



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

13 October 2022

Licensing Ref No:

22/04800/LIPN - New Premises Licence

Title of Report:

Getir UK
Lower Ground Floor
Harley Street Underground Car Park
Queen Anne Mews
London
W1G 9HF

Report of:

Director of Public Protection and Licensing

Wards involved:

Marylebone

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Miss Jessica Donovan
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	5 May 2022		
Applicant:	Getir Uk Limited		
Premises:	Getir UK		
Premises address:	Lower Ground Floor Harley Street Underground Car Park Queen Anne Mews London W1G 9HF	Ward:	Marylebone
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises intends to provide a delivery service of groceries & conveniences items including alcohol.		
Premises licence history:	This is a new premises licence therefore there is no premises licence history.		
Applicant submissions:	There are no supporting documents from the applicant.		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:00	06:00	06:00	06:00	06:00	06:00	06:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public * No public access to the premises*							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	12 May 2022
<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 Monday to Sunday 06:00 – 00:00 hours</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 representations:</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 form part of 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>Proposed Environmental Health Conditions to form part of the operating schedule</p> <ol style="list-style-type: none">1. 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 nuisance2. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she is aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.3. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises4. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises5. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises6. Deliveries shall only be made to a bonafide residential or business addresses7. Delivery drivers/riders 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 of the licenced premises

8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
9. 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
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

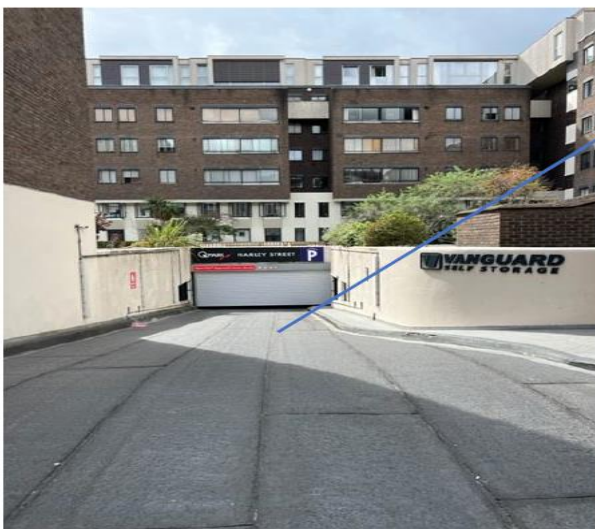
The conditions proposed by the Environmental Health Service above have been agreed by the applicant and can be found at Appendix 4.

Photographs provided by the Environmental Health Service

Harley Street Underground Car Park - PICTURES



Pedestrian access to car park along Queen Anne Mews. This access is code controlled



Car park showing vehicular entrance & exit along Queen Anne Mews

Taken on 23/08/2022

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	02 June 2022		
<p>This application will adversely affect the immediate area as follows:</p> <p>1.loss of privacy, with drivers constantly using the approach road , [REDACTED] , and parking in the streets, with associated loud phone calls and music for the long hours that the business operates. Reduction of visual enjoyment- the already-allowed storage facility regularly use the road for loading and unloading, pulling their noisy trollies from the road , down into the car park storage facility.</p> <p>Highway safety- we have all seen the reckless moped/food delivery folk. Learners are often used, and they are likely to pose a significant danger to all around, even more at night. At the top of the [REDACTED] , some drivers illegally turning right into Chandos Street and then into Portland Place- an accident waiting to happen -Traffic generation. Noise and disturbance resulting from use of countless delivery vehicles, late at night as well as during the day. This is a residential area , and the presence of a large garage is intrusive enough.</p> <p>Further submissions received from the interested party on 16 September 2022.</p> <p>We show photos which illustrate the (possibly unforeseen) result of initial planning permission given for storage within the garage involved with this Application Ref. 22/04800/LIPN , and show how that permission has (unintentionally by the Planning Committee) already created visually disruptive and regular noisy features which are already detrimental to the appearance of the street scene and the character of the area. The existing disruptive delivery persons often shout out for a notable amount of time, whilst transferring their goods.</p> <p>We submit that this application, Ref. 22/04800/LIPN, if granted, would most certainly greatly increase this disruption, and further reduce the overall quality of the area . The Applicant's noisy delivery services, possibly often comprising of learner moped riders with compromised understanding of basic safety driving would create not only a hazard for Residents, workers, other drivers and pedestrians during the day, extending well into the evening hours, but ALSO a noisy environment. This would extend from the daytime hours when surrounding Residents and workers alike, are either trying to enjoy their day, or work in an already disturbed environment, until the late hours, when the need for food delivery escalates, and would further disastrously compromise the enjoyment by Residents of a quiet environment expected of a [REDACTED] area in London W1!. As the Applicants , Ref. 22/04800/LIPN, would not be growing their own supplies, further significant disruption would be caused by the multiple supply delivery vehicles. We have noted MANY other such deliveries made overnight over recent times. This would be intolerable.</p> <p>These issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory solution due to the extra area-degrading harm which would be caused by this additional industry. The potential damage has already been clearly identified within this Residential area. With these indisputable facts pointed out, we ask that the Planning Committee protect this Residential area by not allowing such a detrimental change to an already imposed-</p>			

upon area.

Further submissions received from the interested party on 18 September 2022.

Existing permitted storage within the garage involved with this Application has already created visually disruptive and regular noisy features which are already detrimental to the appearance of the street scene and the character of the area. The existing disruptive delivery persons often shout out whilst transferring their goods.

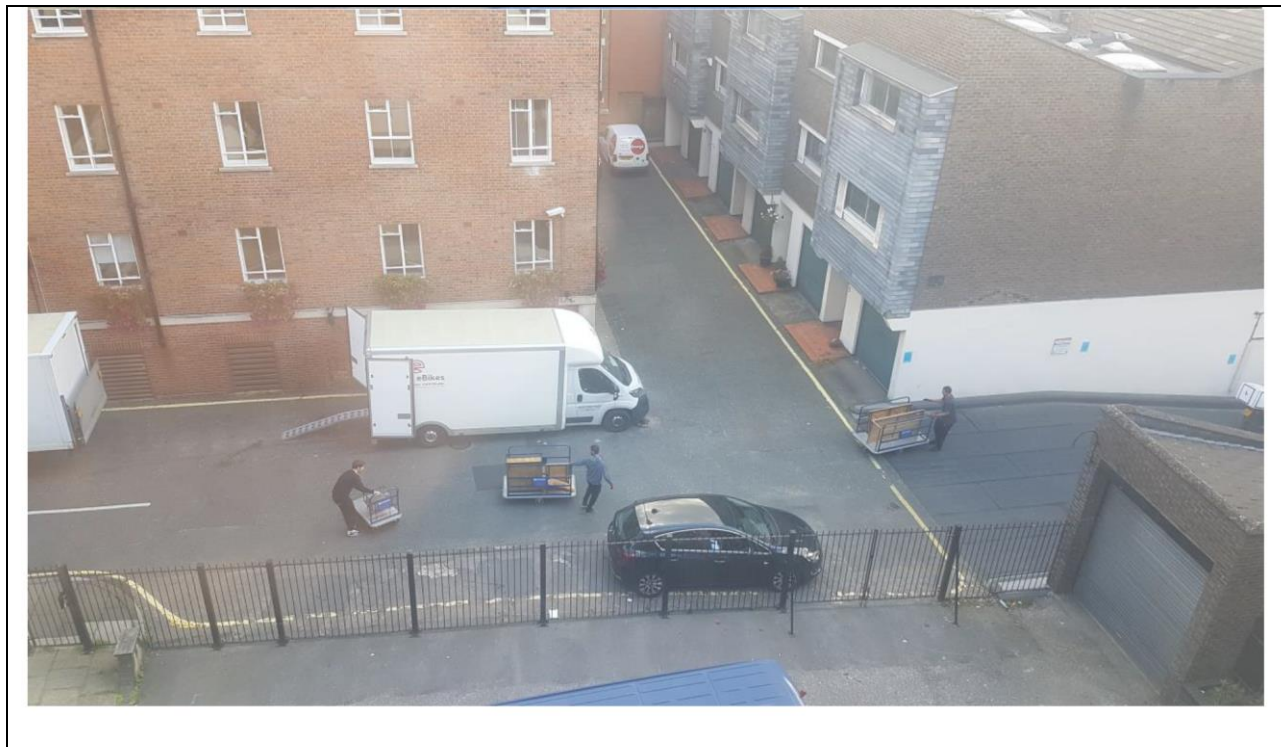
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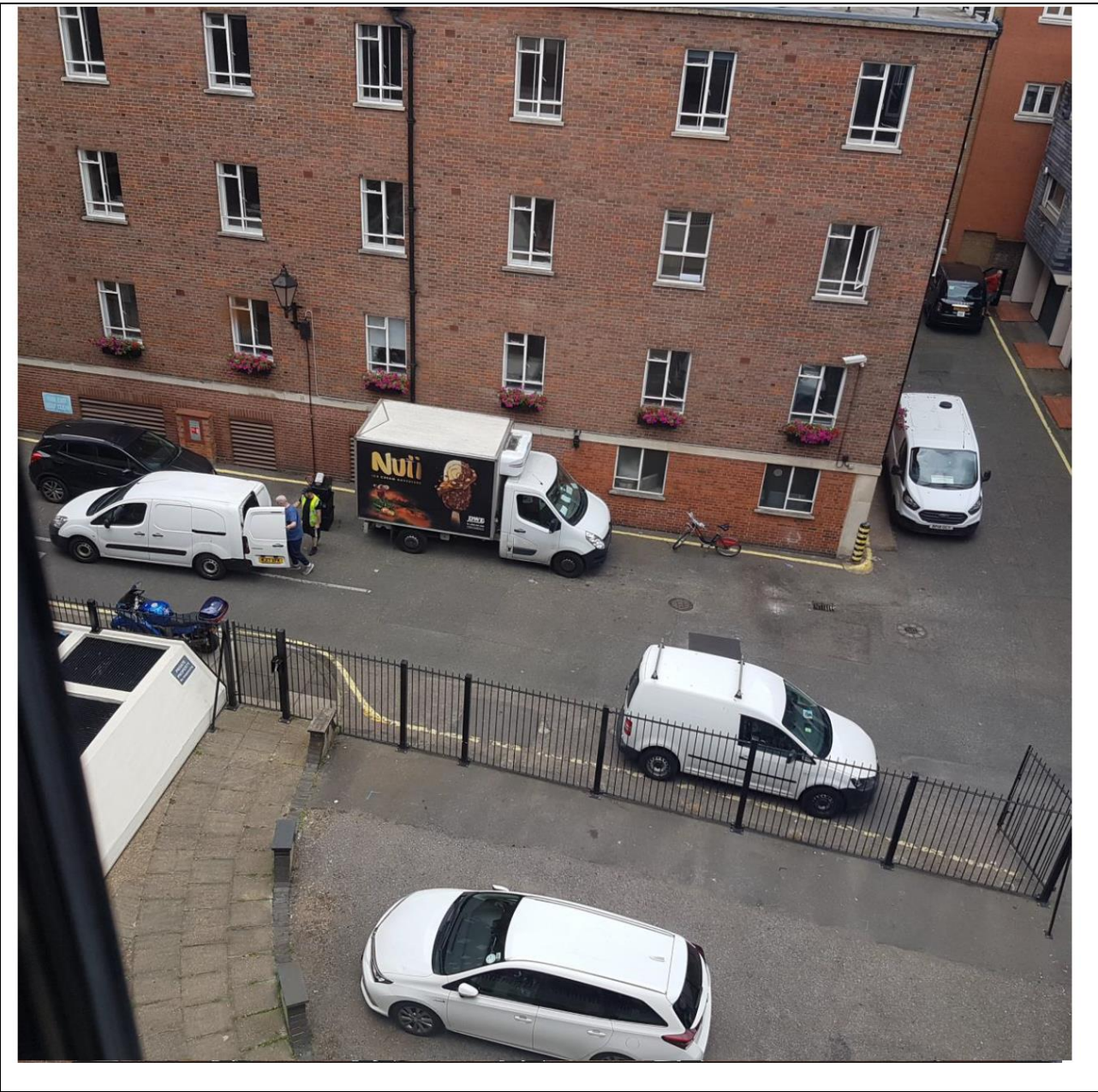
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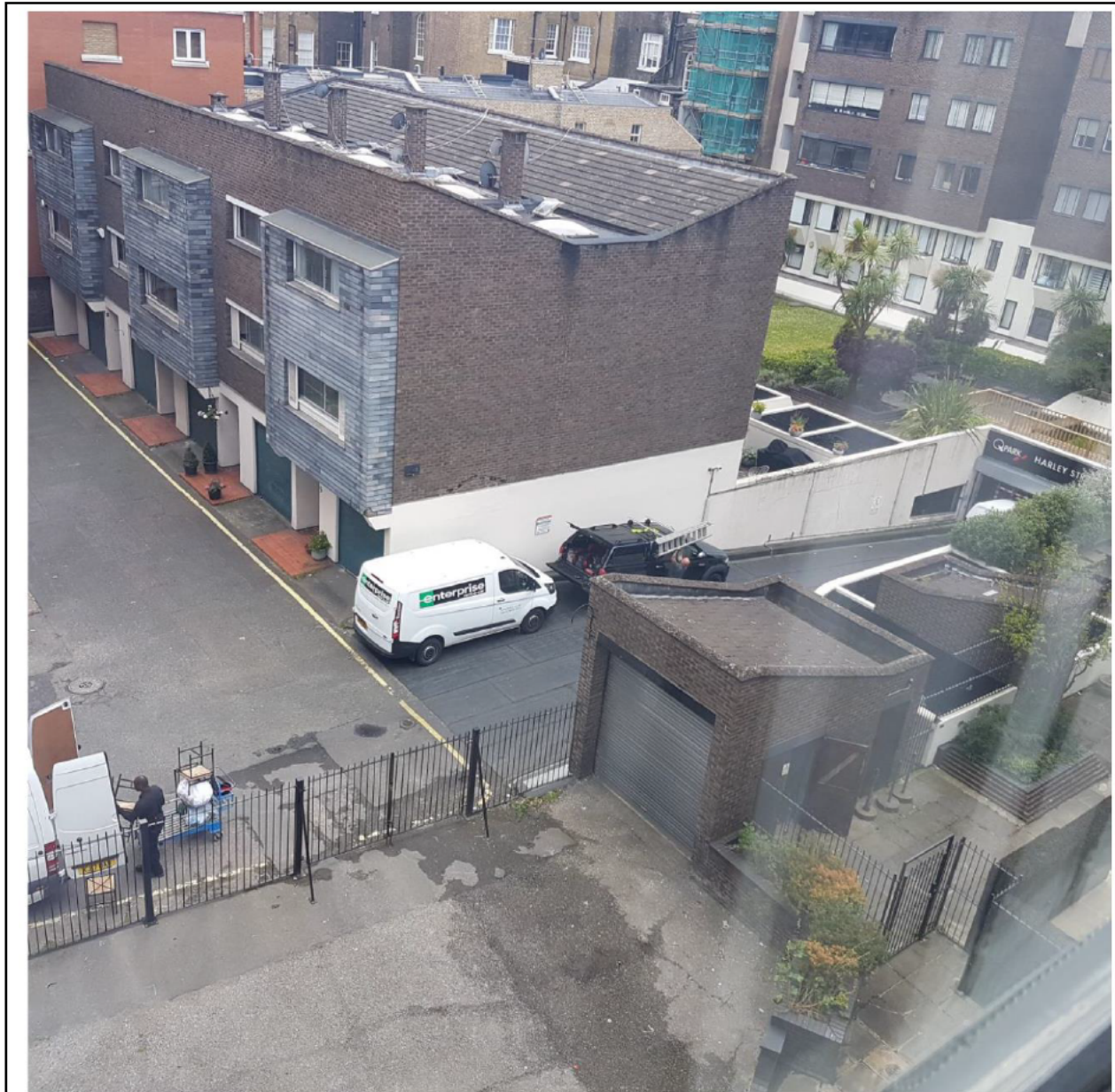












Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	19 May 2022		

[REDACTED] the entrance/exit to the underground car park. We can hear all the traffic and especially motor bikes that enter and leave the car park. The construction of the whole complex of buildings around [REDACTED] is such that any noise at all resounds around the gardens and is amplified by the box like nature of the buildings with very little green vegetation to deaden the effect. We understand and expect to be disturbed during the daytime by the noise for business reasons but fortunately there is very little if no traffic at night. 24 hour access to the car park by motor bikes, or indeed any vehicles, during the night time hours would be extremely disturbing to our sleep and an infringement to our right to quiet enjoyment. We therefore completely object to this application and would expect the licence, if granted at all,

to be limited to business hours only, i.e. 9.00am - 5.00pm.

Further submissions received from the interested party on 13 July 2022.

the entrance/exit to the underground car park. We can hear all the traffic and especially motor bikes that enter and leave the car park. The construction of the whole complex of buildings around is such that any noise at all resounds around the gardens and is amplified by the box like nature of the buildings with very little green vegetation to deaden the effect. We understand and expect to be disturbed during the daytime by the noise for business reasons but fortunately there is very little if no traffic at night.

24 hour access to the car park by motor bikes, or indeed any vehicles, during the night time hours would be extremely disturbing to our sleep and an infringement to our right to quiet enjoyment.

We therefore completely object to this application and would expect the licence, if granted at all, to be limited to business hours only, i.e. 9.00am - 5.00pm.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	17 May 2022		

[REDACTED]
[REDACTED]
[REDACTED] The entrance to the underground car park is at the centre of the square.

I wish to object on the grounds of PUBLIC NUISANCE.

There would be significant noise and disruption to residents:

The entrance to the car park is restricted to small vehicles. Consequently, incoming goods would require multiple movements, or the unloading of larger vehicles in [REDACTED], as happens not infrequently with movements in and out of the existing storage facilities.

Outgoing deliveries would presumably be by two-wheeled vehicles, mainly motor bikes. To be viable, the facility would require a near continuous stream of outgoing deliveries. Noise, which for motorbikes particularly, reverberates off the sides of the car park entrance and would be intolerable.

The proposed hours are far in excess of what is reasonable in a residential area. There appear to be no time constraints on incoming deliveries.

Proposed conditions 2 and 9 are weak and unlikely to have any effect.

I urge the Committee to reject the application.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	25 July 2022		

[REDACTED] I am writing to object to the above application, namely: the sale of alcohol 6am to 00.00 as this will not promote the Licensing objectives, prevention of crime and disorder, prevention of children from harm and prevention of public nuisance.

The car park is situated in a residential area and the constant deliveries of groceries, convenience food and alcohol will cause a public nuisance. The hours granted should be Core Hours to promote the objectives.

Any sales of alcohol should be to a registered address and not a "place "such as a park/ street etc.

Deliveries of alcohol at 6am would not promote the licensing objectives and could lead to crime and disorder.

Whilst a proof of age should be provided it does not necessarily prevent children from harm, particularly if it is a parent carer etc buying the alcohol.

Thank you for your consideration.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	19 September 2022		

HEALTH AND SAFETY - SERIOUS FIRE RISK

The applicant is installing electric charging points for its electric vehicles (but does not mention this on their premises license application). Recent studies show this to a serious health and safety risks in underground car parks as fire brigades cannot shut lithium battery fires down easily. Regions are starting to place band on electric vehicles in underground car parks.

To store alcohol on site near the electric vehicle charging will exacerbate the already serious fire risk.

License should not be granted without fire brigade check and permission. Planning consent has already been deferred because of fire risk.

PUBLIC NUISANCE RISK.

Whilst the business model stated is 'delivery service of groceries' it is nothing like the traditional Tesco, Ocado type deliveries which typically have a gaps of DAYS between order and delivery.

The business model the applicant employs means alcohol can be delivered to customers in MINUTES so in respect of license to sell alcohol they should be treated more like a retail premises (buy alcohol for immediate consumption) rather than a grocery delivery (at least a days wait for alcohol).

Because GETIR can supply alcohol for quick immediate consumption, means it needs to access whether the customer is capable of drinking more alcohol (just as a shop would need to check the customers age and whether they are already intoxicated). The applicant will NOT be able to do this as the customer does not come to site face to face, so applicant will be UNABLE to full fill his/her license holder obligations.

OTHER RESTRICTIONS

If a license were to be granted (but can't possibly see how it could be due to the inherent fir risk) , the hours need to be very restricted for public nuisance risk.
Unclear why premises license should start at 0600 when their planning consent to operate does not start until 0800.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	10 May 2022		

A business like this should not be operating out of a residential area.

This proposal is likely to create significant traffic noise into and out of the car park with mopeds and other vehicles coming and going with enormous frequency from 6 am to midnight.

The current car park sees vehicles come in and out at a very low rate as many use this car park for all-day parking. This proposal will increase noise and reduce air quality. In addition, delivery drivers are likely to loiter in the mews throughout the day.

This will reduce enjoyment of the communal gardens [REDACTED].

We strongly object to this proposal as residents and business owners in the immediate area.

Further submissions received from the interested party on 6th September 2022.

This is the third time I have had to submit this - it is unclear why this application keeps being resubmitted.

The car park entrance shutter is loud and noisy on opening and shutting and having a delivery company situated within it will result in constant noise, loitering by the drivers in the mews, which is located directly next to [REDACTED] communal garden.

This is a residential area that deserves some degree of peace and quiet to be reserved. We already cope with noise from weekly protests, the Cavendish square monstrosity all summer and existing companies coming and going through the car park.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	13 May 2022		
<p>[REDACTED] Getir's business model of 24/7 delivery, and the supply of alcohol until midnight must significantly increase the flow of vehicles late at night in what is a very quiet residential area. There are more than 10 houses and 30 flats that directly overlook the entrance and exit to this car park all of whom will be disturbed at all times if Getir is successful in this. It is not possible that noise can be restricted as the simple volumes of movement will increase. That is what Getir need to achieve to make this financially successful for there business. This is completely incompatible with a quiet residential area.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	20 May 2022		
<p>We object to this application as currently drafted as it asking for hours outside Westminster Core Hours Policy where Delivery Centres should operate from 8am to 11pm Monday to Saturdays and 9am until 10:30pm Sundays. The location of this car park means that if the company's drivers stick to the rules of the road they will all turn left into a very residential area with the possibility of creating noise nuisance so the Policy HRS1 is particularly pertinent.</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		3 [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	13 July 2022		
<p>I strongly object to the granting of an alcohol license on these premises. They are in the middle of what is at night, a quiet residential area, and there will be a large amount of noise generated if an alcohol license is granted. It is almost certain that the majority of activity will take place at night when we are sleeping and in the summer months with hot weather, as at present, we have to keep windows open [REDACTED] where I sleep. I think it is inappropriate for this type of activity to be carried on in this area and I sincerely hope that the application will be rejected.</p>			

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	04 September 2022		
I am concerned about the safety of my neighbourhood in the evening and weekend when there are increase in number of delivery drivers waiting for a delivery in the mews. I have experienced delivery drivers waiting around Baker Street area, they are often in groups and are loud, litter and I often smell cannabis when walking pass them.			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	13 July 2022		
<p>[REDACTED] By the nature of Getir's business it operates 24/7 and by the nature of its riders,these are almost exclusively young men who will make a noise when entering and leaving the car park shouting to each other. This also is on the basis that this relates to cycles. On the assumption that they want the car park for motor cycles there will be the added noise of the engines revving.</p> <p>At night this is a quiet residential area,totally unsuited to the proposed activity and I strongly object to this application.</p> <p>Further submissions received from the interested party on 01 August 2022.</p> <p>We wish to object to this application.</p> <p>[REDACTED] which the application relates.</p> <p>Our grounds are as follows-</p> <ol style="list-style-type: none"> 1. We feel it is totally inappropriate for a business activity of this nature to be conducted in a quiet residential conservation area. 2. The proposal that this should be allowed between 0.600 and 0.00 would mean in practice an almost 24 hour operation. Deliveries into the location will be made whenever the delivery company find it convenient and the deliveries by Getir will be throughout the night and will be both noisy and cause additional congestion in an already busy location. The Getir riders will be standing around waiting for a cargo,talking and smoking [REDACTED]. 3. We understand that it is proposed to install a large number of electric charging points in a single area in the car park. We feel this is a disaster waiting to happen and should not be allowed under a residential building. The vehicles will simply be left on charge till the rider gets his load. We consider that there is a substantial fire risk. <p>For all the above reasons we feel this application should be rejected.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	25 May 2022		
<p>I object on the grounds of security, noise and access to your granting a license to Getir UK Ltd to store and deliver alcohol from Harley Street Underground Car Park. [REDACTED]</p> <p>[REDACTED] Delivery vehicles and couriers storing goods in the car park are already constantly disturbing us. Further activity, until midnight, would be extremely disruptive, noisy and insecure, particularly as it involves alcohol. Paragraph (a) General, point 2. states that drivers will await deliveries by waiting in an internal section of the premises until such time a delivery is ordered. That seems to indicate an indefinite number of vehicles and couriers on the premises. From my experience and observation, it is likely that couriers and dispatchers would loiter outside the premises. If there are to be deliveries to difference destinations from the licensed premises, I believe there would be no alternative but for those vehicles to queue on the slip road leading to the car park. My concern is further compounded by Getir also contracting its deliveries to 3rd parties. Para 15 states they will be dispatched through reputable couriers only. The present disruption and noise is caused by these so-called reputable couriers, most of whom are subcontracted by the dispatch companies for whom they delivery goods. I have little faith in the control and security exercised by those companies. The application states that the public would not be allowed on the premises. The car park itself is open to the public. It is unclear from the application how the public would be excluded from the Lower Ground Floor where the alcohol is stored. I am extremely concerned about security involved in storing alcohol within the car park, [REDACTED]</p> <p>[REDACTED] Whilst Para 13 states that there is a challenge scheme for employed drivers, and section (d) details the prevention of public nuisance, I can envisage occasions of arguments</p> <p>Further submissions received from the interested party on 27 July 2022 and 13 September 2022.</p> <p>I object on the grounds of security, noise and access.</p> <p>[REDACTED] Delivery vehicles and couriers storing goods there at present are constantly disturbing us. Further activity, until midnight, would be extremely disruptive, noisy and insecure, particularly as it involves alcohol.</p> <p>Paragraph (a) General, point 2. states that drivers will await deliveries by waiting in an internal section of the premises until such time a delivery is ordered. That seems to indicate an indefinite number of vehicles and couriers on the premises. The volume of traffic will lead those vehicles to queue on the slip road leading to the car park.</p> <p>Getir is contracting its deliveries to 3rd parties. Para 15 states they will be dispatched through reputable couriers only. Sub-contracted couriers cause the present disruption and noise. I have little faith that Getir will exercise sufficient control and security over 3rd parties.</p> <p>The application states that the public would not be allowed on the premises. The car park itself is open to the public. It is unclear from the application how the public would be excluded from the Lower Ground Floor where the alcohol is to be stored.</p> <p>I am very concerned about storing alcohol within the car park, [REDACTED]</p> <p>[REDACTED] Whilst Para 13 states that there will be a challenge scheme for employed</p>			

drivers, and section (d) details the prevention of public nuisance, I can envisage arguments and altercations arising inside or outside the premises.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	17 September 2022		

[REDACTED]
[REDACTED]

We are aware of the licensing application made by Getir relating to use of part of the car park for the storage and distribution of alcohol.

We are writing to express our total opposition to this application.

During the day, there is plenty of activity in the area, much of it generated by the many medical and associated businesses in the area. However at night the area returns to a quiet residential area within this conservation area.

It is precisely these evenings and night times when the activities associated with the storage of alcohol in the car park, will be at their height.

There will clearly be noise and activity up to at least midnight, assuming no extension of the operating hours, and lorry deliveries of new stock throughout the day and night in Chandos Street where the delivery vehicles enter the car park. The street is also a one way street but experience with Deliveroo and others making deliveries, shows that this is ignored and drivers are frequently confronted by riders coming quickly round the corner from Queen Anne Street against the flow of traffic.

For all of the above reasons we wish to register our objections.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies

- 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.
- 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:
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

	<p>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 applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 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 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <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>Policy DC1 applies</p>	<p>A. Applications for a delivery centre 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 applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone, 4. The premises are not located in a predominantly residential area, and 5. The application and operation of the venue meeting the definition of a delivery centre in Clause D. <p>B. Applications for a delivery centre within the West End Cumulative</p>

Impact Zone will be considered on their own merits and subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1,
2. The hours for licensable activities are within the council's Core Hours Policy HRS1,
3. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, 4. The premises are not located within a predominantly residential area, and
5. The application and operation of the venue meeting the definition of a delivery centre in Clause D.

C. Applications that do not meet Clause A or B will be considered on their own merits, subject to other relevant policies within this statement and the following considerations:

1. The likelihood of the effect of the grant of the licence for a delivery centre on the licensing objectives and whether the applicant has demonstrated that they will meet the criteria and considerations within policies CD1, PS1, PN1 and CH1.
2. The proposed hours for the operation of the delivery centre, whether they are beyond the Core Hours as set out in Policy HRS1 and if so, what are the reasons for the additional hours and what has the applicant proposed as measures that will mitigate or eliminate any potential impact on the licensing objectives and residents in the vicinity of the premises.
3. If the application is located within:
 - a. the West End Cumulative Impact Zone, have they demonstrated that they will not add to cumulative impact, or,
 - b. a designated Special Consideration Zone, have they demonstrated that they have taken account of the issues identified in that area and put forward proposed mitigation measures in relation to those issues in accordance with Policy SCZ1,
4. Whether the premises are located within a predominantly residential area and if so:
 - a. whether the applicant has engaged with local residents and/or local resident/amenity societies on the proposed application and the operation of the premises prior to submitting the application to the council, and
 - b. whether the applicant has put forward sufficient control measures within the operating schedule to mitigate or eliminate the potential impact on residents in the area and the licensing objectives that have been identified as part of the pre-application engagement with residents or following receipt of relevant representations following the statutory consultation period.
5. Whether the delivery personnel working from the delivery centre are directly employed by the applicant or whether the delivery service element of the operation will be provided by a third party,
6. How will the applicant ensure that the operation of the premises and the delivery service, operated directly by them with their own staff does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act.
7. If a third party will provide the delivery service element of the operation on behalf of the applicant what are the contractual arrangements with that third party to ensure that the operation of the

	<p>delivery service from the delivery centre does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act,</p> <p>8. The operation and management of the proposed delivery centre from the premises,</p> <p>9. The types of vehicles that will be used for the delivery of alcohol and/or late-night refreshment and whether they will likely create public nuisance,</p> <p>10. When will deliveries to the delivery centre or waste collection take place.</p> <p>11. The history of the applicant's operation of licensed premises and the premise's operation in relation to any impact on the licensing objectives, breaches of any terms and conditions of a licence, any reviews of a licence or offences committed under the Act,</p> <p>12. In addition to Sub-clause 6 and 7 above what measures the applicant or the third party providing the delivery service has put forward to mitigate the specific risk of public nuisance by the operation of the delivery service at the premises or at the end point of delivery,</p> <p>13. In addition to sub-clause 6 and 7 above what specific measures and processes the applicant or the third party providing the delivery service has put forward to mitigate the risk from the delivery of alcohol to children to ensure that they are protected from harm.</p> <p>D. For the purposes of this policy a delivery centre is a premises that's primary function is to temporarily store alcohol and/or to prepare hot food and hot drink, so that it is available when ordered for transportation to a customer's residential or workplace location.</p> <p>E. For the purposes of Clause A.4 B.4 and C reference to 'a predominately residential area' means an area of the city in which housing is the predominant use.</p>
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4. Equality Implications

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

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

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

5. Appendices

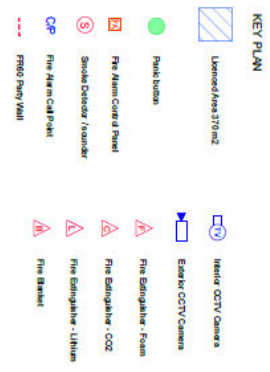
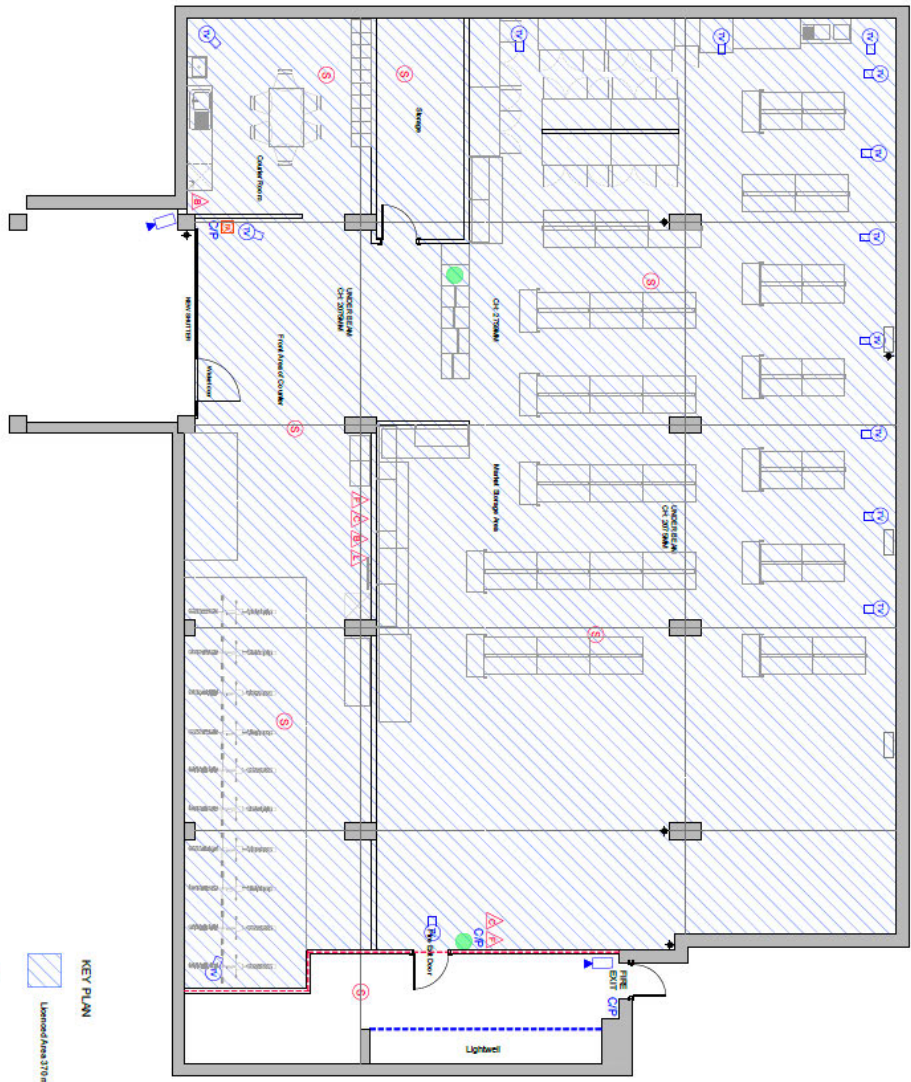
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

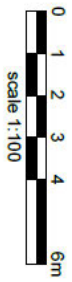
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service representation	12 May 2022
5	Interested party representation 1	02 June 2022
6	Interested party representation 2	19 May 2022
7	Interested party representation 3	17 May 2022
8	Interested party representation 4	25 July 2022
9	Interested party representation 5	19 September 2022
10	Interested party representation 6	10 May 2022
11	Interested party representation 7	13 May 2022
12	Interested party representation 8	20 May 2022
13	Interested party representation 9	13 July 2022
14	Interested party representation 10	04 September 2022
15	Interested party representation 11	13 July 2022
16	Interested party representation 12	25 May 2022
17	Interested party representation 13	17 September 2022



- NOTE**
1. Do not scale from the drawing.
 2. All dimensions to be checked on site by the contractor and such dimensions shall be his responsibility.
 3. Report all drawing errors, omissions and discrepancies to the architect.
 4. This document may be used in an unauthorised CAD format to enable others to use it as background information. The architect shall not be liable for any reference files that will be accompanied by a PDF version. It is for those making such alterations and additions to ensure that they make use of correct background information. The architect shall not be liable for alterations or additions to the background information or arising out of changes to the background information which occur prior to alterations of additions being made.
 5. This drawing is copyright.



R9 28/02/22 Layout updated
 R2 10/02/22 Layout updated
 P1 18/01/22 Final Issue
 Revisions

Project
 Q-Park Car Park, Queen Anne Mews,
 London W1G 9HF

Drawing Title
 Licencing

STATUS

PRELIMINARY

Project Name: View: 041: Issue number: Issues: 0/1
 21134 | A 1106 | P 3
 Scale@A3: D368 Drawn: Checked:
 1/100 30/11/21 KT EO

tone

L 01233 642896
 w. tone.arch
 e. hello@tone.arch

Applicant Supporting Documents

Appendix 2

There are no supporting documents from the applicant.

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The 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. No members of the public will be allowed on the premises.

7. Drivers will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the drivers when leaving or entering the Premises.

8. A camera CCTV system is in place on the premises.

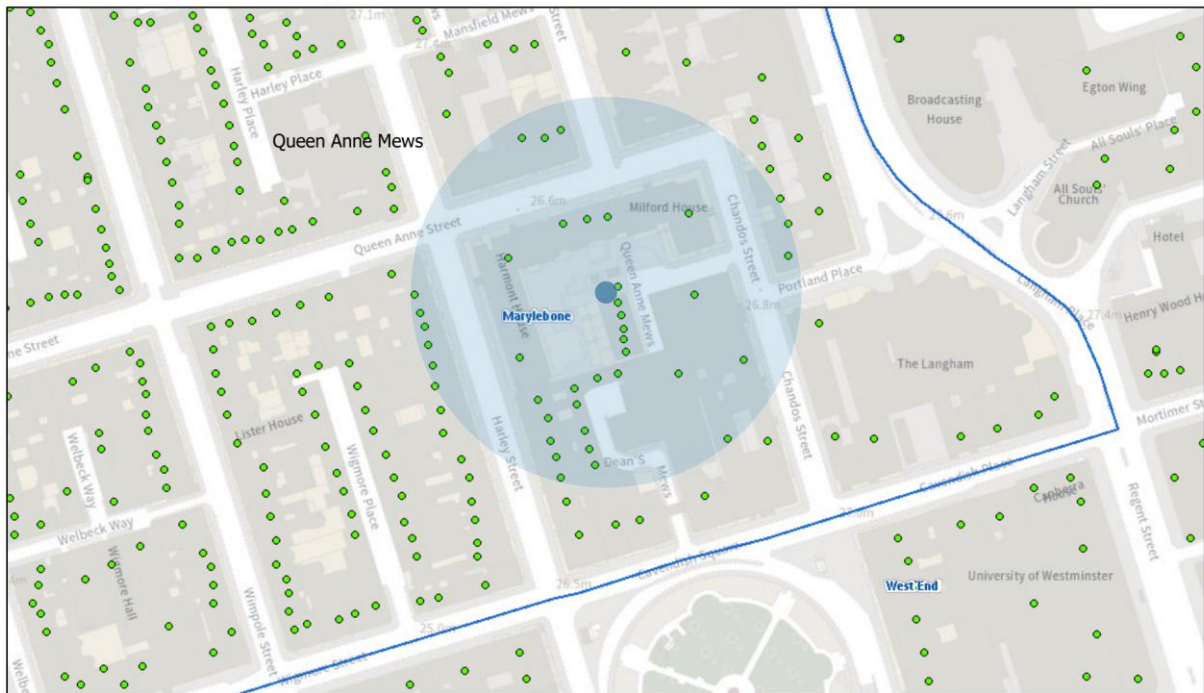
9. The CCTV system shall continuously record whilst the premises is open for licensable activities. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded immediately when requested by the police or other authorised officer.

10. There will always be at least one person present whilst the premises is open who is able to operate and download images from the CCTV.
11. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:
 - a) Any complaints received
 - b) Any faults in the CCTV system
 - c) Any visit by a relevant authority or emergency service
 - d) Any refusal of the sale of alcohol
12. The premises will be maintained in a safe manner at all times.
13. All exits will be kept unobstructed, easy to open and clearly signed.
14. Notices will be displayed asking staff to leave the premises quietly and to have respect for local residents.
15. Delivery of alcohol will be refused whereby the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
16. No alcohol will be supplied to the public at the premises.
17. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
18. When a delivery is to be carried out by an employed driver:
 - a. A Challenge 25 scheme shall be operated, whereby if supply of alcohol is to any person who appears to be under the age of 25 years of age, they will be required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - i. Proof of age card bearing the PASS Hologram;
 - ii. Photocard driving licence;
 - iii. Passport; or
 - iv. Ministry of Defence Identity Card
 - b. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every twelve months.
 - c. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
 - d. A refusals record shall be maintained at the premises which details all refusals to supply alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the supply.
19. Notwithstanding Conditions above; where third party couriers are employed for deliveries these third parties shall maintain their own Challenge 25 Policies & age verification training.
20. When using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only.

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

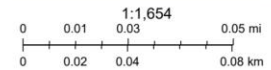
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she is aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
23. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises.
24. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises.
25. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises.
26. Deliveries shall only be made to a bonafide residential or business addresses.
27. Delivery drivers/riders 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 of the licenced premises.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
30. At the point of delivery, the licensee shall ensure that 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.
31. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.

Lower Ground Floor, Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF



26/09/2022, 13:15:03

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



Resident count: 100

Licensed premises within 75 Metres of Lower Ground Floor, Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/07330/LIPV	The Langham	Ground Floor 1 Portland Place London W1B 1PR	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00