



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	25 January 2018
Licensing Ref No:	17/14171/LIPV - Premises Licence Variation
Title of Report:	Cumberland Food & Wine 11 Great Cumberland Place London W1H 7AL
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	29 November 2017		
Applicant:	Chelsea Food And Wine Company Limited		
Premises:	Cumberland Food & Wine		
Premises address:	11 Great Cumberland Place London W1H 7AL	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area:	No
Premises description:	The premise currently operates as a convenience store with off sales.		
Variation description:	<p>According to the application, the applicant is seeking to vary the following:</p> <ul style="list-style-type: none"> To permit the sale of alcohol for consumption on the premises during core hours, provided the alcohol is supplied by waiter/waitress service to persons seated and ancillary to a table meal. To permit late night refreshment for consumption on the premises within the area hatched black on the plan during core hours To amend condition 10 to read "Hot food and/or hot drink sold between 23:30 - 01:00 Monday to Thursday and 00:00 - 01:00 Friday to Saturday shall be for consumption off the premises (take away) only." 		
Premises licence history:	These premises currently hold a premises licence (17/14156/LIPVM) found at Appendix 4 of the report.		
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 Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of recoded music and Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Licence Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No Change		Ground Floor	No Change
Tuesday					Ground Floor	
Wednesday					Ground Floor	
Thursday					Ground Floor	
Friday					Ground Floor	
Saturday					Ground Floor	
Sunday					Ground Floor	

Late night refreshment: On Sales						
Indoors, outdoors or both			Current :		Proposed:	
			Off		On and off	
	Current Licence Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	No current on sales		23:00	23:30	Ground Floor	No change
Tuesday			23:00	23:30	Ground Floor	
Wednesday			23:00	23:30	Ground Floor	
Thursday			23:00	23:30	Ground Floor	
Friday			23:00	23:30	Ground Floor	
Saturday			23:00	23:30	Ground Floor	
Sunday			Not applied for	Not applied for	Ground Floor	

Late night refreshment: Off Sales						
Indoors, outdoors or both			Current :		Proposed:	
			Off		On and off	
	Current Licence Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:00	No change		Ground Floor	No change
Tuesday	23:00	01:00			Ground Floor	
Wednesday	23:00	01:00			Ground Floor	
Thursday	23:00	01:00			Ground Floor	
Friday	23:00	01:00			Ground Floor	
Saturday	23:00	01:00			Ground Floor	
Sunday	23:00	01:00			Ground Floor	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00 (on sales) 10:00 (off sales)	23:00 (on and off)	10:00 (on sales)	23:30 (on sales)	Ground Floor	No Change
Tuesday	08:00 (on sales) 10:00 (off sales)	23:00 (on and off)	10:00 (on sales)	23:30 (on sales)	Ground Floor	
Wednesday	08:00 (on sales) 10:00 (off sales)	23:00 (on and off)	10:00 (on sales)	23:30 (on sales)	Ground Floor	
Thursday	08:00 (on sales) 10:00 (off sales)	23:00 (on and off)	10:00 (on sales)	23:30 (on sales)	Ground Floor	
Friday	08:00 (on sales) 10:00 (off sales)	23:00 (on and off)	10:00 (on sales)	00:00 (on sales)	Ground Floor	
Saturday	08:00 (on sales) 10:00 (off sales)	23:00 (on and off)	10:00 (on sales)	00:00 (on sales)	Ground Floor	
Sunday	10:00 (off sales) 12:00 (on sales)	22:30 (on and off)	N/A	N/A	Ground Floor	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	01:00	No Changes		Ground Floor	No Change
Tuesday	08:00	01:00			Ground Floor	
Wednesday	08:00	01:00			Ground Floor	
Thursday	08:00	01:00			Ground Floor	
Friday	08:00	01:00			Ground Floor	
Saturday	08:00	01:00			Ground Floor	
Sunday	08:00	01:00			Ground Floor	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
Condition 10 Hot food and/or hot drink sold between 23:00 and 01:00 shall be for consumption off the premises (take away) only.	Proposed amendment “Hot food and/or hot drink sold between 23:30 - 01:00 Monday to Thursday and 00:00 - 01:00 Friday to Saturday shall be for consumption off the premises (take away) only.”

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Premises City Inspector Team represented by The Licensing Authority
Representative:	Francis Keegan
Received:	21 st December 2017

As discussed, I wish to oppose the current variation application No 17/14171/LIPV .

I understand the application is :

To vary the existing premises licence so as to amend the permitted hours for the sale by retail of alcohol for consumption on the premises only, in line with the city council's core hours policy; i.e. Monday to Thursday 23:30 and Friday to Saturday 00:00 (no change Sunday). Subject to the existing conditions which restrict sales of alcohol to:-

- waiter/waitress service
- persons seated & ancillary to a table meal

Subsequently and subject to above, to amend condition 10 so as to permit late night refreshment for consumption on the premises within the area hatched black on the plan during core hours:-

10. Hot food and/or hot drink sold between 23:30 - 01:00 Monday to Thursday and 00:00 - 01:00 Friday to Saturday shall be for consumption off the premises (take away) only.

Full details of the objection will be supplied early in the new year, but recent visits have revealed issues including the following :

Selling late night refreshment beyond permitted hours

Selling high strength beer in cans in breach of licence conditions

Selling high strength beers in bottles which I do not regard as being "premium" brands in breach of licence conditions

Other breaches

Managers and staff being unaware of their obligations under the licence

The licensee's agent failing to provide details (home address , etc.) , despite repeated requests, of a manager on duty when an offence took place (selling LNR after permitted hours).

Basically I do not regard this venue as being well run, and I may well seek a formal Review of the licence if this continues and/or prosecuting the licence holder.

To grant variations being sought would, I feel, undermine the licensing objectives.

Responsible Authority:	The Metropolitan Police
Representative:	PC Reaz Guerra
Received:	17 th December 2017

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.

There is insufficient detail in the operating schedule to address 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.
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 RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

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 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@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	The Application Form	29 th November 2017
5	The City Inspectors Team represented by Licensing Authority- Representation	21 st December 2017
6	The Metropolitan Police- Representation	17 th December 2017

Applicant Supporting Documents

Appendix 1

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/10250/LIPC	Convert the justices off licence	03.10.2005	Granted under delegated
10/01570/LIPDPS	Application to vary the Designated premises supervisor	30.03.2010	Granted under delegated
10/01573/LIPT	Application to transfer the premises licence	30.03.2010	Granted under delegated
10/08979/LIPDPS	Application to vary the Designated premises supervisor	02.12.2010	Granted under delegated
13/03692/LIPVM	Minor Variation Application	11.06.2013	Granted under delegated
14/08680/LIPT	Application to transfer the premises licence	24.10.2014	Granted under delegated
14/09194/LIPV	Application to vary the premises licence	24.09.2015	Granted by Licensing Sub-Committee
15/06561/LIPV	Application to vary the premises licence	07.09.2015	Granted under delegated
16/02975/LIPDPS	Application to vary the Designated premises supervisor	12.05.2016	Granted under delegated
16/14114/LIPVM	Minor Variation Application	14.06.2017	Granted under delegated
17/14156/LIPVM	Minor Variation Application	20.12.2017	Granted under delegated

There is no appeal history

Temporary Event

Application	Details of Application	Date Determined	Decision
15/08847/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08848/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08852/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08853/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08857/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08859/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08861/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08863/LITENP	Temporary Event	18.12.2015	Notice allowed
15/08867/LITENP	Temporary Event	18.12.2015	Notice allowed
17/06445/LITENP	Temporary Event Notice	13.07.2017	Noticed refused by Licensing Sub- Committee

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

9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.
10. Hot food and/or hot drink sold between 23:00 and 01:00 shall be for consumption off the premises (take away) only.
11. The licence holder shall ensure that the number of persons permitted in the premises between 23:00 and 01:00 at any one time (excluding staff) shall not exceed 20 persons.
12. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
13. The minor variation application shall have no effect 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.

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

14. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. 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.
18. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
19. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
20. 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
21. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
22. The sale of alcohol for consumption on the premises shall not commence until 10:00 Monday to Saturday and 12:00 on Sunday.
23. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
24. 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 preceding 31 day period.

25. 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.
25. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
26. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
27. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
28. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
30. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
31. All tables and chairs shall be removed from outside the premises by 23.00 hours.
32. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
34. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
35. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
36. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

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.
38. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
39. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
40. 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.

Appendix 4

Monday to Sunday: 08:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Chelsea Food And Wine Company Limited
276 Preston Road
Harrow
Middlesex
HA3 0QA

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

05729781

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

Name: Samirali Shaukatali Sunesara

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: H04300
Licensing Authority: London Borough Of Hounslow

Date: 14 June 2017

This licence has been authorised by Mr Daniel Ferrer 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.
- (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.
- (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.
- (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

9. Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale.
10. Hot food and/or hot drink sold between 23:00 and 01:00 shall be for consumption off the premises (take away) only.
11. The licence holder shall ensure that the number of persons permitted in the premises between 23:00 and 01:00 at any one time (excluding staff) shall not exceed 20 persons.
12. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
13. The minor variation application shall have no effect 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.

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

14. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. 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.
18. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
19. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
20. 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.
21. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
22. The sale of alcohol for consumption on the premises shall not commence until 10:00 Monday to Saturday and 12:00 on Sunday.
23. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
24. 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 preceding 31 day period.
25. 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.

26. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
27. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
28. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
32. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
33. All tables and chairs shall be removed from outside the premises by 23.00 hours.
34. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
37. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
38. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
39. 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.
40. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
41. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
42. 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.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

Premises licence
summary

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

Regulation 33, 34

Premises licence number:

16/02975/LIPDPS

Part 1 – Premises details

Postal address of premises:

Cumberland Food & Wine
11 Great Cumberland Place
London
W1H 7AL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Late Night Refreshment

Monday to Sunday: 23:00 to 01:00 (Off sales)

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00 (Off sales)

Monday to Saturday: 10:00 to 23:00 (On sales)

Sunday: 10:00 to 22:30 (Off sales)

Sunday: 12:00 to 22:30 (On sales)

The opening hours of the premises:

Monday to Sunday: 08:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Chelsea Food And Wine Company Limited
276 Preston Road
Harrow
Middlesex
HA3 0QA

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

05729781

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

Name: Samirali Shaukatali Sunesara

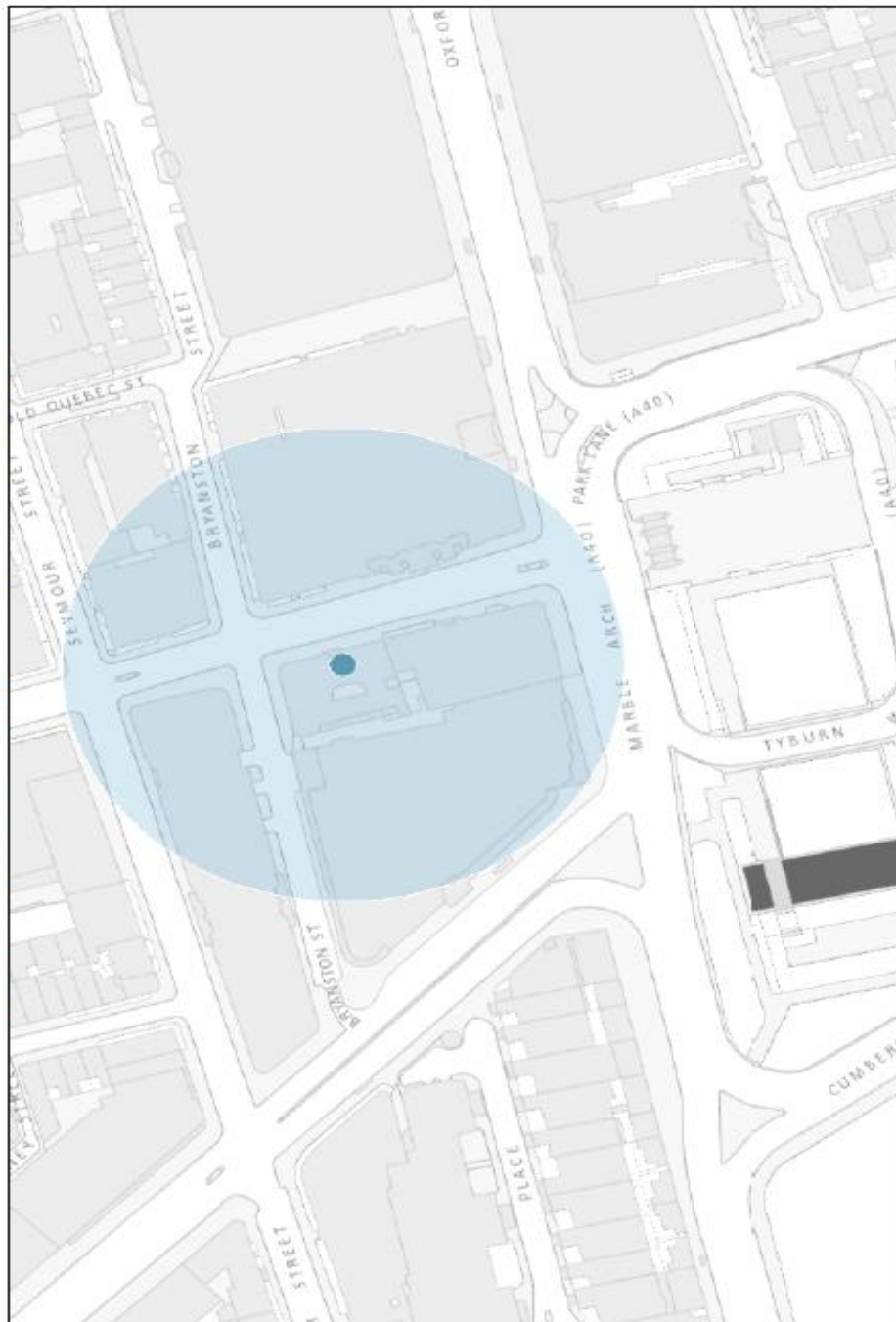
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 14 June 2017

This licence has been authorised by Mr Daniel Ferrer on behalf of the Director - Public Protection and Licensing.

Cumberland Food & Wine 11 Great Cumberland Place



January 11, 2018



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Resident Count: 93

Licence Number	Trading Name	Address	Premises Type	Time Period
17/14156/LIPVM	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7AL	Shop	Not Recorded; XXXX - XXXX
17/10118/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
15/06410/LIPDPS	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
16/07994/LIPDPS	Prezzo	7-9 Great Cumberland Place London W1H 7BE	Restaurant	Monday to Sunday; 12:00 - 00:00
16/12791/LIPT	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Shop	Monday to Sunday; 07:00 - 01:00
15/00329/LIPV	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EJ	Restaurant	Thursday to Saturday; 05:00 - 02:00 Sunday to Wednesday; 05:00 - 01:00
17/00342/LIPDPS	Cumberland Hotel	Cumberland Hotel Great Cumberland Place London W1H 7DL	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
14/05500/LIPDPS	Sainsbury's	7 - 9 Marble Arch London W1H 7DX	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30