

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 2 November 2017 |
| Licensing Ref No: | 17/08350/LIPN - New Premises Licence |
| Title of Report: | Co-Operative 4 Merchant Square City Of Westminster London W2 1AZ |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Hyde Park |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Daisy Gadd Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|-----------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 27 July 2017 | | |
| Applicant: | Co-operative Group Food Limited | | |
| Premises: | Co-Operative | | |
| Premises address: | 4 Merchant Square City Of Westminster London W2 1AZ | Ward: | Hyde Park |
| | | Cumulative Impact Area: | No |
| Premises description: | The premises intends to operate as a convenience store selling groceries, sundry items and alcohol for consumption off the premises. | | |
| Premises licence history: | This is an application for a new premises licence and therefore no history exists. | | |
| Applicant submissions: | None | | |
| Plans: | Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Off |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | None | | | | | | |

Following discussions with the Police, the applicant has amended the proposed hours for the sale of alcohol to the below:

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|---|------------|-------------|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Off |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 10:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | None | | | | | | |

| Hours premises are open to the public | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | None | | | | | | |

2. Representations

| 2-A Responsible Authorities | |
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| Responsible Authority: | Metropolitan Police Service (withdrawn) |
| Representative: | PC Sandy Russell |
| Received: | 3 August 2017 |
| <p>I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The times applied for alcohol sales are not conducive to Westminster Council's Licensing Policy Document</p> <p>The conditions submitted are not worded appropriately enough from a police perspective.</p> <p>The Police have withdrawn their representation followings the agreement of conditions and timings with the applicant.</p> | |
| Responsible Authority: | Environmental Health |
| Representative: | Mr Anil Drayan |
| Received: | 18 August 2017 |
| <p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted plans of the premises showing Basement and Shop Floor, labelled 4 Merchant Square, Drawing No : NAME P1, Fixture Rev:F1, Macro Rev: MO, dated 2017.</p> <p>This representation is based on the operating schedule and plans submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. Supply of Alcohol 'off' the premises on Monday to Sunday from 07:00 to 23:00 hours <p>I wish to make the following representations:</p> <ol style="list-style-type: none"> 1. The Supply of Alcohol and for the hours requested may have the likely effect of causing an increase in Public Nuisance in the area | |

It is noted that the hours requested are also beyond 'core' hours as stated in Westminster's Statement of Licensing policy.

I understand the premises have not yet been refurbished for the proposed use and will in any case need to be inspected for Public Safety prior to start of licensable operations.

The applicant has submitted conditions and undertaking in the operating schedule and these are under consideration for adequacy with the actual application as applied.

The applicant is therefore requested to contact the undersigned to arrange a site visit to discuss the application after which Environmental Health may request additional conditions.

2-B Other Persons

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| Name: | Councillor Floru |
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| Received: | 20 August 2017 |
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I am one of the three ward councillors for this area.

While the Coop will offer additional shopping opportunity to local residents, we need to take into account that the area has a problem with rough sleepers, beggars, and other anti-social behaviour.

I object to this application, unless the following conditions are added to the Licence:

- the morning hours for sale of alcohol should be reduced; and
- no sale of beer or cider over 5.5% strength; and
- no 'miniatures' of alcohol on sale; and
- spirits to be sold from behind the sales counter; and
- Challenge 25 to be in operation at all times; and
- make sure the premises close at 23.00 (22.30 Sundays & Bank Holidays) as there are residential premises above.

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| Name: | South East Bayswater Residents' Association |
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| Received: | 21 August 2017 |
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In and around the area there is a problem with rough sleepers, beggars and street drinkers - particularly along Praed Street and Edgware Road.

We also have concern as premises immediately adjacent 'floating gardens' just opened on canal where could be place that unsocial drinking takes place but we note that there are security guard employed around Merchant Square.

We would wish any application for 'off sales' to be within WCC 'Off sales' Core Hours, CCTV to satisfaction of police and WCC along we other 'model' conditions such as.

No sale of beer or cider over 5.5% strength

No 'miniatures' of alcohol on sale.

Cabinets with alcohol to be 'locked' outside hours permitted for 'off sales'

No more than maximum of 15% of sales area of shop to be for alcohol display.

Spirits to be sold from behind 'sales counter'

Challenge 25 to be in operation at all times.

Premises to close at 23.00 (22.30 Sundays & Bank Holidays) as residential premises above.

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| Name: | Paddington Waterways & Maida Vale Society |
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| Received: | 12 August 2017 |
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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 location.

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area. However the hours sought for alcohol are 7am to 11pm each day - outside core hour in morning, and on Sunday evening. We would like the hours reduced.

In the absence of a plan, we are concerned as to where the sales will take place, and what provision for locked cabinets there will be.

The application referred to attached conditions but these were not there. We may wish to comment on these in due course.

3. Policy & Guidance

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

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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. |
| 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. |

4. Appendices

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

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| Report author: | Miss Daisy Gadd Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2737 Email: dgadd@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

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|----------|---|------------------------------|
| 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 | April 2017 |
| 4 | Representation Metropolitan Police Service | 3 August 2017 |
| 5 | Representation Environmental Health | 18 August 2017 |
| 6 | Representation Councillor Floru | 20 August 2017 |
| 7 | Representation South East Bayswater Residents' Association | 21 August 2017 |
| 8 | Representation Paddington Waterways & Maida Vale Society | 12 August 2017 |

Applicant Supporting Documents

Appendix 1

None submitted

Premises History

Appendix 2

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

6. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
7. There shall be 'CCTV in Operation' signs prominently displayed at the premises.
8. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
9. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
10. The premises will be fitted with a burglar alarm system.
11. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

Conditions proposed by the Police and Environmental Health and agreed with the applicant

12. The premises licence holder shall install and maintain a CCTV system at the premises giving coverage of all entry points and areas to which customers have access in any lighting conditions.
13. Such CCTV system shall continuously record whilst the premises are open for licensable activities and shall be capable of providing frontal identification of customers.
14. All CCTV recordings shall be retained for a minimum of 31 days and shall be date and time stamped.
15. CCTV recordings should be made immediately available for inspection upon receipt of a request by the Police and Authorised Officer of the Licensing Authority.
16. A member of staff shall always be present on the premises whilst they are open who is capable of operating the CCTV system and able to facilitate immediate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority.
17. A Proof of Age Scheme, such as Challenge 25, shall be operated premises whereby the only acceptable forms of identification are a valid passport, UK driving licence, any form of identification containing the PASS hologram, military

identification or any other form of identification time to time approved by the Secretary of State.

18. An Incident Record, whether kept in written or electronic form, shall be maintained at the premises and made available on request to the Police or an Authorised Officer of the Licensing Authority. The Incident Record shall record any complaints received in connection with the licensable activity at the premises, any faults with the CCTV system, any refusal to sell alcohol at the premises, and any visit to the premises by a responsible authority in connection with the licensable activity permitted at the premises.
19. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003.
20. Training Records shall be kept and made available for inspection upon receipt of request from the Police or an Authorised Officer of the Licensing Authority.
21. A notice must be displayed in the premises explaining that it is an offence for persons under the age of 18 to purchase alcohol.
22. A panic alarm and system shall be installed and maintained at the premises.
23. A burglar alarm system shall be installed and maintained at the premises.
24. An electronic till prompt system shall be installed and maintained at the premises.
25. During the hours that the premises is open but not authorised to sell alcohol, all alcohol within the trading area shall be secured behind locked screens that customers do not have access to it.
26. No more than 15% of the trading area shall at any one time be given over to the display of alcohol.
27. Notices shall be displayed in the premises confirming that the hours during which alcohol may be sold.
28. There shall be no self-service of spirits, save for mixed spirits with an ABV of 6.5% or less.
29. No spirit measures of less than 20cl shall be sold at the premises save that this prohibition shall not apply to mixed spirits, being spirits mixed with a non-alcoholic beverage.
30. Notices shall be displayed at the exit to the premises requesting that customers should leave quietly.
31. No beer, lager or cider of 6.5BV or above shall be sold at the premises save that this prohibition shall not apply to premium products such as draft and microbrewery products, or products produced to commemorate a specific event or similar.

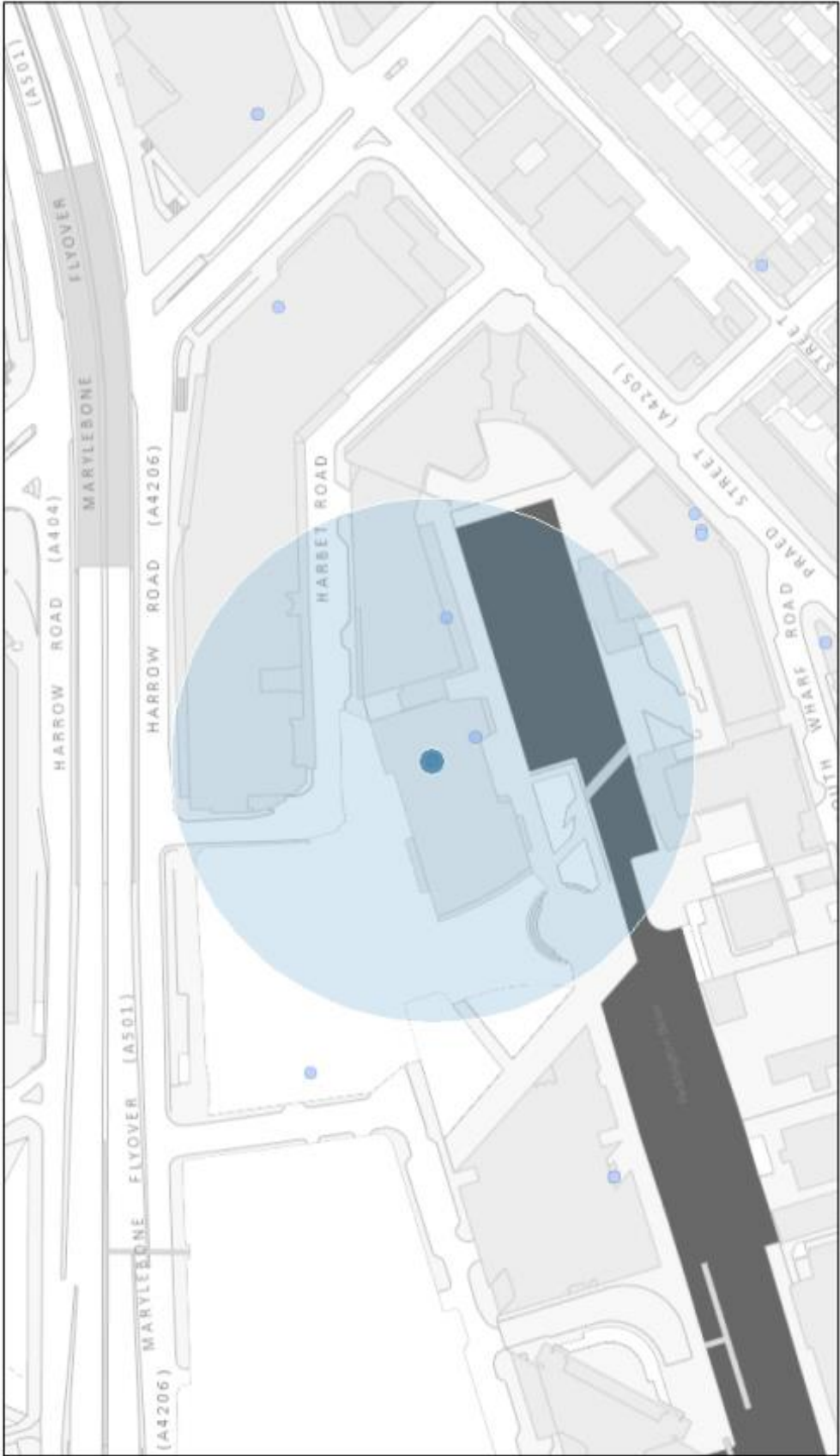
Additional conditions proposed by Environmental Health and agreed with the applicant

32. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
33. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day save that this restriction does not apply to newspapers and magazines or diary or bakery products.
34. No licensable activity shall be permitted at the premises until the premises have been inspected by the Environmental Health Consultation Team and they have confirmed that policies and procedures are in place which enables the Premises Licence Holder to fulfil the conditions attached to this licence.
35. The inspection of the premises shall be concluded within 3 working days of EHCT being notified by the Premises Licence Holder that the premises is about to open.
36. EHCT shall notify the Premises Licence Holder that they are so satisfied, or what steps need to be taken to rectify any inadequacies, within 24 hours of the inspection taking place.
36. If EHCT do not fulfil the requirements of 9.2 and 9.3 then the Premises Licence Holder may, in any event, conduct licensable activities.

Conditions proposed by SEBRA and PWMVS

37. 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.

Co-operative



Resident count = 226