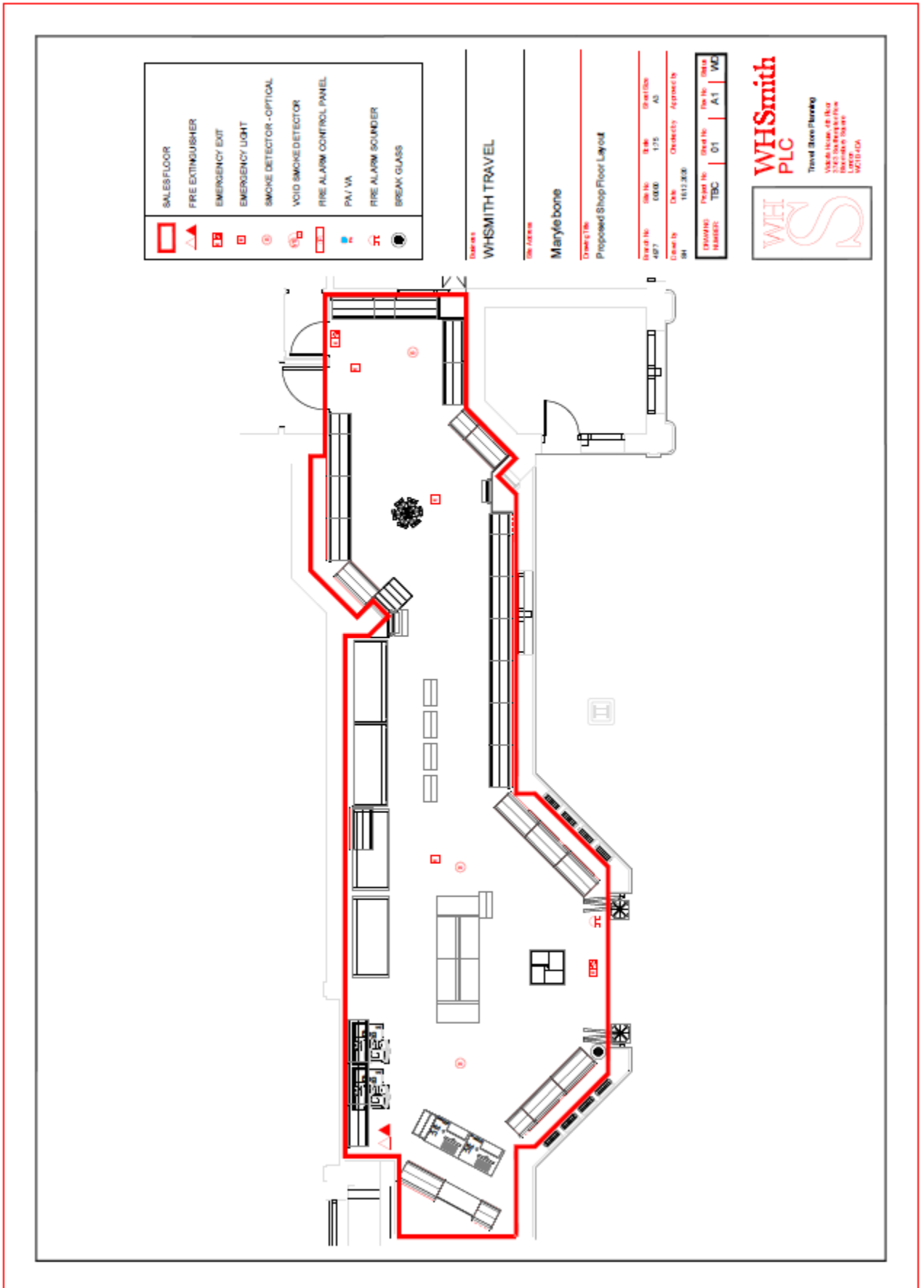
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@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	1 st October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service Representation	04 May 2022
5	Environmental Health Service Representation	22 April 2022 (withdrawn 31 May 2022)
6	Interested party 1	6 April 2022 (withdrawn 27th May 2022)
7	Interested party 2	20 April 2022 (withdrawn 17th May 2022)



[Red Outline]	SALESFLOOR
[Red Triangle]	FIRE EXTINGUISHER
[Red Square with EXIT]	EMERGENCY EXIT
[Red Square]	EMERGENCY LIGHT
[Red Circle]	SMOKE DETECTOR - OPTICAL
[Red Circle with X]	VOID SMOKE DETECTOR
[Red Square with X]	FIRE ALARM CONTROL PANEL
[Red Square with SA]	FIRE ALARM SOUNDER
[Red Circle with X]	BREAK GLASS

DRAWING NO. WHSMITH TRAVEL DRAWING NO. Maryle bone DRAWING NO. Proposed Shop Floor Layout	DATE 16/12/20 DRAWING NO. 407 DATE 16/12/20 DRAWING NO. TBC DRAWING NO. 01 DRAWING NO. A1 DRAWING NO. WD
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Mediation Letter sent to residents

Dear...

I am instructed by WH Smith (**WHS**) in relation to an application for variation of their premises licence at the above unit.

I have been sent a copy of your representation.

WCC encourage applicants to engage with those parties who have made representations to applications under the Licensing Act 2003. The purpose of this email is to set out my clients position in so far as your representation is concerned, as there may be some misunderstanding about the nature of the application.

For the sake of clarification, this is NOT an application for a new licence. These premises are already licensed for the sale of alcohol (the licence having been granted last year). What my clients are seeking to do is to make changes to the existing permission.

So that you are aware, the existing licence is subject to a number of conditions which include, amongst others, the following:

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team
- The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises
- All recordings shall be stored for a minimum period of 31 days with date and time stamping
- Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period
- 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
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
- No sales of beers, lagers or ciders of 6% ABV (alcohol by volume) or above shall be sold from the premises
- A Challenge 21 or 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
- All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale

The current application seeks to make the following changes to the licence

- (i) Variation of opening hours
 - Monday to Friday 0700 to 0000 (currently 0800 to 2000)
 - Saturday and Sunday 0700 to 2300 (currently 0930 to 2000)

(ii) Variation to the hours permitted for the sale of alcohol

- Monday to Friday 0800 to 2300 (currently 0800 to 2000)
- Saturday 0800 to 2300 (currently 0930 to 2000)
- Sunday 0900 to 2230 (currently 0930 to 2000)

The proposed hours for the sale of alcohol are restricted to those set out above and are in line with the Westminster City Council Licensing Policy Core hours.

Given that the proposed opening hours are more extensive than the hours proposed for the sale of alcohol the police have requested that the following condition be attached to the licence

Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

This condition is consistent with a condition that attaches to our clients premises in other parts of the country.

When the premises are open outwith the permitted hours for the sale of alcohol the cabinets that contain alcohol will be locked shut so as to prevent access to both customers and staff

(iii) Change to conditions

As part of their limited range of alcohol my clients offer a small range of spirit mixers for sale (Gin and Tonics for example).

In keeping with all alcohol in WHS premises these are branded products (there are no "own label" products on sale which you might have seen in off licence retailers).

The current licence is subject to the following condition

"There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV"

My client now wishes to vary this condition so that it reads as follows:

"Save for spirit mixers, there shall be no self service of spirits on the premises"

There are no other changes being sought to the terms of the licence.

Given all of the above are you able to confirm that you are in a position to withdraw your representation to the application.

If you feel you are in a position to withdraw your representation, can I ask that you email the following people quoting the above reference

- [REDACTED]
- [REDACTED]
- [REDACTED]

If you require any further information then please do not hesitate to contact me

I look forward to hearing from you.

With best wishes

Current Premises Licence



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

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 100023071663

Premises licence

Regulation 33, 34

Premises licence number:

21/00380/LIPN

Original Reference:

21/00380/LIPN

Part 1 – Premises details

Postal address of premises:

WH Smith Retail Unit
Marylebone Station
Melcombe Place
London
NW1 6JJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol
Saturday to Sunday: 09:30 to 20:00
Monday to Friday: 08:00 to 20:00

The opening hours of the premises:

Monday to Friday: 08:00 to 20:00
Saturday to Sunday: 09:30 to 20:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

WH Smith Travel Holdings Limited
Greenbridge Road
Swindon
Wiltshire
SN3 3RX
Electronic Mail : Ellie-Nicole.Davis@TLTSolicitors.com

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

05681969

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

Name: Mr Abu Thair Md Qadir

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: 21/01503/LIPERS
Licensing Authority: City of Westminster

Date: 10 March 2021

This licence has been authorised by Mary Pring 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 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.

Annex 2 – Conditions consistent with the operating Schedule

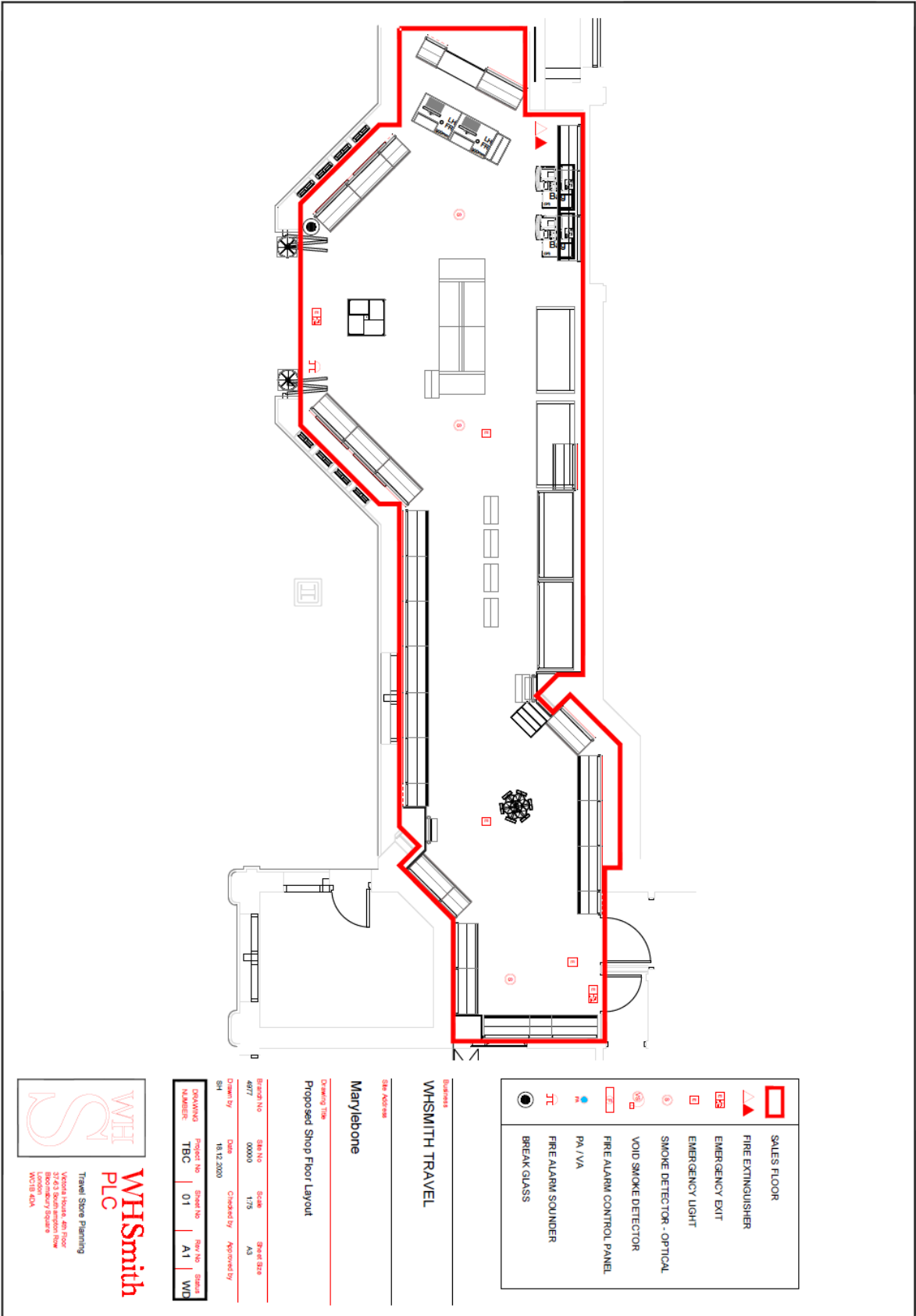
6. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
7. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
9. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
10. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
11. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
12. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale of display of alcohol
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
15. There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.
16. No sales of beers, lagers or ciders of 6% ABV (alcohol by volume) or above shall be sold from the premises
17. A Challenge 21 or 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
18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale
19. A record shall be kept detailing all refused sales of alcohol. The record should include:
 - a. the date and time of the refused sale and the name of the member of staff who refused the sale.
20. 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
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
22. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
23. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
24. This training shall be refreshed on an annual basis with copies of training records being made available to the relevant officer of the responsible authority, and/or the police, on request
25. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.

26. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
27. Prominent notices shall be displayed on the premises advising customers of the permitted hours for the sale of alcohol.
28. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

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

None

Annex 4 – Plans





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

Schedule 12
Part B

WARD: Bryanston And
Dorset Square
UPRN: 100023071663

Premises licence
summary

Regulation 33, 34

Premises licence number:

21/00380/LIPN

Part 1 – Premises details

Postal address of premises:

WH Smith Retail Unit
Marylebone Station
Melcombe Place
London
NW1 6JJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Friday:	08:00 to 20:00
Saturday to Sunday:	09:30 to 20:00

The opening hours of the premises:

Monday to Friday:	08:00 to 20:00
Saturday to Sunday:	09:30 to 20:00

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

Alcohol is supplied for consumption off the Premises.

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

WH Smith Travel Holdings Limited
Greenbridge Road
Swindon
Wiltshire
SN3 3RX

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

05681969

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

Name: Mr Abu Thair Md Qadir

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

Restricted

Date: 10 March 2021

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
21/00380/LIPN	New premises licence application	16.02.2021	Granted Under Delegated Authority

There is no appeal history

Appendix 4

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 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.

Annex 2 – Conditions consistent with the operating Schedule

6. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
7. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
9. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
10. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
11. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
12. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. 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
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Condition 15 is proposed to be removed by the applicant.

- 15. There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.**

To be replaced with:

- 15. Save for spirit mixers, there shall be no self-service of spirits on the premises.**

16. No sales of beers, lagers or ciders of 6% ABV (alcohol by volume) or above shall be sold from the premises
17. A Challenge 21 or 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
18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale

19. A record shall be kept detailing all refused sales of alcohol. The record should include:
 - a. the date and time of the refused sale and the name of the member of staff who refused the sale.
20. 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
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
22. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
23. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
24. This training shall be refreshed on an annual basis with copies of training records being made available to the relevant officer of the responsible authority, and/or the police, on request
25. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.
26. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
27. Prominent notices shall be displayed on the premises advising customers of the permitted hours for the sale of alcohol.
28. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

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

None.

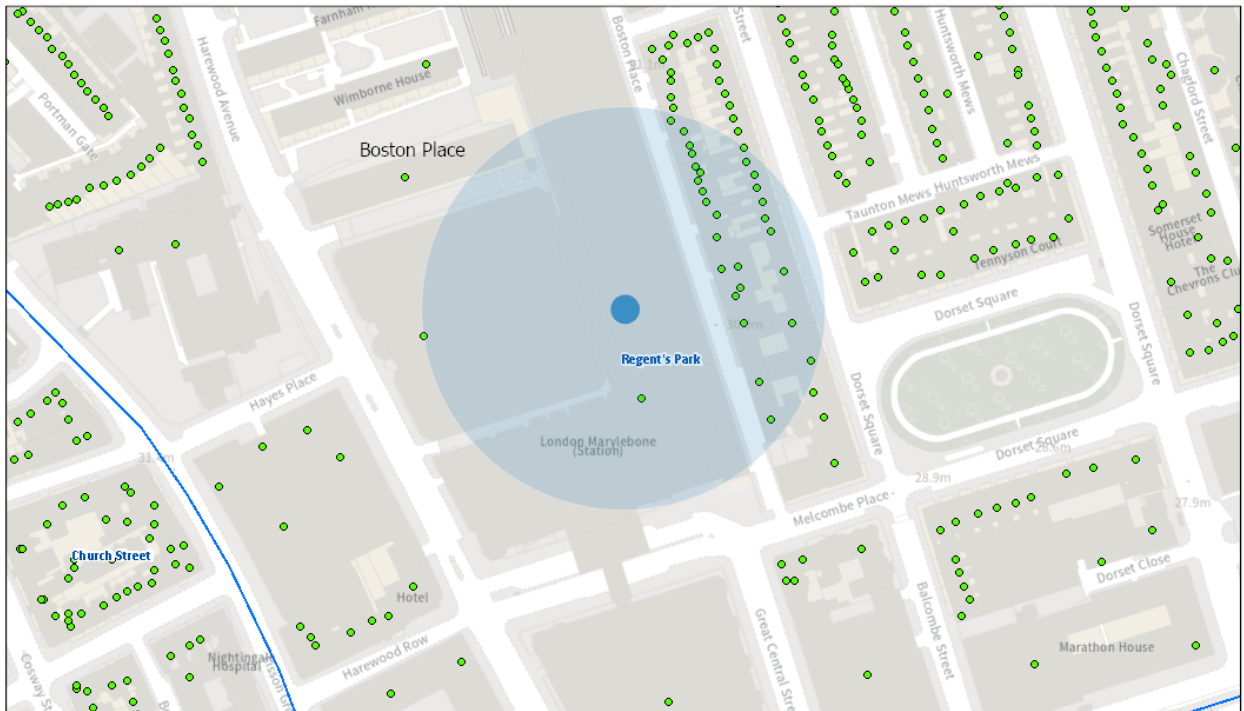
Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.

29. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

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

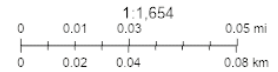
None.

Marylebone Station Melcombe Place London NW1 6JJ



05/07/2022, 18:51:44

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



Resident Count: 98

Licensed premises within 75 Metres of Marylebone Station, Melcombe Place, London NW1 6JJ				
Licence Number	Trading Name	Address	Premises Type	Time Period
14/04678/LIPV	AMT Coffee	Mobile Unit Marylebone Station Melcombe Place London NW1 6JJ	Restaurant	Saturday; 06:00 - 00:00 Sunday; 07:00 - 23:30 Monday to Friday; 05:15 - 00:30
19/11403/LIPDPS	Hotel Chocolat	Unit 1 Marylebone Station Melcombe Place London NW1 6JJ	Shop	Monday to Sunday; 08:00 - 23:00

21/14714/LIPDPS	Sports Bar and Grill	Unit 14 Marylebone Station Melcombe Place London NW1 6JJ	Public house or pub restaurant	Sunday; 07:00 - 00:00 Monday to Saturday; 07:00 - 00:30
20/04023/LIPCH	Marks & Spencer - Simply Food	Unit 10 Marylebone Station Melcombe Place London NW1 6JJ	Restaurant	Monday; 07:00 - 00:00 Tuesday; 07:00 - 00:00 Wednesday; 07:00 - 00:00 Thursday; 07:00 - 00:00 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00
21/00380/LIPN	WH Smith Retail Unit	Marylebone Station Melcombe Place London NW1 6JJ	Sales kiosk	Monday to Friday; 08:00 - 20:00 Saturday to Sunday; 09:30 - 20:00
06/12055/WCCMAP	International Cheese Centre	Unit 5 Marylebone Station Melcombe Place London NW1 6JJ	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/10481/LIPDPS	Victoria & Albert Bar	Unit 11 Marylebone Station Melcombe Place London NW1 6JJ	Public house or pub restaurant	Monday to Sunday; 10:00 - 00:00
17/12858/LIPCH	Sports Bar & Grill	Unit 14 Marylebone Station Melcombe Place London NW1 6JJ	Not Recorded	