



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	2 March 2017
Licensing Ref No:	16/14167/LIPV - Premises Licence Variation
Title of Report:	Elgin Food & Wine Ground Floor 97 Elgin Avenue London
Report of:	Director of Public Protection and Licensing
Wards involved:	Harrow Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	23 December 2016		
Applicant:	Mr Zergay Hakeem and Mr Shaiq Hakeem		
Premises:	Elgin Food & Wine		
Premises address:	Ground Floor 97 Elgin Avenue London W9 2DA	Ward:	Harrow Road
		Cumulative Impact Area:	None.
Premises description:	The premises is currently operating as a convenience store.		
Variation description:	To extend the terminal hour for Alcohol to 02:00 on each of the days Monday to Sunday, to vary the commencement hour for alcohol on Sunday to 08:00 and to allow 24 hours opening times everyday of the week.		
Premises licence history:	The premises has been licensed since July 2005.		
Applicant submissions:			

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		Off Sales			Off Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	08:00	02:00	Please see plans attached at Appendix 1	No change.
Tuesday	08:00	23:00	08:00	02:00		
Wednesday	08:00	23:00	08:00	02:00		
Thursday	08:00	23:00	08:00	02:00		
Friday	08:00	23:00	08:00	02:00		
Saturday	08:00	23:00	08:00	02:00		
Sunday	10:00	22:30	08:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See condition 7 of the premises licence (Appendix 4)				No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	00:00	00:00	Please see plans attached at Appendix 1	No change.
Tuesday	08:00	23:00	00:00	00:00		
Wednesday	08:00	23:00	00:00	00:00		
Thursday	08:00	23:00	00:00	00:00		
Friday	08:00	23:00	00:00	00:00		
Saturday	08:00	23:00	00:00	00:00		
Sunday	10:00	22:30	00:00	00:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See condition 7 of the premises licence (Appendix 4)				No change.	

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><u>Condition 8:</u></p> <p>Provision of effective CCTV in and around premises 24hrs/30 days recording</p>	To be added
<p><u>Condition 9:</u></p> <p>Training & supervision of staff</p>	To be added
<p><u>Condition 10:</u></p> <p>Compulsory ID checks for under age children's.</p>	To be added
<p><u>Condition 11:</u></p> <p>Proper and clear display of Legal Notices.</p>	To be added
<p><u>Condition 12:</u></p> <p>A personal licence holder shall be on the premises during the hours permitted to supply alcohol.</p>	Proposed by Environmental Health and MET Police – agreed by applicant.

Conditions 13:		
Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.		Proposed by Environmental Health and MET Police – agreed by applicant.
Conditions 14:		
The variation of the Premises Licence 07/01246/WCCMAP to extend hours for the sale of alcohol for consumption “off the premises” will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.		Proposed by Environmental Health and MET Police – agreed by applicant.
Adult entertainment:	Current position:	Proposed position:
	Not applicable.	Not applicable.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Maxwell Koduah
Received:	17 th January 2017
<p>The applicant is seeking to:</p> <ol style="list-style-type: none"> Increase hours for the sale of alcohol for consumption “off the premises” from Monday to Saturday by 3 hours from 00:00 – 02:00 Increase hours for the sale of alcohol for consumption “off the premises” on Sunday by 5 hours 30 minutes from 00:00 – 02:00 <p>I wish to make the following representation</p> <ol style="list-style-type: none"> Increasing the hours for sale of alcohol Monday to Saturday will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area Increasing the hours for sale of alcohol on Sunday will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area <p>The applicant has provided some conditions in support of the application which are be</p>	

considered but do not fully address the concerns of Environmental Health.

The applicant is asked to contact the undersigned to arrange a site visit to assess premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

Responsible Authority:	Metropolitan Police Service
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Representative:	PC Reaz Guerra
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Received:	18 th January 2017
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With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

The hours sought for the Supply of Alcohol exceed Westminster Core Hours Policy and it is our belief that if granted the application would undermine the Crime Prevention Objective.

It is for this reason that we are objecting to the application

3. Policy & Guidance

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

Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies..
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Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement
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4. Appendices

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

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	23 rd December 2016
5	Representation – Environmental Health	17 th January 2017
6	Representation – Metropolitan Police Service	18 th January 2017

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
07/01246/WCCMAP	New Premises Licence	17/07/2005	Granted under Delegated Authority
05/12603/LIPDPS	Vary the Designated Premises Supervisor	25/11/2005	Granted under Delegated Authority
05/13073/LIPT	Transfer of the Premises Licence	11/01/2006	Granted under Delegated Authority
16/14123/LIPVM	Minor Variation : Supply of Alcohol : Days Monday to Sunday (7-days a week) Start time 00:80 End time 02:00	21/12/2016	Application Invalid. Extension of hours cannot be applied for by way of Minor Variation.

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

5(ii) For the purposes of the condition set out in paragraph 5(i) above -

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

6. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08.00. to 23.00
- (b) On Sundays, other than Christmas Day, 10.00 to 22.30
- (c) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30
- (d) On Good Friday, 08.00 to 22.30

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

7. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None.

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

None.

Conditions proposed by the applicant:

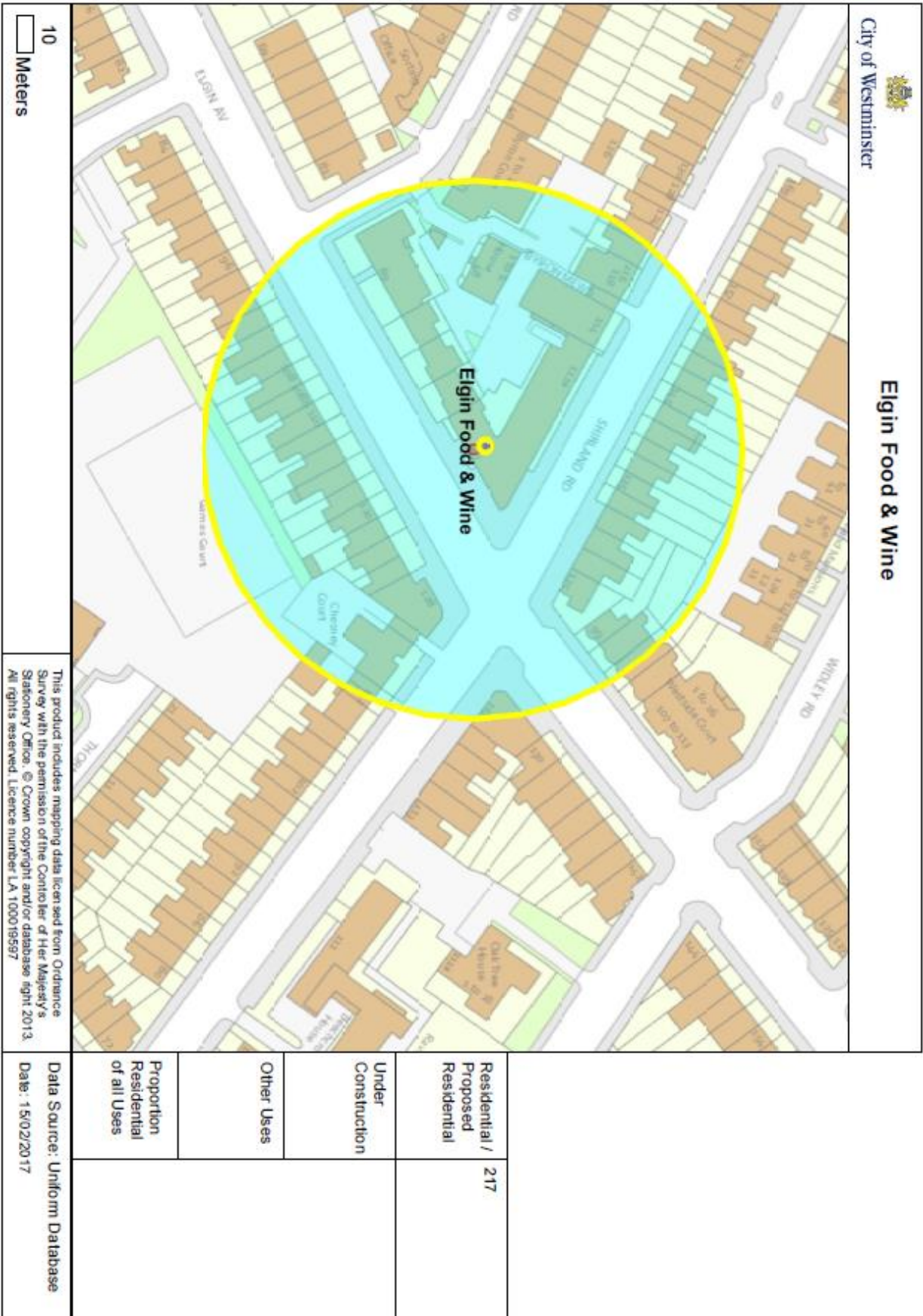
- 8. Provision of effective CCTV in and around premises 24hrs/30 days recording.
- 9. Training & supervision of staff.
- 10. Compulsory ID checks for under age children's.
- 11. Proper and clear display of Legal Notices.

Proposed conditions from Environmental Health and the Metropolitan Police Service:

- 12. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.

13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
14. The variation of the Premises Licence 07/01246/WCCMAP to extend hours for the sale of alcohol for consumption “off the premises” will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Residential Map and List of Premises in the Vicinity



City of Westminster

Elgin Food & Wine

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Meters

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Residential / Proposed Residential	217
Under Construction	
Other Uses	
Proportion Residential of all Uses	
Data Source: Uniform Database Date: 15/02/2017	