



City of Westminster

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 6 March 2024 |
| Licensing Ref No: | 23/08600/LIPV - Premises Licence Variation |
| Title of Report: | 58 - 60 Lupus Street London SW1V 3EE |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Pimlico North |
| 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: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 24 November 2023 | | |
| Applicant: | Atlantico (UK) Ltd | | |
| Premises: | N/A | | |
| Premises address: | 58 - 60 Lupus Street London SW1V 3EE | Ward: | Pimlico North |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | None |
| Premises description: | The premises currently operates as a delicatessen. | | |
| Variation description: | <p>This variation seeks the following:</p> <ul style="list-style-type: none"> To add the Retail Sale of Alcohol for consumption on the premises Monday to Saturday 10:00 to 20:00 and Sunday 10:00 to 18:00 To vary the plans to add the seating area as part of the licensable area. To remove condition 10 and 17 | | |
| Premises licence history: | <p>The premises has had the benefit of a premises licence since 2020</p> <p>The current premises licence (20/08598/LIPN) can be viewed at Appendix 3 of this report.</p> <p>A full licence history for the premises appears at Appendix 4.</p> | | |
| Applicant submissions: | There are no submissions from the applicant. | | |
| Applicant amendments: | None | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|---------------|-------|----------------|-----------|---------------------------|-----------|
| Sale by Retail of Alcohol | | | | | | |
| On or off sales | | | Current : | | | Proposed: |
| | | | Off sales | | | Both |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 20:00 | No change | | Basement and Ground Floor | No change |
| Tuesday | 10:00 | 20:00 | | | | |
| Wednesday | 10:00 | 20:00 | | | | |
| Thursday | 10:00 | 20:00 | | | | |
| Friday | 10:00 | 20:00 | | | | |
| Saturday | 10:00 | 20:00 | | | | |
| Sunday | 10:00 | 18:00 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | Proposed: | | |
| | N/A | | | N/A | | |

| Hours premises are open to the public | | | | | | |
|---|---------------|-------|----------------|-----------|---------------------------|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 22:00 | No change | | Basement and Ground Floor | No change |
| Tuesday | 10:00 | 22:00 | | | | |
| Wednesday | 10:00 | 22:00 | | | | |
| Thursday | 10:00 | 22:00 | | | | |
| Friday | 10:00 | 22:00 | | | | |
| Saturday | 10:00 | 22:00 | | | | |
| Sunday | 10:00 | 18:00 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | Proposed: | | |
| | N/A | | | N/A | | |

| 1-C Layout alteration |
|---|
| <ul style="list-style-type: none"> To vary the plans to add the seating area as part of the licensable area. |

| 1-D Conditions proposed to be removed |
|--|
| Condition |
| 10. There shall be no consumption of alcohol by customers at the tables and chairs outside the premises. |
| 17. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the Premises. |

2. Representations

| 2-A Responsible Authorities | |
|---|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Anil Drayan |
| Received: | 11 January 2024 |
| <p>I refer to the application for variation of the Premises Licence for the above premises.</p> <p>The applicant has submitted new plan of the premises showing the Basement, Ground Floor and External Area, dated 28 November 2023.</p> <ol style="list-style-type: none">1. Add the Sale of Alcohol 'ON' the premises from 10:00 am until 20:00 Monday to Saturday and Sunday's from 10:00 am until 18:002. To update the plan of the premises to show ON and OFF Sale of Alcohol areas (including the external seating area and thereby to remove Condition 10).3. To remove Condition 17 <p>I wish to make the following representations based on the plans submitted and the support operating schedule:</p> <ol style="list-style-type: none">1. Adding the Sale of Alcohol 'ON' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area and impact on Public Safety2. To allow ON and OFF Sale of Alcohol in the external seating area may have the effect of increasing Public Nuisance in the area3. Removal of Condition 17 may impact on Public Safety in the area <p>Environmental Health also makes the following further comments and representations:</p> <ul style="list-style-type: none">• Further information is requested on the proposed capacity internally and externally. This is required to assess for Public Safety and if the sanitary accommodation is sufficient• The nature of the external area for the Tables and Chairs (eg is it public pavement or private forecourt)• How the nature and use of the premises may change as a result of the variation eg will it result in increased cooking at the premises and thereby potentially lead to cooking odour nuisance.• A premises history check of Environmental Health records for the last 2 years shows the following relevant service request with regards to the operation of the existing licence.<ul style="list-style-type: none">➤ City Inspector visited premises 17.06.2023 following a complaint received that the Licensee was not complying with Condition 24.➤ During the visit City Inspector found that Conditions 12, 19, 20, 21, 22 and 25 were also not being complied with – Licensee advised to rectify asap as a revisit will be carried out and if necessary further action may be taken➤ Revisit carried out 2.08.2023 – City Inspector reports all conditions now being | |

complied with.

The applicant is requested to contact the undersigned to arrange a site visit and discuss the above issues after which Environmental Health may propose additional conditions.

| 2-B Other Persons | | | |
|--|-----------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 4 January 2024 | | |
| <p>I am writing to object to the above-mentioned licensing application. As you are well aware the shop [REDACTED]. We are already inconvenienced by the tables and chairs and the noise of the air conditioning that we have had to put up with since Delicias moved in together with excess cooking smells.</p> <p>The last thing we need is for alcohol being used and sold so that people can sit outside [REDACTED] drinking. This will change the nature [REDACTED] and will encourage smoking and drinking and possible behaviour disturbances [REDACTED].</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 4 January 2024 | | |
| <p>I am writing to object to the above-mentioned licensing application. As you are well aware the shop [REDACTED]. We are already inconvenienced by the tables and chairs and the noise of the air conditioning that we have had to put up with since Delicias moved in together with excess cooking smells.</p> <p>The last thing we need is for alcohol being used and sold so that people can sit outside [REDACTED] drinking. This will change the nature [REDACTED] and will encourage smoking and drinking and possible behaviour disturbances [REDACTED].</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | OBJECTION |
| Received: | 12 January 2024 | | |
| <p>I hope you're well. [REDACTED] and received a notification of the Licensing application for the Delicias café and deli, Atlantico UK Ltd, 58-60 Lupus Street SW1, just before Christmas. I would like to object to the application and make the following comments:</p> <p>This is not a suitable location for a licensed premises given that it's in a primarily residential</p> | | | |

area - the entrance to [REDACTED]
 [REDACTED] Nearby accommodation includes sheltered housing, social housing and housing for adults recovering from mental health problems, including alcohol addiction. I have concerns about alcohol consumption causing anti-social behaviour which spills out on to the pavements and causes disturbances to local residents. This includes inebriated patrons harrasing residents, causing noise disturbance, littering and overcrowding. The Public Safety aspect is of particular concern to me as I often walk alone back to my flat later in the evening past the premises and as a female I would like to continue to feel safe in the area in which I live.

The Delicias cafe and deli is in very close proximity to several schools - Pimlico Academy, Pimlico Primary School and Churchill Gardens Primary School. Schoolchildren pass by the premises on their way to and from school, several times a day. I am worried that they will be put in harm's way by passing by an establishment promoting alcohol consumption and by coming into contact with inebriated patrons. This is very likely given that the application is for alcohol consumption to happen on the outside seating area as well as inside.

The mitigations made by the applicant in terms of not allowing vertical drinking, only serving alcohol with food, not serving drunk customers and signage saying to respect the neighbours are unlikely to work in practice as that is not how establishments such as this are run - there simply won't be enough staff members employed to babysit and police customers and inebriated customers by their nature will do what they please.

There is a danger that granting this application sets a precedent for other businesses situated on Lupus Street which creates the risk it turning into a strip of bars and cafés which promote all-day drinking and the associated anti-social behaviour and disorder this would create. This would create more work for the Police, would ruin the special character of the area and would destroy the rights of residents to quietly enjoy living in their homes. There would be no turning back if an application such as this is allowed to proceed.

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|--|--|---------------------------------|-----------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 11 January 2024 | | |

[REDACTED] and wish to object to this application on the grounds of public nuisance, protecting children from harm, public safety and residential amenity.
 The premises are on a quiet row of shops. Above is a block of 12 flats. Opposite and behind the premises are blocks of flats, diagonally opposite is a school and local library. There are three schools and a nursery in close proximity. No business on the parade has a licence for on-site sale of alcohol, and there has been none previously. Previous applications for on-premises licences on this row of shops have been refused (21/01357/LIPN) or withdrawn (23/03991/LIPV).
 The premises already cause significant nuisance to residents [REDACTED], including noise during trading hours, litter at entrances to communal areas, smoking [REDACTED] and illegally parked vehicles. As several residents are retired and less mobile, this constitutes a significant nuisance. The proposed licence would worsen this nuisance, per objections made by other residents. The proposal includes a substantial number of outdoor seats, at which alcohol and food would be served [REDACTED].
 I also have personal and public safety concerns due to the potential for street drinking and disorderly behaviour from customers. Because of these concerns, there are existing conditions placed on the applicant's off-premises licence specifically to limit the potential for street drinking.

It would be inconsistent to now grant an on-premises licence. In their decision to refuse a similar recent application (21/01357/LIPN) on the same row of shops, the licencing committee made a range of observations about the negative potential of granting an on-premises licence, and limited future recourse for residents.

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|--|--|---------------------------------|-----------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 1 January 2024 | | |

[REDACTED] wish to object, on the grounds of public nuisance, protecting children from harm, public safety & residential amenity. The premises are on a small retail parade, and there are 12 flats above. The area is primarily residential: opposite are residential blocks of flats. No business on the parade has a licence for on-site sale of alcohol, and there has been none previously; an application for on-site sale of alcohol for a café at the end was refused in July 2021, 21/01357/LIPN. The present business is a delicatessen & has an off-licence currently, & there is a planning application pending for 4 small tables & 8 chairs outside - 21/03747/TCH.

These proposals appear to apply for on-site sale of alcohol for up to 31 seats, including 16 outside. If permitted, this would enable the business to trade as a licensed eatery and seems a significant change in business style. It would affect the area substantially. The area is quiet in the evenings but the requested hours of up to 8pm (6pm Sunday) would mean in an increase in noise (inevitable when alcohol is consumed) causing a significant public nuisance to residents [REDACTED]. Residents would be unable to open windows in Summer. The business hours elsewhere are given as up to 10 pm & it is likely licensing hours could be adjusted to later. The increase in noise would also affect residential amenity, conflicting with PIM 1 - Pimlico Neighbourhood Plan. In addition, there are 3 schools in the area & the increase in availability of alcohol in the area could be a real issue in terms of protecting children from harm; there is also increased potential for anti-social behaviour from all-day drinking affecting public safety. It is not clear how staff inside the store would deal with large groups which might gather outside and become disorderly.

| | | | |
|--|--|---------------------------------|-----------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 7 January 2024 | | |

I wish to object strongly to this application on grounds of public nuisance and loss of residential amenity. The delicatessen in question sits underneath a residential block of 12 flats and proposes the outdoor consumption of alcohol up to 8 pm six days per week. The residents are likely to be disturbed by raised voices that go with the consumption of alcohol, particularly in the spring to summer months when residents have their windows open. One should also note the application seeks permission to sell individual bottles of beer. The character of the premises will change from a delicatessen to something approaching a pub/restaurant. Previous and more conservative applications to serve alcohol from this and other establishments in the area have been turned down. There seems no good reason to permit this application.

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|--|-----------------|---------------------------------|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 12 January 2024 | | |

There has been **NO on-premises** sale of alcohol in this short parade of shops at this extremity of the Lupus Street Shopping Centre.

At the licensing hearing 21/1/2021: Ref 20/08598/LIPN, in order to obtain the currently held “off” licence, the same applicant was adamant that there would be **NO drinking outside the premises at their provided tables and chairs. Nor any “ON” premises drinking.**

This was a deciding factor in granting the “OFF” licence.

The applicant remains in breach of several of the imposed conditions on their current licence.

Eg:

- All tables and chairs (permission (lapsed 2021) granted but limited to 4 tables and 8 chairs) to be removed from outside and stored inside by 6pm.
- Rear door to remain closed.
- All external lights to be turned off by 6pm.
- No noise/vibration nuisance to residents.

Above Conditions NOT ADHERED TO BY THE APPLICANT.

The applicants proposed licensing plan shows 4 double tables and 16 chairs outside.

OVER 50% OF LICENSABLE ACTIVITY WILL BE ON THE PUBLIC HIGHWAY.

RELEVANT PLANNING HISTORY

The applicant has NO current permission to use ANY of the public highway for the placement of tables and chairs.

The lapsed 19/08973/TCH temporary tables and chairs on the public highway consent, with conditions was for 4 small tables and 8 chairs. Note that **WCC HIGHWAYS** imposed this number of tables and chairs outside – the applicant wished for more. Even with this reduced seating there remains a “pinch point”.

The applicant was and remains in breach of 5 out of the 6 imposed conditions.

They have **continuously defied** the conditions and positioned 4 double tables with 16 chairs outside, put them out them outside earlier than permitted and not taken them in at 6pm, with shop lights left on blazing at midnight.

When the temporary consent ended, they were not to use the outside pavement. Disregarded. Outside tables and chairs are regularly in use.

There is an outstanding planning application for use of the public highway for the placing of 4 small tables and 8 chairs. (See 21/03747/TCH)

Street Trading Licence

The applicant has **NO street trading licence** although an “informative” placed on the now lapsed planning consent required such a necessary licence.

NEVER obtained. (Advised 19/08973/TCH decision).

Any insurance for on-street public highway activity??

The Application

As it is written, the licence variation, if granted, would permit the premises to operate as a pub/bar/drinking establishment/alcohol led business with both ON and OFF premises alcohol sales.

Over half of the licensable activity will take place outside ie “street drinking”.

Reasons for Objection

Public Safety

The location of the shop, in the middle of a short parade of shops is wholly unsuitable for an on-premises licence.

The outside proposed tables and chairs are DOUBLE the those permitted by WCC Highways. Crowds (not all customers) currently congregate and block the pavement (public highway) and obstruct the entrance to the only access/egress [REDACTED].

Residents and visitors to [REDACTED] should not have to dodge and pass in front of potentially drunk customers to access their homes.

With proposed table service, there will be glassware carried to the tables with the likelihood of breakages on the public highway.

Prevention of Crime and Disorder

Any consumption of alcohol, especially later into the evening with all day drinking has the acknowledged potential to lead to an increase in crime and disorder. Especially if outside, as acknowledged by WCC Environmental Health Services (see report ref the refused 21/01357/LIPN)

Public Nuisance

This application fails to promote the prevention of public nuisance.

Policy PN1 is a key consideration.

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

The application fails to illustrate and promote/comply with SoLP PN1 (C14, C15, C16, C17, C18, C22)

The applicant has failed to provide any plan/policy to protect residential amenity and avoid public nuisance.

See Licensing Policy, Appendix 11. (5)

“All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met”.

The following stipulated criteria is NOT met.

(D) There are no noise sensitive properties above below adjacent opposite in the proximity of the premises or otherwise likely to be affected.”

The premises are situated immediately below residential accommodation [REDACTED] with more residential properties opposite and adjacent and to the rear. Therefore, classed as “noise sensitive properties”.

Local residents have a reasonable expectation (and a legal right) to “quiet enjoyment”.

The nuisance emanating from 58-60 Lupus Street is evident and disturbing. Many recorded complaints due to plant and machinery submitted to WCC since Delicias took occupation of the premises.

In addition to general chatter/mobile phone usage and smoking odour nuisance [REDACTED], there will internal noise nuisance. [REDACTED] has no sound insulation and noise will be transmitted through the fabric of the building.

Protection of Children from Harm

No operating schedule is provided, nor any policy supplied to protect children from harm.

It is inappropriate to have an **all-day** drinking establishment so close to 3 schools in this residential area. Three schools, Pimlico Academy, Pimlico Primary and Churchill Gardens Primary Academy are a stones throw away. Primary school children supervised by their teaches in "crocodile" formation pass in front of this parade of shops. Children will be exposed to potentially increasingly rowdy noisy customers outside, drinking and smoking all day.

In addition, there are well known sheltered accommodation supporting vulnerable adults battling alcohol and mental health conditions, literally within 70m of the premises.

It is simply inappropriate for vulnerable adults to exposed to on street all day drinking.

Conclusion

This residential location is totally unsuited for an "on" premises licence.

The resulting nuisance will totally change this parade of non-core frontage and severely impact on residential amenity.

If this application is approved, it will set a precedent and then the whole of this Lupus Street parade (as 52 Lupus Street will re-apply for a license) will transform this residential area into street drinking destination.

Please refuse this application.

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|--|--|---------------------------------|-----------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 30 December 2023 | | |

I object to this application in the strongest possible terms. Selling alcohol on the premises from 10.00 every day of the week is completely inappropriate. Serving alcohol until 20.00 Monday to Saturday inclusive, including to customers sitting outside on the pavement [REDACTED] is unthinkable. The application cannot comply with the local scheme, and will inevitably cause nuisance to neighbours and possible harm to children.

This is a residential setting, located within yards of a secondary and primary school, a primary school and a pre-school nursery. The neighbouring shops in the parade are all closed by 18.00 at the very latest, often by 17.00. They are a glass & mirror shop, a carpet shop and a non-licensed cafe.

The seating outside on the pavement is extensive and already causes noise disturbance with people talking loudly - once alcohol is served this will only make things worse.

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|--|------------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 27 December 2023 | | |

I object to this application.

Since this deli/grocery business Delicias de Portugal opened, there has been a tension between its operation and the residents [REDACTED]. The main problems have been noise and disturbance as a result of non-alcoholic refreshments being consumed outside at tables. This application is a dramatic ratcheting up of potential disturbance to residents with sales of alcohol both inside and outside the premises between 10.00 - 20.00 Monday - Saturday and to 10.00 - 18.00 hours on Sundays

I have deep concerns about the mitigations proposed to meet the licensing objectives. They are all generic. Since Delicias started, there has been little or no active communication with the residents [REDACTED] about their concerns. I cannot see how the generic mitigations are going to address this.

It the past, the coffee shop at the junction of St George's Drive and Lupus Street, has applied for a licensing application which was refused. To approve this application for Delicias no doubt could encourage that coffee shop to follow suit. Also the premises is close to the Pimlico Academy and selling alcohol might be an inducement to students, even if they are 18+.

I would welcome the opportunity to express my concerns before the Sub-Committee.

| | | | |
|--|------------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 20 December 2023 | | |

This delicatessen is a much loved local shop and I support their business as a valuable local resource. However I have concerns about the inclusion of the outside seating area in the proposed addition of 'on-sales' of alcohol and so object to the removal of condition 10 from their current licence. I would also object to the removal of condition 31, I note this is not proposed in this application. This premises was subject to a licensing hearing on 21 Jan 2021 following a lot of residential objections, which agreed comprehensive conditions with local residents to promote the licensing objectives.

| | | | |
|--|----------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 4 January 2024 | | |

[REDACTED] my concerns about this application are threefold:

1) that enabling what was a stop-by deli to reinvent itself as a bar will exacerbate two forms of pollution that are already significantly disturbing for local residents - the first, the noise pollution that already provides a near-constant soundtrack to residents' home-working days; the second, the overwhelming smells of cooking that seep up through the block, and will no doubt intensify if the quantity of paying (and staying) customers increases. These disturbances are causes of public and personal nuisance that are set to scale new heights if this application is allowed;

2) that encouraging yet another watering-hole to open just outside several residents' [REDACTED] will increase the likelihood of alcohol-fuelled discord and intimidation, thereby contributing to an atmosphere of insecurity for residents. Though the deli has been selling wine to customers, the idea that it will open its doors and pavements to on-site consumers is a totally different proposition, far exceeding the scope of its current license. The change poses a disproportionately egregious threat to public safety to the supposed benefit of having one more alcohol-licensed premises in central London. This is far from in the public interest.

3) that, in its most extreme form, the wilful facilitation of intoxicated customers could lead to an increase in crime and disorder among patrons, and would therefore be in direct contravention of the licensing objectives.

On that basis, I would urge those considering this application to reject it - the residents deserve to enjoy their homes and the surrounding area in peace and security.

| | | | |
|--|-----------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 11 January 2024 | | |

The applicant wishes to vary his OFF License (20/08598/LIPN) – to an alcohol ON License Mon-Sat 10:00 to 20:00 hrs and Sunday 10:00 to 18:00 hrs.

He seeks to remove Condition 10 of the actual Premises License to allow the consumption of alcohol in the seating area outside the premises and to remove Condition 17 to permit single cans or bottles of beer or spirit mixtures to be sold at the premises.

The stated hours the premises are open to the public do not tally with the actual hours of trading.

IMPORTANT NOTE:
There is a discrepancy between the pavement plan for this application and the plan for the accompanying application 21/03747/TCH (Pending) which seeks permission for pavement seating and shows only 4 tables and 8 chairs on the exterior plan. (PHOTO 3). Yet this application 23/08600/LIPV shows 4 double-length tables and 16 chairs. (PHOTO 2)

The total number of seats in the licenseable area is 31 and more than 50% (16) are on the public pavement making this an area for street drinking.

The applicant has never had a street trading license in breach of an informative in the planning consent that he had to hold one when his temporary permission expired on 1st June 2021.
19/08973/TCH

The Applicant has been in breach of 5 out of 6 planning conditions imposed in that consent.
(PHOTO 1).

GENERAL

There is no possible way that the four Licensing Objectives can be met in this residential location as evidenced by the refusal of 52 Lupus Street's application for an ON License on the grounds of public nuisance and the protection of children from harm. **(21/01357/LIPN)**

PREVENTION OF CRIME AND DISORDER

Rowdy behaviour and disorder occurs wherever alcohol is sold. A CCTV camera will not protect the neighbourhood. Alcohol will be available for 10 hrs weekdays and 8 hrs on Sundays. The plan shows 31 seats in the licenseable area - 16 sited on the exterior pavement where disorder and noise will affect both passers-by and residents [REDACTED]
[REDACTED]

The customer base will rapidly change - attracting those intending to drink all day. Food as a condition of service will not prevent excess alcohol consumption. The premises will degenerate into an alcohol-led all-day drinking hole with accompanying problems.

It is unreasonable to expect staff to control or eject inebriated drinkers. Available food is not identified – whether merely bar snacks or a plated meal – neither of which limit the consumption of alcohol either inside or outside the premises. Therefore the business will be able to operate as a wine bar.

To permit an ON License only a few feet below residential property invites the worst kinds of problems for the public as well as residents [REDACTED]

PUBLIC SAFETY

Alcohol consumption leads to unpredictable behaviour. To permit this in a highly populated residential area is asking for trouble. Passers-by will be intimidated by drinkers at the outside tables and residents [REDACTED] will have to pass them in order to enter their property. Customers already conglomerate outside this entrance. Staff who challenge drinkers standing to drink near the tables may be the target of aggressive behaviour. Waiting staff on the pavement area will have to carry liquids and glasses along the public highway – this is a serious Health and Safety issue and one which Highways are also likely to oppose. 'Under 25 Challenge', posters, signage, refusal book and staff training can not prevent rowdy behaviour. Drinking whether seated or standing is a danger to the public and will have a detrimental effect on the neighbourhood.

PROTECTION OF CHILDREN FROM HARM

There is a serious lack of information here. Under-age drinking is one thing but the protection of children is another. Parents and children currently use the outside seating. How is this possible with a 10 hour alcohol license? What time of day will children be excluded from the premises inside and out? The shop is in close proximity to two Primary Schools (Pimlico Primary and Churchill Gardens Primary Academy) in addition to Pimlico Academy – all within a few hundred yards of the premises. Children frequently pass the premises or close by when walking to and from school – it is an unacceptable example for children to witness drinkers each day at the outside tables. **(PHOTO 6)**

PUBLIC NUISANCE

Residents request the Committee to pay particular attention to the following and to the Statement of Licensing Policy 2021 at PN1 which requires relevant considerations to be paid regarding nuisance where there is residential accommodation in proximity of the premises. See PN1 (1) (2) (3) and Appendix 11.

This business operates directly beneath and opposite residential properties. Lupus Street is very quiet in the evenings as noted by the Appeals Inspector in the recent APP/X5990/W/19/3234214 – Cafe de Borek, 52 Lupus Street which intended to trade as a cafe from 10 am to 10 pm:

'Noise and Odour

17. There are residential properties directly above and opposite the appeal premises and during my site visit, I did not note any evening or late night uses in the immediate vicinity. Although situated on a fairly busy road I would therefore expect pedestrian and vehicular activity to reduce and the area to be quieter throughout the evening.

18. Noise is likely to result from customers arriving at and departing from the appeal premises, talking and possibly congregating in groups on the footway outside. In addition, noise may well arise from staff legitimately engaged in activities such as clearing away and locking up the premises at closing time. Such noise will occur directly beneath the windows of the upper floor flats and in close proximity to other neighbouring residential properties. This will be more intrusive in the evening when background noise levels are likely to be lower. Residents have a reasonable expectation that their living accommodation should be quieter at this time: indeed, I note representations from neighbours in this regard.

19. For the reasons set out above I conclude that the development has a harmful effect on the living conditions of the occupants of neighbouring residential properties with regard to noise and local environmental quality.

24. The current use of the appeal premises may well provide a valuable community and social facility for all its customers. However, the adverse impacts set out above outweigh any such benefits.'

The circumstances here are identical. [REDACTED], an unlisted building of merit in the Pimlico Conservation Area is not sound-insulated and cannot withstand the inevitable noise nuisance the granting of an on-license will cause. Smoking beneath residential windows is an environmental health issue and already prevents residents above from opening their windows.

These windows are only a few feet above pavement level. The pavement seating outside the premises means the residents above have nowhere to go to escape the noise and smoke rising from beneath.

The Applicant has placed 4 double length tables with 16 seats outside the premises and requests the same number in this application (**PHOTO 2**) in spite of having only limited temporary consent which the Highways Planning Manager and the Projects Officer (Waste) restricted to only 4 small tables and 8 chairs. (**PHOTO 3**). This consent expired in June 2021.

This causes obstruction on the pavement particularly at the pinch-point by the tree where customers park buggies and sit at the ends of tables. (**PHOTOS 4 & 5**). This overwhelms the area and causes problems for pedestrians and those with buggies or mobility scooters. It is detrimental both to residential amenity and the surrounding neighbourhood.

Nuisance from Lighting

Trading at night during the winter months means light-spill will be of particular nuisance to residents in the terrace immediately opposite where there are living rooms and children's

bedrooms. The applicant (with residents' strong opposition) was granted an off-license to trade until 20:00 hrs with conditions that no alcohol may be consumed on the premises or on the forecourt and pavement seating must be removed by 18:00 hrs and fascia lights turned off. The Applicant has been in breach of 5 out of 6 planning conditions imposed in that consent. **(PHOTO 1).**

Nuisance to close neighbours

What happens on the [REDACTED] parade is audible, visible and inescapable for the residents [REDACTED]. The windows of pavement level commercial units are face-to-face with pavement level residential windows [REDACTED]. A situation which does not exist in any other section of Lupus Street.

This Local Area Shopping Centre is largely residential. This proposal will totally change the tone and character of the neighbourhood to its detriment and is harmful to residents.

CONCLUSION

If granted, a future application for an extension is likely and any future tenant will also be entitled to an ON License. An ON license application at 52 Lupus Street **21/01357/LIPN** was refused on the grounds of public nuisance and the protection of children from harm. Should this license be granted a dangerous precedent will be set - allowing a further application from 52 Lupus Street – thus turning the entire [REDACTED] parade into a drinking destination.

The policy to support the local economy has sidelined the need to protect local residents who since the introduction of Use Class E have become an irrelevance in their own homes.

I therefore request that this application is **REFUSED**.

PHOTO 1

EXISTING CONSENTS FOR DELICIAS

Extract from the Tables and Chairs Planning Consent.
Tables and chairs outside must be stored inside.
Permitted outside between 9am – 6pm. See Condition 3

19/08973/TCH

Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing P'01 Rev. A. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 09:00 and 18:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 4 The tables and chairs must only be used by customers of the A1 retail unit at 58 -60 Lupus Street. (C25CA)

PHOTO 2

PHOTO 3

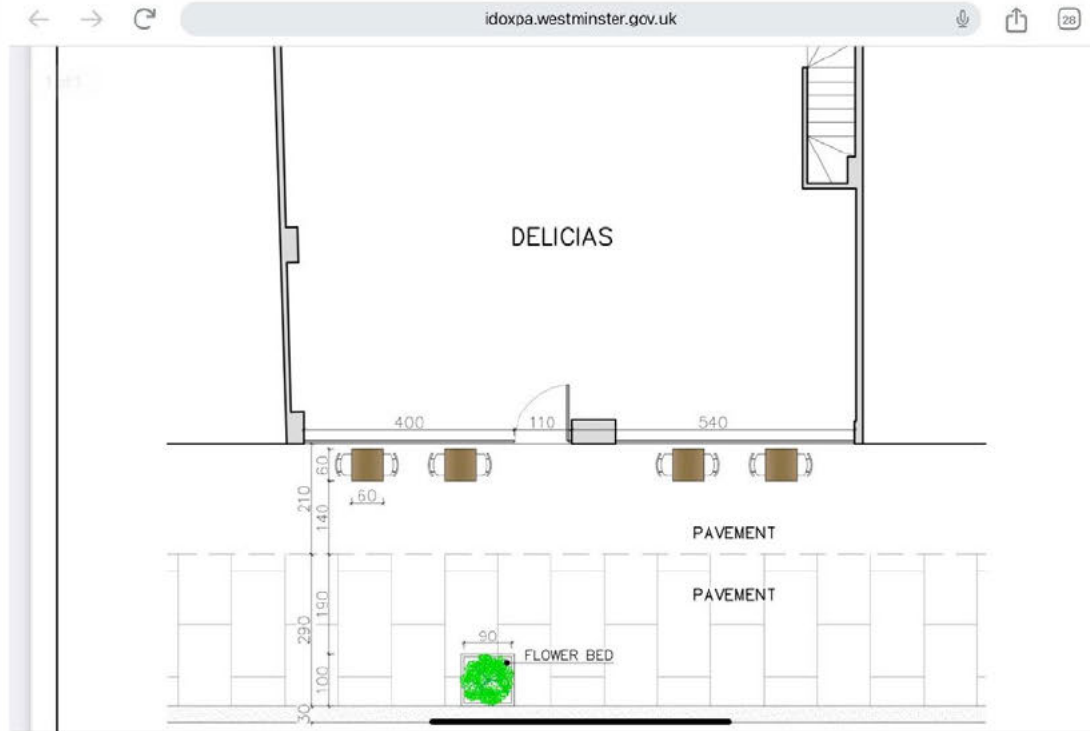


PHOTO 4



PHOTO 5

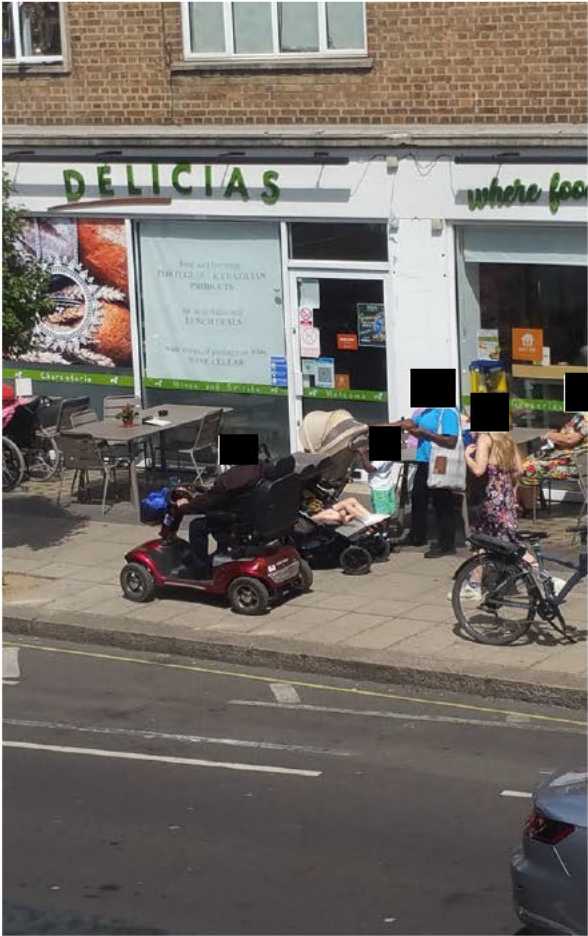


PHOTO 6



| | | | |
|--|----------------|---------------------------------|-----------|
| Name: | | ██████████ | |
| Address and/or Residents Association: | | ██████████ ██████████ | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 6 January 2024 | | |

██████████ Delicia which is seeking to greatly extend its permissions to allow consumption of alcohol on the premises and outside, ██████████

██████████ and the area, as I'm sure you must know, is predominantly residential, well ordered and generally peaceful. In addition there is a nursery and three schools close by - two primary and one secondary. The success of the businesses ██████████ is obviously of benefit to all but Delicia is a Portuguese delicatessen which achieved permission also to sell bottles of wine to be taken away for consumption. To go from this to a licensed drinking establishment into the late hours is bizarre and wholly against the interests of the council tax payers living here. In addition granting permission to sell single cans of alcohol - which they're also seeking - would attract problem drinkers who can be seen frequenting and causing a public nuisance in the area around Warwick Way and Sainsbury's.

The coffee shop at the end ██████████, on the corner of St George's Drive, also tried to get a licence but was turned down on just the above criteria. It operates very successfully as a coffee shop and Delicia seems to do very well as a deli selling coffee too.

The potential noise, nuisance and possibility of trouble plus the attendant litter would be wholly unacceptable to local residents. It would generate noise transmitted ██████████ and greatly impinge on our right to a peaceful environment.

I look forward to your response and the decision of the Licensing Committee.

| | | | |
|--|----------------|--|-----------|
| Name: | | ██████████ | |
| Address and/or Residents Association: | | ██████████ ██████████ ██████████ ██████████ | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 6 January 2024 | | |

██████████

The premises is on a small retail parade with upper floors 100% residential 12 flats. Other businesses currently include a glass shop, carpet shop, small café. The area is principally residential: opposite and behind are residential blocks of flats, diagonally opposite is a school and local library plus 3 schools in the area, & a nursery school. No business on the parade at present has a licence for on-site sale of alcohol, and there has been none previously; an application for on-site sale of alcohol for the café at the far end was refused in July 2021 – 21/01357/LIPN. A subsequent application was withdrawn in 2023 - 23/03991/LIPV.

The present business is a delicatessen / grocery and has an off-licence currently, granted in 2021 on the basis of strict conditions to mitigate at least some of the concerns at the time by residents/owners in the area, particularly regarding consumption of alcohol at external tables. There is currently a planning application pending for 4 small tables & 8 chairs outside – 21/03747/TCH (not 16) [**it must also be noted that the area applied for is considered part of the highway and does belong to the demised premises**]. The licensing proposals are brief but appear to apply for on-site sale of alcohol for up to 31 seats, of which over half (16 are

outside. If permitted, this would enable the business to trade as a licensed eatery/ small restaurant and suggests a significant change in business style. There is a concern that the business could become more alcohol-led, with a particular focus on external activity. The licensing hours requested are Mon – Sat 10am-8pm & Sundays 10am-6pm but the hours of business on the Council website are up to 10 pm Mon-Sat. It is unclear how this would operate, & whether alcohol would cease to be consumed at 8pm, if the shop was open later. It is probable that that licensing hours could easily be adjusted to later times. The proposals will mean that there will be eating and drinking immediately underneath residents' windows, on each day of the week, and the increased noise (likely when alcohol is consumed) and smoking will cause a nuisance and affect residential amenity. (Residential amenity is relevant here under policy PN1 of the Council's Statement of Licensing Policy and PIM 1 of the Pimlico Neighbourhood Plan.) It will make it difficult for residents to open windows in late Spring through to Autumn. The noise is also likely to affect residents [REDACTED]. It is probable that there will be increased noise from inside the premises, which will be transmitted through to residents [REDACTED] the building has no sound insulation. We still suffer from vibration noise and smells of cooking emanating from the back door. Clearing up operations, extending after closing times, will also probably be noisy. There may also be increased litter due to glass bottles and cans from drinking. It is not clear what measures would be in place to prevent the noise becoming a public nuisance.

One of the other main concerns, there could be harm to children, as there are 3 schools in the area plus a nursery; the proposals will increase the availability of alcohol in the area & it is not clear how the premises will prevent the sale of alcohol to adults who may pass it on to underaged children. Children and teenagers may be attracted to the premises especially in the afternoons when leaving school or in the evening.

In terms of public safety, the outside seating could lead to large groups congregating around the premises which could be a problem to local residents, whether in the block or walking past. One of the doors [REDACTED] is close to the outside seating area and was blocked by customers of Delicias. Not forgetting delivery vans, Deliver and the likes. It is not clear how staff would respond to potentially difficult situations outside (or inside) the premises, which they may not be able to see easily if the premises becomes crowded, and how they would deal with customers who become drunk and disorderly. The availability of alcohol on the premises could give rise to anti-social behaviour, and result in increased crime.

One of the conditions agreed when the licence was granted was to prevent the sale of single bottles/cans in order to mitigate the risk of street drinkers being attracted to the premises. The condition does not prevent the sale of e.g. a single bottle of wine. There is no reason now to remove that condition.

I ask that the Licensing Authority pay close attention to the particular location of this premises being beneath, opposite, and adjacent to residential accommodation, and pay close attention to the refusal of an application for 'on sales' for a different premises in the same parade of shops previously, and to conclude that the licence currently in place is sufficient.

On these ground I wish to record my strong objections to this application. In summary, the proposals could result in causing harm to residential amenity, and give rise to public nuisance through increased noise and litter, and has the potential to cause harm to children and to cause problems for public safety.

Please acknowledge receipt and register my complaint.

| | | | |
|--|----------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 6 January 2024 | | |

[REDACTED]

The premises is on a small retail parade with upper floors 100% residential 12 flats. Other businesses currently include a glass shop, carpet shop, small café. The area is principally residential: opposite and behind are residential blocks of flats, diagonally opposite is a school and local library plus 3 schools in the area, & a nursery school. No business on the parade at present has a licence for on-site sale of alcohol, and there has been none previously; an application for on-site sale of alcohol for the café at the far end was refused in July 2021 – 21/01357/LIPN. A subsequent application was withdrawn in 2023 - 23/03991/LIPV.

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In terms of public safety, the outside seating could lead to large groups congregating around the premises which could be a problem to local residents, whether in the block or walking past. One of the doors to [REDACTED] is close to the outside seating area and was blocked by customers of Delicias. Not forgetting delivery vans, Deliver and the likes. It is not clear how staff would

respond to potentially difficult situations outside (or inside) the premises, which they may not be able to see easily if the premises becomes crowded, and how they would deal with customers who become drunk and disorderly. The availability of alcohol on the premises could give rise to anti-social behaviour, and result in increased crime.

One of the conditions agreed when the licence was granted was to prevent the sale of single bottles/cans in order to mitigate the risk of street drinkers being attracted to the premises. The condition does not prevent the sale of e.g. a single bottle of wine. There is no reason now to remove that condition.

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On these ground I wish to record my strong objections to this application. In summary, the proposals could result in causing harm to residential amenity, and give rise to public nuisance through increased noise and litter, and has the potential to cause harm to children and to cause problems for public safety.

Please acknowledge receipt and register my complaint.

| | | | |
|--|-----------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 10 January 2024 | | |

23/08600/LIPV - Variation of Premises License to ON License for sale of alcohol Mon-Sat 10am to 8pm and Sunday 10am to 6pm.

Please note how the exterior pavement plans in this application differ from the current (pending) application 21/03747/TCH for pavement seating. It is 4 long tables and 16 chairs in this application and only 4 tables and 8 chairs in the pavement seating application.

The circumstances here match those of the recent application for an ON License at 52 Lupus Street 21/01357/LIPN which was refused on the grounds of public nuisance and protection of children from harm.

PREVENTION OF CRIME AND DISORDER

A CCTV camera will not prevent disorder when alcohol is available for 10 hrs each weekday and 8 hours on Sundays. Customers will go there to drink not for any food which may be available. Inebriated customers will soon cause problems as the premises will be operating as a pub or wine bar. Staff training will not prevent disorder and the effects on residential amenity [REDACTED] will be detrimental.

PUBLIC SAFETY

This area is highly residential and passers-by to the outside tables will feel apprehensive when passing the tables if behaviour is loud or threatening. Residents [REDACTED] already have their access blocked by people standing across the entrance. Waiting staff carrying trays of bottles or glasses may collide with pedestrians on the pavement. This situation is detrimental to the neighbourhood and a consideration for public safety.

PROTECTION OF CHILDREN FROM HARM

It is a poor decision to place an area for street drinking so close to two Primary Schools - Pimlico Primary and Churchill Gardens Primary Academy and also Pimlico Academy. It not a good example for children to witness drinking at outside tables when passing on their way to and from school. This was an important consideration in the decision to refuse an ON License at 52 Lupus Street 21/01357/LIPN.

PUBLIC NUISANCE

The panel should pay close attention to its own Statement of Licensing Policy 2021 at PN1

where consideration should be paid to potential nuisance where residential accommodation is in proximity to the premises. Again, public nuisance was cited in the refusal at 52 Lupus Street for an ON License 21/01357/LIPN. The number of pavement seats here (16) does not tally with the number shown (8) in the pending application 21/03747/TCH. The applicant has been without a street trading license since June 2021 and had only temporary permission for 8 seats and a condition to obtain a street trading license. The number of seats here (16) guarantees there will be noise nuisance and reduced quality of life for those [REDACTED] pavement level. The applicant has shown himself to be incapable of following the rules and he should not be rewarded for doing so.

I request that this application is REFUSED.

| | | | |
|--|----------------|--|-----------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 4 January 2024 | | |

I am writing to object to the above-mentioned licensing application. As you are well aware the shop [REDACTED]. We are already inconvenienced by the tables and chairs and the noise of the air conditioning that we have had to put up with since Delicias moved in together with excess cooking smells.

The last thing we need is for alcohol being used and sold so that people can sit outside [REDACTED] drinking. This will change the nature of [REDACTED] and will encourage smoking and drinking and possible behaviour disturbances [REDACTED].

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 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 Latenight 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>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> |

| | |
|--|---|
| | <ol style="list-style-type: none"> 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 Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact 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

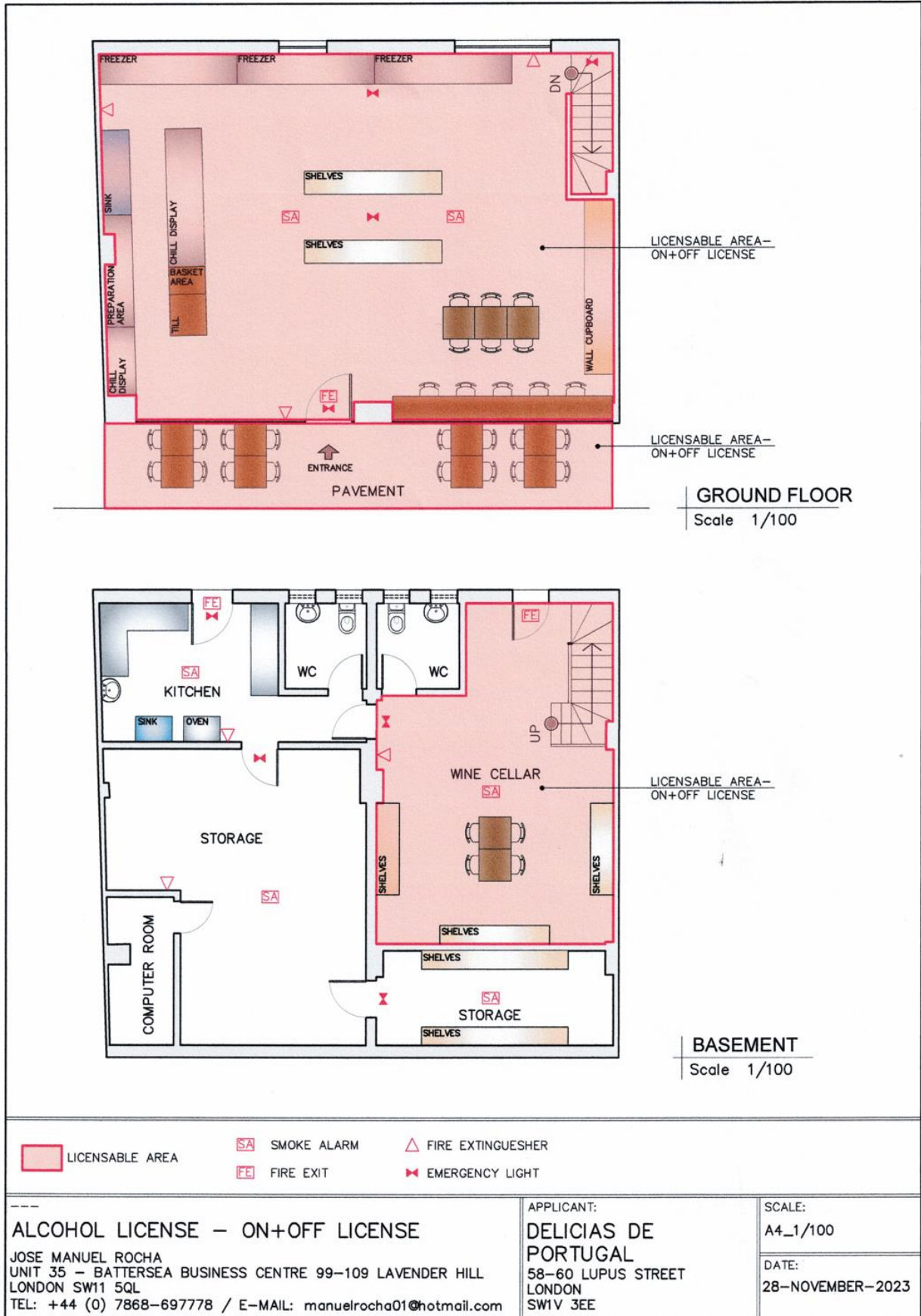
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|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Existing premises licence 20/08598/LIPN |
| Appendix 4 | Premises history |
| Appendix 5 | Proposed conditions |
| Appendix 6 | 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 | 07 January 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | December 2023 |
| 4 | Cumulative Impact Assessment | 04 December 2023 |
| 5 | Environmental Health Service representation | 11 January 2024 |
| 6 | Interested party representation (1) | 04 January 2024 |
| 7 | Interested party representation (2) | 04 January 2024 |
| 8 | Interested party representation (3) | 12 January 2024 |
| 9 | Interested party representation (4) | 11 January 2024 |
| 10 | Interested party representation (5) | 01 January 2024 |
| 11 | Interested party representation (6) | 07 January 2024 |
| 12 | Interested party representation (7) | 12 January 2024 |
| 13 | Interested party representation (8) | 30 December 2023 |
| 14 | Interested party representation (9) | 27 December 2023 |
| 15 | Interested party representation (10) | 20 December 2023 |
| 16 | Interested party representation (11) | 04 January 2024 |
| 17 | Interested party representation (12) | 11 January 2024 |
| 18 | Interested party representation (13) | 06 January 2024 |
| 19 | Interested party representation (14) | 06 January 2024 |
| 20 | Interested party representation (15) | 06 January 2024 |
| 21 | Interested party representation (16) | 10 January 2024 |
| 22 | Interested party representation (17) | 04 January 2024 |



Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant.



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

**Schedule 12
Part A**

**WARD: Warwick
UPRN: 010033624481**

Premises licence

Regulation 33, 34

**Premises licence
number:**

20/08598/LIPN

Original Reference:

20/08598/LIPN

Part 1 – Premises details

Postal address of premises:

58 - 60 Lupus Street
London
SW1V 3EE

Telephone Number: None 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 Saturday: 10:00 to 20:00
Sunday: 10:00 to 18:00

The opening hours of the premises:

Monday to Saturday: 08:00 to 22:00
Sunday: 10:00 to 18:00

**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:

Atlantico (UK) Ltd
Unit 1 - Zk Park
23 Commerce Way
Croydon
CR0 4ZS

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

03076022

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

Name: Manuel Joao Ferreira Batista

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: LBWANDS/00125
Licensing Authority: London Borough of Wandsworth

Date: 29 January 2021

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

Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

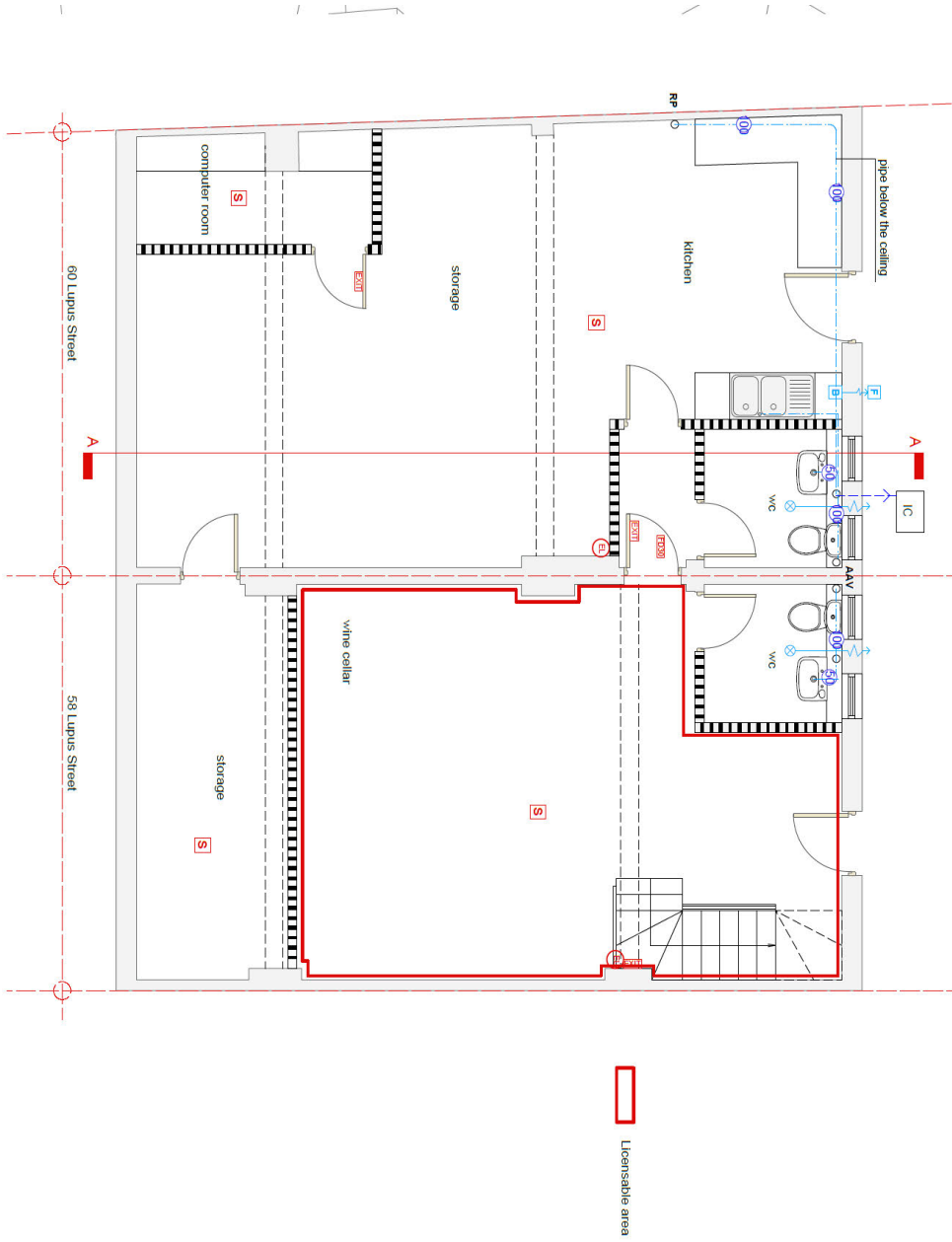
Annex 3 – Conditions attached after a hearing by the licensing authority

9. The sale of alcohol authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a delicatessen.
10. There shall be no consumption of alcohol by customers at the tables and chairs outside the premises.
11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
15. 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.
16. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the Premises.
18. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when licensable activities are provided. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

22. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
23. 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.
24. The doors at the rear of the premises shall be kept closed at all times, except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
27. 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.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
30. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours on the following day.
31. The tables and chairs shall be removed from outside the premises at 18:00 hours.

Annex 4 – Plans

BASEMENT FLOOR PLANS PROPOSED



Licenseable area

do not scale dimension from this drawing, all dimensions to be determined on site prior to purchase and manufacture. dimensions and floor levels shown on site to be brought to the architect's attention. this drawing is copyright and should not be copied or duplicated in any way without the consent of the architect. © 2014

reference

Project
60 Lupus Street
London
SW1V 3EE

Drawing title
Basement floor plans
Proposed

status

Building Control

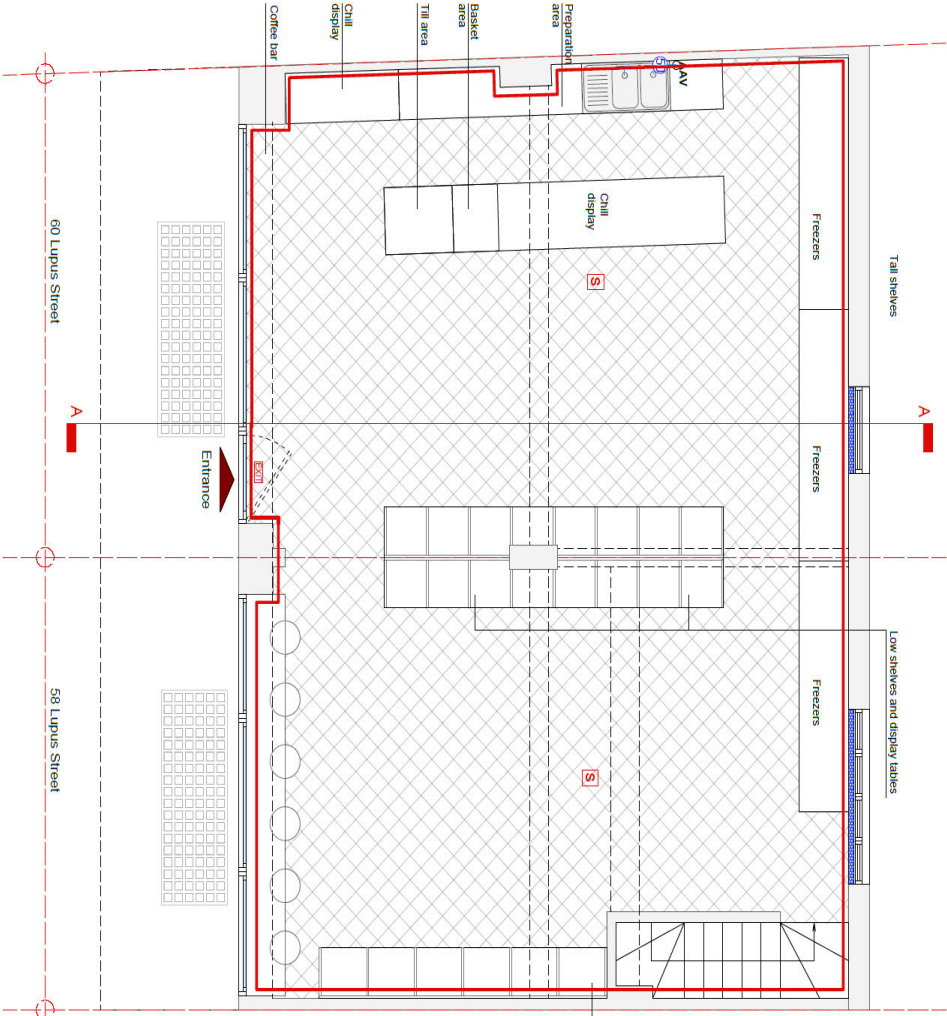


the city of london
City of London
1000, Ludlow Road
London EC4A 3DF
T: 020 964 3400
F: 020 964 3400
www.cityoflondon.gov.uk

Project No: 1022 date: 09/19
drawing No: Proj revision B scale: 1:50

Copyright

GROUND FLOOR PLANS
PROPOSED



Licenseable area



do not scale dimension from this drawing. all dimensions to be determined on site prior to purchase and manufacture. all discrepancies between indicative dimensions and actual dimensions on site to be brought to the architect's attention. this drawing is copyright and should not be copied or duplicated in any way without the consent of the architect & CA Ltd

reference
project
58-60 Lupus Street
SW1V 3EE
architect
Tudorjfranco
architects
proposed
ground floor plans
Building Control

project No: 1022 date: 09/13
drawing No: 1P02 revision: B scale: 1:50

Copyright



Tudorjfranco
architects
London, W1D 2NS
T: 020 8994 3210
e: info@tudorjfranco.co.uk



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

Schedule 12
Part B

Premises licence
summary

WARD: Warwick
UPRN: 010033624481

Regulation 33, 34

Premises licence
number:

20/08598/LIPN

Part 1 – Premises details

Postal address of premises:

58 - 60 Lupus Street
London
SW1V 3EE

Telephone Number: None 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 Saturday: 10:00 to 20:00
Sunday: 10:00 to 18:00

The opening hours of the premises:

Monday to Saturday: 08:00 to 22:00
Sunday: 10:00 to 18:00

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:

Atlantico (Uk) Ltd
Unit 1 - Zk Park
23 Commerce Way
Croydon
CR0 4ZS

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

03076022

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

Name: Manuel Joao Ferreira Batista

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

Restricted

Date: 29 January 2021

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

Premises licence history

Appendix 4

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|------------------------------------|
| 20/08598/LIPN | New premises licence Sale by Retail of Alcohol Monday to Saturday: 10:00 to 20:00 Sunday: 10:00 to 18:00 | 21.02.2021 | Granted by Licensing Sub-Committee |

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The sale of alcohol authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a delicatessen.
10. There shall be no consumption of alcohol by customers at the tables and chairs outside the premises.

Condition 10 is proposed to be removed by the applicant.

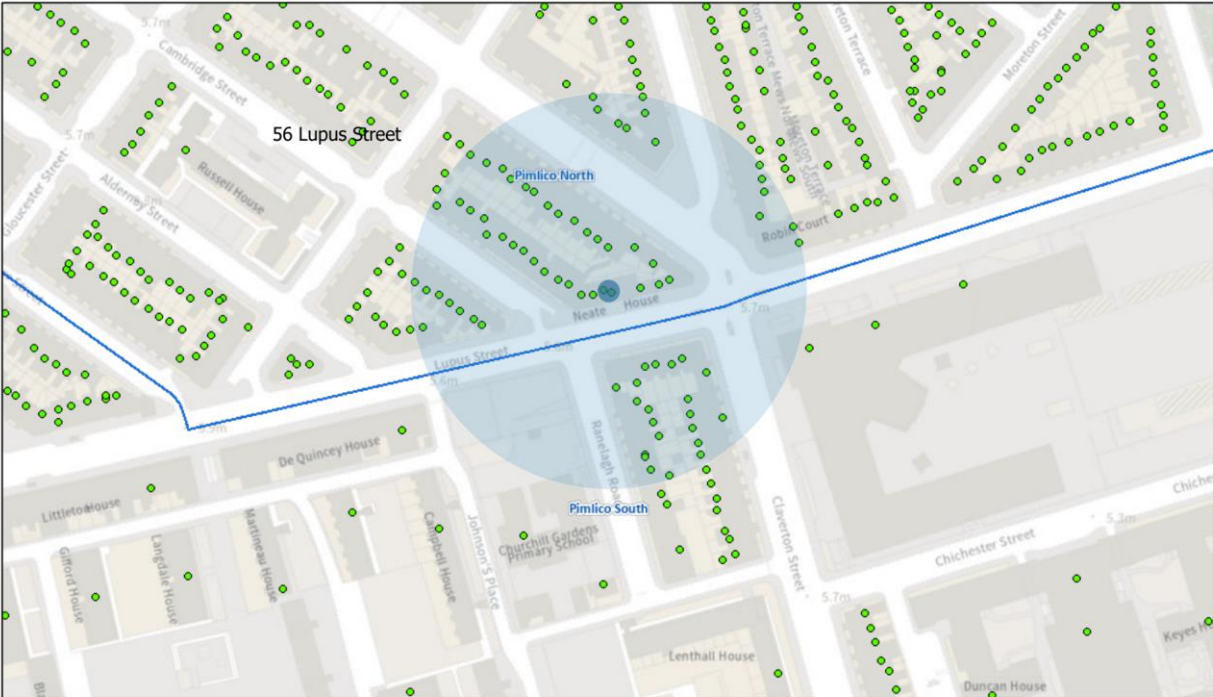
11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
15. 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.
16. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the Premises.

Condition 17 is proposed to be removed by the applicant.

18. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when licensable activities are provided. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

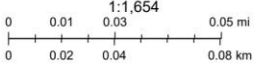
22. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
23. 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.
24. The doors at the rear of the premises shall be kept closed at all times, except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
27. 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.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
30. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours on the following day.
31. The tables and chairs shall be removed from outside the premises at 18:00 hours.

58 - 60 Lupus Street, London, SW1V 3EE



20/02/2024, 11:12:07

- Property Mailing List
- ▭ Ward Boundaries
- ▭ Ward Labels



Resident count: 364

There are no other licensed premises within 75 metres of 58-60 Lupus Street, London, SW1V 3EE.