

Licensing Sub-Committee Report

Item No:	
Date:	11 th May 2017
Licensing Ref No:	17/02715/LIPN - New Premises Licence
Title of Report:	Real Ale Ltd 4 Formosa Street London W9 1EE
Report of:	Director of Public Protection and Licensing
Wards involved:	Little Venice
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:	New Premises Licence, Licensing Act 2003		
Application received date:	13 March 2017		
Applicant:	Real Ale		
Premises:	Real Ale Ltd		
Premises address:	4 Formosa Street London W9 1EE	Ward:	Little Venice
		Cumulative Impact Area:	None
Premises description:	The applicant has stated that the premises will operate as a retail outlet focusing on the sale predominantly of craft beer, with wine, and some high-end spirits.		
Premises licence history:	This is an application for a new premises and therefore no history exists.		
Applicant submissions:	<p>The road already consists of a mix of three restaurants, a pub (Prince Alfred) and a number of independent retail outlets.</p> <p>The retail space is split over a ground floor and basement level. Stock will be displayed in a number of fridges and shelving units on both levels of the store (see plan). There will be the ability to purchase draught keg and cask beer (in growlers) for take home.</p> <p>Licensing activities will, therefore, largely be focused around the sale of alcohol for off the premises and the space will be designed in a way that it has an off-licence/retail feel. There will also be the ability to purchase and consume alcohol on the premises, where we will sell draught beer in up to two third of a pint measures only as well as beer in bottle and cans. No pint measures will be sold to customers purchasing to consume on the premises. There will be the availability for on sale of wine on site, but not spirits. Wine will only be sold in the smallest measure of 125ml. The purchasing of alcohol for consumption on site is critical to our business. It enables the customer to sample an array of beers in a specialised environment, before they purchase for take home.</p> <p>It will have the same fixtures and fittings as our premises</p>		

in Twickenham, where we have been trading since 2005 as an 'independent bottle shop', a use that is becomingly increasingly widespread throughout London (other examples include Hop Burns and Black, Beer Boutique and We Brought Beer). A concept which is increasing in London, as the interest in craft beer increases (please see the images which are referred to in the plan). The named applicant, Nicholas Dolan, is also the owner of a brewery (Woodforde's Brewery in Norfolk).

Facilities available for customers will include some select seating on the ground floor, with the seating focused around the front windows, and during warmer times of the year two tables with two chairs to positioned directly outside of the retail space (in keeping with the café next door). As part of our application we would like to apply for a pavement licence with the Council.

We plan to allow customers to consume alcohol in the basement area, where there will a mix of seating and product for sale on purpose built shelving. This area will also be used for seating and as an area for 'event tastings' as well as 'meet the brewer' style events. The maximum capacity of the basement will be for 20 people seated only. On the ground floor the maximum capacity for seating will be 8 people, across 2 tables only (at the front of the store). Alcohol may be only consumed by customers who are seated (across both floors this will be 28 people), with the exception of one off 'private tasting events'.

'Private tasting events' are those pre-organised or private events where members of the general public are not permitted on a walk-in basis. The maximum capacity for the basement seating area will always remain at 20 seated customers only.

The ground floor and the basement will always be staffed by a minimum of 2 persons if there are customers situated on either floor.

The designated premises supervisor is our existing Store Manager (at Real Ale in Twickenham).

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:30	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None applied for.					

Sale by retail of alcohol				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:		None applied for.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:30	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None applied for.					
Adult Entertainment:		Not applicable.					

The Applicant has proposed to amend the hours of the application to:

Sale by retail of alcohol				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	21:00	21:30	21:30	21:30	21:30	21:30	21:30
Seasonal variations/ Non-standard timings:		None applied for.					

Sale by retail of alcohol				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	21:30	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:		None applied for.					

RECORDED MUSIC HAS BEEN REMOVED FROM THE APPLICATION

Recorded Music				Indoors, Outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:		None applied for.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	21:30	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:		None applied for.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Maxwell Koduah
Received:	4 th April 2017
<p>This representation is based on the operating schedule and accompanying plans of Basement & Ground Floor by Bob Trimble dated 9 March 2017 ref 1851/1.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none">Provision of recorded music "Indoors" at the following times: Monday: 10:00 – 22:00 hours Tuesday to Sunday: 10:00 – 22:30 hoursSupply of Alcohol for consumption "On & Off" the premises at the following times: Monday: 10:00 – 22:30 hours Tuesday to Sunday: 10:00 – 23:00 hours <p>I wish to make the following representation</p> <ol style="list-style-type: none">The provision and hours requested for recorded music will have the likely effect of causing an increase in Public Nuisance within the area.	

2. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

The applicant is requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns

Further discussion with Environmental Health

1. The sale of alcohol at the premises, at all time, shall be ancillary to the premises remaining a specialist craft beer shop
2. There shall be no bar servery within the basement area
3. There shall be no tables and chairs placed outside the premises
4. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed
 - Basement: 12
 - Ground floor 8With no more than 20 persons
5. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
6. The external door shall be kept closed after **21:00** hours except for the immediate access and egress of persons
7. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
8. After **21:00** hour patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
10. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **23.00** hours and **08.00** hours on the following day
11. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day

12. 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
13. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
14. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
15. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
16. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
17. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
18. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Toby Jane
Received:	30 th March 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

We have concerns that this application will cause further policing problems in an already demanding area.

Details of further Police discussions:

I have put together a list of conditions that Police believe would address our concerns in

relation to crime and disorder.

1. 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 is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. A Challenge 21 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.

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.

5. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

6. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

7. 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.

8. There shall be no self-service of alcohol for consumption on the premises.

9. The supply of alcohol on the premises shall only be to a person seated and to a maximum of 8 persons on the ground floor and XX in the basement. (To be confirmed by EH)

10. The supply of alcohol shall be by waiter or waitress service only.

11. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

12. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

2-B Other Persons

Name:	Miss Anna Vlassenkova
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Address and/or Residents Association:	1st floor flat 23 Warrington Crescent London w9 1ed
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Received:	21 st March 2017
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After having studied the application I would be opposed to having another alcohol selling place with background music and open 7 days a week, and clients seating outside. This cannot be a quiet place, and would be located near our very residential street - Warrington Crescent. The pub in Formosa str - Prince Alfred - is already quite noisy with clients standing outside, and I would not be keen on having another place like this closer to my home where balconies give to Warrington Crescent so music could potentially be heard in the street 7 days a week and especially in summer time when the door is permanently open.

Name:	Mr Timothy Cheema
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Address and/or Residents Association:	Formosa Street London
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Received:	9 th April 2017
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We live in the flat directly above 4 Formosa Street, and, as we would be very directly and very personally affected if the license is granted, we would like to register our objections to it being granted.

We are concerned about the following:

The evening trading hours (right up to 11pm most evenings), combined with a Licence to play music indoors. It is unavoidable that this will have a disruptive impact on our home life, and our right to be able to relax and enjoy the peace of our home. This old building does not 'contain' sound well. The noise shall not end when closing time is reached... the bottles shall be put outside and shall be collected during the night.

Customers congregating outside the premises by our front door, and right below our window. As can be expected, customers will congregate outside to smoke, to talk, to arrive and leave - we shall suffer from a loss of privacy and security; the noise will be disruptive; the smoke shall be unpleasant, and pushing past people to get in and out of

our home shall be a nuisance.

This stretch of Formosa Street between Castellain Rd and Warrington Crescent is no more than 60 meters in length, and yet it already has an Off-License (Dhigs), a large Pub (The Prince Alfred) with attached Restaurant (Formosa Dining Rooms), 2 other licensed Restaurants (Les Petits Gourmets & The Red Pepper), and 2 further restaurants without license - there is no need for another establishment to be granted a license - it is not what the area, and specifically, the residents of Formosa Street need. See attached Formosa St map...

The above premises combined already cause considerable disorder, disruption and nuisance to the residents of the street:

Already, the noise from patrons enjoying their drinks out of the street is often incredibly noisy, and impossible to shut out from our apartment. It is a quite common for our peace to be disrupted for most of the evening by the loud sounds of aggressive shouting, laughing, chanting, etc. See attached sound recording 1 taken from our window recently...

Already, each of these establishments stack their refuse bags of empty bottles out on the street throughout the evening, quite often stacked up against the entrances to the residential apartments above. The view we are confronted with approaching our street and our home is horrible, and the refuse attracts vermin and insects, etc towards our homes.

Already, The Prince Alfred, Les Petits Gourmets and The Red Pepper, have collections of their empty bottles etc after their trading hours. This means that even after 11pm the peace and sleep of the residents is disturbed again, as each seems to have a separate contractor engaged to collect their empty bottles. Between 12:30am and 2am, 3 large and noisy rubbish trucks separately drive into and down Formosa St, and the bags of empty bottles are thrown onto the trucks. See attached sound recording 2 taken from our window taken recently (not the best or loudest recording, but still illustrative)...

I would argue that already this small residential street cannot handle the level of late evening / early morning noise disruption and nuisance. Granting another license to another premise is only going to exacerbate the problems, and it is the residents such as ourselves, in the apartments directly above that will suffer most of all and considerably.

Therefore we ask that Westminster Council reject the application for a license, and encourage a retailer to the premises that is less intrusive to the lives of the residents of the street, and will add more community value to the street - we don't need another pub / off-license.

Name:	Elizabeth Virgo
Address and/or Residents Association:	Planning And Licensing PWMVS 4 Browning House 19-21 Formosa Street London W9 2JS
Received:	30 th March 2017

As a recognised amenity society by Westminster City Council, we are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity of this part of Formosa Street, which is at this point a narrow street, with residential accommodation above first floor level on either side. In this short stretch, there are already one public house, three licensed restaurants (all with table licences outside) and a newsagent with an off licence.

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area. Were this application to be food-led, we would probably be supportive, subject to appropriate safeguards. However, in relation to potential noise, crime and disorder, we are very regretfully concerned at the proposal for on and off sales, with no provision for food. If it were food led, we would be more likely to regard this as a real asset, attracting more people to the stretch of street which we would like to see "kept alive".

As this is a drink-led operation, we also object to the use of tables outside. This is in line with our earlier objections to the nearby public house having this facility. We do not wish to see customers drinking outside, due to the nuisance this would cause to residents of flats above.

Inevitably there is the issue of smoking. Those drinking in the basement would have to go outside and occupy the narrow pavement, potentially obstructing passers-by. In addition we object strongly to the idea that they could take their drink with them.

Finally, nearby residents have complained in the past about the level of external noise from the nearby pub, to the point where both WCC Licensing officers and the local ward Officer have regularly reminded the individual operators of the need to keep noise level down, much magnified because of the narrowness of the street, particularly in the warmer months.

Were the Council minded to grant such a licence, we would ask that it be restricted to off sales only, Sunday trading be restricted to Core Hours and no outside tables. If the Council were minded to grant any element of 'on' sales, we would ask it should be restricted to private, prebooked tasting events only.

We would also seek appropriate conditions on deliveries and recycling and waste collections (particularly because of the likely number of glass bottles), given the residential accommodation nearby.

We would like to iterate that we are supportive of any proposal which adds life to the street. However we regret that, in our view, the application as currently presented will fail to promote the licensing objectives.

Should there be a hearing, I hope to attend but if unable, will ask Richard Brown to represent us.

Name:	Mr Ian Gray
Address and/or Residents Association:	3 Formosa Street London W9 1EE
Received:	19 th March 2017

I live opposite the subject property, and it is immediately adjacent to many peoples' homes.

I have no objection to the sale of alcohol on the premises, but I must strenuously object to the consumption of alcohol and playing of recorded music on the premises.

In Formosa Street we already suffer the noise and antisocial behaviour from the patrons of the Prince Alfred pub as well as alcohol being served at the Red Pepper restaurant (also consumed on outside tables). The ongoing consumption of alcohol on premises results in behaviour such as shouting, signing in loud and obnoxious voices, and at times yelling and physical fighting - all because the patrons are intoxicated. I do Not believe that a third venue which exists to feed alcohol into people is desirable in our neighbourhood. People live in extremely close proximity to this property and we know that if alcohol is consumed on premises (this seems to be the sole purpose of the basement level plans here) then it will only add to our suffering . This is a predominantly residential area and people are trying to sleep at 10 and 10:30pm. We all know that after an evening of drinking, patrons are loud and do not respect the fact that others are sleeping mere yards away. Our buildings are listed and double glazing is not an option for most. I have to question why it is necessary for so many places for people to drink. A business like this is better suited to a more commercial, less residential area.

Name:	Mr William Earner
Address and/or Residents Association:	Top Floor 23 Warrington Crescent London W9 1ED
Received:	25 th March 2017

I am very excited to see this project go forward. The site has been home to stagnant businesses for too long. This kind of craft beer store will be really great for Formosa Street. As a home to a pub and several restaurants already this will be a welcome addition without causing any more noise than is already there with existing establishments. My wife and I look forward to being frequent customers.

Name:	Mr Peter Hahn
Address and/or Residents Association:	21 Warrington Crescent Maida Vale W9 1ED
Received:	18 th March 2017

I am the chairman of the 21 Warrington Crescent Ltd, a building located at the intersection of Formosa Street (Nos. 1 and 2) and Warrington Crescent. The application pertains to No. 4 Formosa Street. Our building is the home of multiple families and houses school age children. We welcome a new occupant to No. 4 Formosa Street and understand that alcohol is already for sale at a number of outlets on Formosa Street, however, we wish to express our concern at the proposed opening hours. Currently, we suffer in the evenings from loud and occasional confrontational conversation in the evening from 1) patrons choosing to consume their beverages out of doors (despite well intentioned efforts of those managing premises) and 2) patrons departing around the hours of closing. The latter is particularly heightened in the warmer weather. This is detrimental to all of us and particularly to those younger who are studying. We are not a unique house and most of our neighbouring houses have similar demographics. Thus, we ask that that the proposed establishment have its opening hours limited to 20:00 for on-site consumption. We note that not many years ago a very similar application was made for alcohol service at 5 Formosa Street and it was refused due to neighbours' concern. It created much anxiety for the families living here. We do not see that anything has changed.

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.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH.

4. Appendices

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

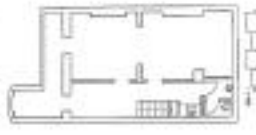
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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	13 th March 2017
5	Representation – Environmental Health	4 th April 2017
6	Representation – MET Police Service	30 th March 2017
7	Representation – Miss A Vlassenkova	21 st March 2017
8	Representation – Mr T Cheema	9 th April 2017
9	Representation – PWMS	30 th March 2017
10	Representation – Mr Gray	19 th March 2017
11	Representation – Mr Earner	25 th March 2017
12	Representation – Mr Hahn	18 th March 2017


Premises Plans



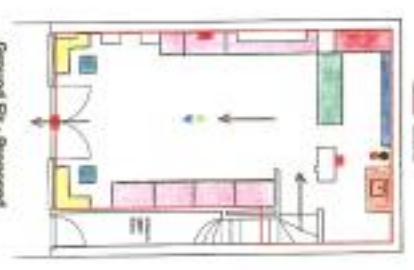
Basement - existing
1:100




















Ground Flr - Existing
1:100



Basement - proposed
1:100



Ground Flr - Proposed
1:100

Symbol	Description	Reference Figure Number if applicable
	Counter & cash register	1
	Kettle shelving / fridges	2
	Door	
	Hot water sink & counter	
	Beer dispenser unit	3
	Emergency lighting	
	Escape route and directional signs	
	Carbon dioxide extinguisher	
	Foam extinguisher	
	Small corner table	
	Small table	
	Bar/fit seat	
	Low stool / chair	
	Smoke detector	
	Carbon dioxide detector	
	Toilet and wash basin	
	Storage (linked to the plan)	

Key

Project Name	800b Toronto AA Dp, SDA
Client	Robinson & Murray
Project Address	20 York St Toronto ON M5J 1A8
Project Description	Food service - new premises
Scale	1:100
Author	Paul Lee CLS
Checker	Paul Lee CLS
Project No.	2019-001
Issue No.	1
Issue Date	2019-01-15
Project Status	Approved
Project Manager	Paul Lee CLS
Project Engineer	Paul Lee CLS
Project Designer	Paul Lee CLS
Project Drafter	Paul Lee CLS
Project Checker	Paul Lee CLS
Project Approver	Paul Lee CLS
Project Reviewer	Paul Lee CLS
Project Sign-off	Paul Lee CLS

Applicant Supporting Documents

Images of proposed fixtures for 4 Formosa Street, London W9 1EE
Based on existing retail space at Real Ale, 371 Richmond Road, Twickenham

Refer to key on plan

Picture 1.



Picture 2.



Picture 3.



Letter of response to residents

Ref. Real Ale licence application at 4 Formosa Street, London W9 1EE (17/02715/LIPN)

We are writing to you further to your representation relating to our application for a premises licence at 4 Formosa Street. We appreciate your concerns and we are therefore keen to address your opposition to our application directly, and therefore hopefully to allay your concerns.

Since submitting our application to the Licensing Department at Westminster Council, we have met with the Metropolitan Police Department and Environmental Health department. Upon receiving their subsequent conditions, and agreeing to all of them, we have amended our application. Please find attached these revised conditions. In addition, we have taken on board concerns around the proposed operating schedule, and we have therefore amended this to reflect earlier closing times. Please see attached.

You will see that some of these conditions, we hope, directly deal with your concerns? Equally, we would be very happy to meet with you and discuss them in more detail. Please do not hesitate to contact us by phone (020 8894 1114) or by email (zeph@realale.com) to arrange this.

We would like to reassure you that having been in business since 2005 (please see our attached bio), and operating a craft beer shop in Twickenham, we take any concerns of our neighbours extremely seriously. We are proud of our record and think that we add something that is both unique and fitting with our local neighbourhood. We are, and always will be, a craft beer shop and our application for a premises licence at 4 Formosa Street is to achieve the same purpose. We are also keen advocates of engaging with our local community, and hope that this will continue with residents in the surrounding area of Formosa Street.

We hope that we have helped to allay your concerns in this letter, but as we have mentioned above we are very happy to meet you in person and discuss further. Alternatively, if you are happy with the information we have provided we hope you would consider withdrawing your representation of our application. We do, of course, completely understand if you wish to uphold your representation and do not wish to contact us.

Yours sincerely,

Nick Dolan
Deputy Chairman and Founder

Zeph King
Managing Director

Encs.

Cc. Heidi Lawrance, Senior Licensing Officer, Public Protection & Licensing, Westminster City Council

Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

Conditions consistent with the operating schedule

9. Effective management and training of all staff.
10. All staff to have a personal licenses.

11. Clear 'challenge 21' information to prevent the supply of alcohol to under-age drinkers
12. CCTV installed throughout, with a recording mechanism.
13. CCTV installed on the ground and basement levels, also pointing out on to the street and fixed to the outside area of the shop frontage.
14. A staff member from the premises who is conversant with the operation of CCTV system shall be on the premises at all times when the premises is open. This staff member will be able to provide the Police or authorised council officers with copies of recent CCTV images or data with minimum of delay.
15. Notice on the shop front showing the normal hours of opening and closing, to which licensed activities are permitted.
16. There will be a maximum numbers policy for customers consuming alcohol on the premises, of 28 people who must be seated only, during the hours of 1200 and 22.00 on a Monday and 1200 and 22.30 Tuesday to Sunday.
17. The refusal of sale of alcohol to intoxicated customers
18. Prevention of drugs of any kind in the premises or outside of it
19. Fixed Internal lighting to promote public safety and Emergency lighting throughout the basement and ground floor.
20. A log book to be kept to record matters arising, including any inspections made by the authorities.
21. The building and all fixtures and fittings will be kept in good working order and safe for customers and our staff, to also include heating and air-conditioning.
22. Clear and prominent signage requesting the public to respect local residents
23. Deliveries only to be made in the hours of business to prevent any nuisance to neighbours.
24. Customers will be expected to move on from the premises and not to talk loudly both during opening hours and also once the premises have closed.
25. Any waste will be removed quietly and not in such a way to disturb residents (and not after 2300).
26. An appropriate cigarette dispenser will be installed outside of the premises to keep cigarette litter to a minimum.
27. Unaccompanied children under the age of 16 will not be allowed in the premises.
28. Children will not be permitted after the hours of 2000.

29. Staff will be required to check the ID of anyone appearing to be under the age of 18 and we would operate challenge 21 in conjunction with this policy. Reliable proof of age will be required (a photo driving licence, a passport, a proof of age card which carries the PASS hologram).
30. Staff will be trained to check anyone who looks under the age of 21 and the necessary steps required if they suspect they are under legal drinking age.
31. Challenge 21 signage will be evident in the front store window

Conditions proposed by the Environmental Health

32. The sale of alcohol at the premises, at all time, shall be ancillary to the premises remaining a specialist craft beer shop
33. There shall be no bar servery within the basement area
34. There shall be no tables and chairs placed outside the premises
35. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed
 - Basement: 12
 - Ground floor 8With no more than 20 persons
36. 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
37. The external door shall be kept closed after **21:00** hours except for the immediate access and egress of persons
38. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
39. After **21:00** hour patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
41. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **23.00** hours and **08.00** hours on the following day
42. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day
43. 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

44. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
45. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
46. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
47. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
48. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
49. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Conditions proposed by the Police

50. 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 is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
51. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
52. A Challenge 21 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.

53. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
54. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
55. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
56. 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.
57. There shall be no self-service of alcohol for consumption on the premises.
58. The supply of alcohol on the premises shall only be to a person seated and to a maximum of 8 persons on the ground floor and XX in the basement. (To be confirmed by EH)
59. The supply of alcohol shall be by waiter or waitress service only.
60. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
61. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.