

Licensing Sub-Committee Report

Item No:	
Date:	6 April 2017
Licensing Ref No:	17/01077/LIPN - New Premises Licence
Title of Report:	Sushi Shop 72 Westbourne Grove London W2 5SH
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
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:	New Premises Licence, Licensing Act 2003		
Application received date:	1 February 2017		
Applicant:	Sushi Shop UK Ltd		
Premises:	Sushi Shop		
Premises address:	72 Westbourne Grove London W2 5SH	Ward:	Bayswater
		Cumulative Impact Area:	Yes
Premises description:	According to the application, the premises will operate as a takeaway sushi shop and is seeking to sell alcohol for consumption off the premises only and ancillary to the purchase of food		
Premises licence history:	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
Applicant submissions:	The applicant has provided proposed conditions as part of the application (Appendix 2)		

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:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:	None						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:	None						
Adult Entertainment:	None						

2. Representations

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	01.03.2017
<p>I object to the above application on grounds of public nuisance, noise, health and danger to the public.</p> <p>As a local resident, I find it extremely alarming the number of motorbikes/mopeds, parked on double yellow lines all along Westbourne Grove starting from Queensway to Hereford Road. At times, there are 2 to 4 motorbikes parked outside each restaurant on a daily basis from 5pm onwards till 10pm.</p> <p>The same has been the case with the Sushi Shop, three to four motorbikes are parked outside the shop on any given day, as per attached photos. It is rather difficult not to worry being hit by these bikes as they try to speed to their deliveries and back to maximize their deliveries for the day. I witnessed an elderly couple attempting to cross the road who narrowly missed being hit by one of them.</p> <p>They also cause congestion on a very busy highway. Since then the number of restaurants, cafes and fast food outlets has greatly increased in the area' along with motorbike deliveries. These are rapidly becoming a menace, with delivery youths, often with L plates, racing along Westbourne Grove and if parked on side streets occupying resident bays!!</p> <p>I checked with the Westminster traffic warden supervisor why delivery motorbikes are parked all along westbourne grove on double yellow lines and nobody is ticketing them vis a vis if I park my car on WG i am ticketed instantly! According to him, commercial vehicles are allowed to stop (for loading & unloading) on double yellow lines for 20 minutes before they can be ticketed, if the motorbikes have boxes at the rear they are considered commercial. The question is most of these drivers have "L" plates - are they eligible to drive commercial vehicles and whose checking if these delivery bikes are registered as commercial or private!! Why are they given 20 minutes grace - for loading/unloading a pizza or sushi box!!</p> <p>Please restrict delivery for the Sushi shop via bicycles only and no motorbikes!!!</p>	







Name:	John Zamit
Address and/or Residents Association:	South East Bayswater Residents' Association (SEBRA) Bayswater Residents' Association (BRA) 2, Claremont Court Queensway LONDON W2 5HX
Received:	28.02.2017

On behalf of the South East Bayswater Residents' Association (SEBRA) and the Bayswater Residents' Association (BRA) we object to this application on grounds of public nuisance (noise etc) and protection of minors

Not clear as to what is proposed but our members are having great problems with 'fast food' deliveries in Bayswater

Drivers, normally on motor bikes or scooter's, 'hang around' premises (in this case they wait on Double Yellow Lines outside shop blocking traffic in Westbourne Grove) causing often a 'nuisance' and noise etc.

They occupy all day WCC motorcycle bays (and not paying as move on if wardens approach) and in this case one is just down the road at corner of Garway Road and

have been 'incidents' there).

Also on deliveries how do they verify age of persons they are delivering alcohol to ensure not 'minors' ?

We had similar case recently with Cote Brassiere along the road at No 98/100 Westbourne Grove where recall special conditions attached to try and address some of our issues (although not really worked that 'well' as drivers still wait and 'hang about' outside premises)

We assume customers collecting food with alcohol have to produce 'proof of age'

We would want model conditions on deliveries times and refuse / recycling collections (especially as we believe there is a rear 'staff' entrance' at rear in very quiet residential Monmouth Place.

Assume CCTV is proposed and any purchase of alcohol (no beer / cider over 5.5% and in standard size bottles) must be 'ancillary' to purchase of a 'take-away' and other standard conditions.

We are available to attend licensing hearing to expand on our issues with this (and similar) application.

Name:	Sally Sampson
Address and/or Residents Association:	10 Hereford Mansions Hereford Road W2 5BA
Received:	01.03.2017

I would like to object to the above application on grounds of public nuisance , noise, health and danger to the public. I am co chairman of the Hereford Road Association, and have been a resident of Hereford Mansions since 2000. Since then the number of restaurants , cafes and fastfood outlets has greatly increased in the area' along with motorbike deliveries. These are rapidly becoming a menace, with delivery youths, often with L plates, racing along Westbourne Grove at high speed, making a loud noise and adding to the petrol fumes in the area.

On October 4th 2016, I witnessed the aftermath of a daytime collision between a large car and a Deliveroo motorbike, with L plates, during the daytime. The young driver was lying on the ground with blood coming out of his mouth, and I heard subsequently that he died in hospital. A horrible incident,a waste of a young life, which has left an indelible mark on my memory. I don't know whether any small children in the area saw the body - I hope not.

I would be happy to attend the licensing hearing, as I have done in the past, to speak on behalf of local residents.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>Policy HRS1 applies:</p> <p>(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.</p> <p>(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.</p>
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy OS2 applies	<p>Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

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

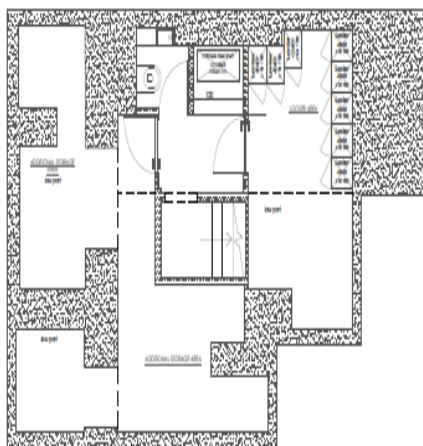
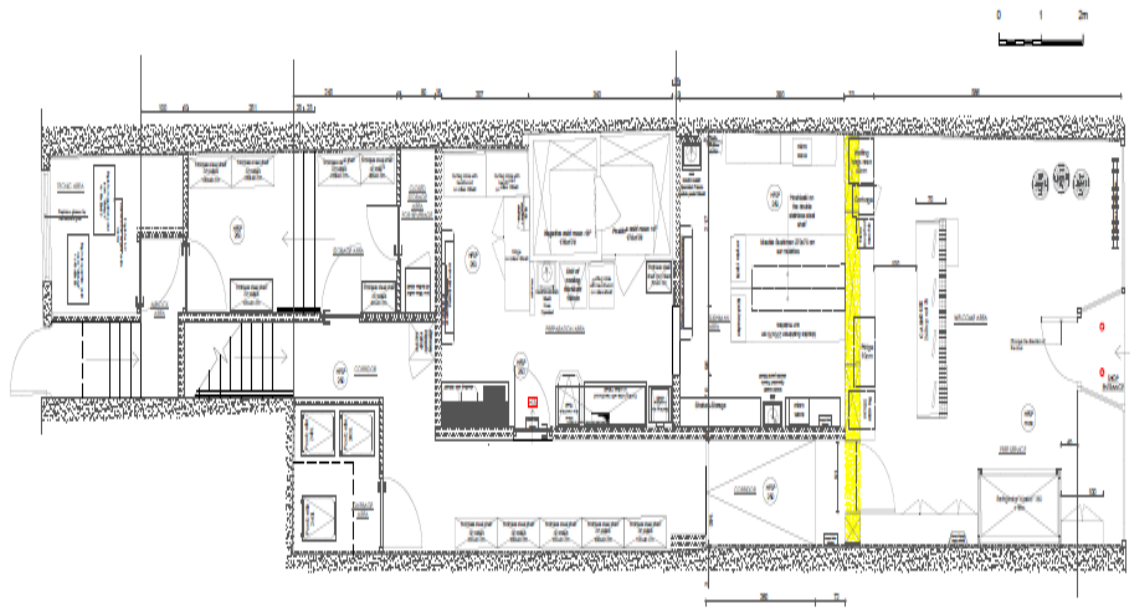
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

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	Application Form	1 st February 2017
5	John Zamit – South East Bayswater Resident's Association (SEBRA)	28 th February 2017
6	Sally Sampson Representation	1 st March 2017
7	Sue Semlani Representation	1 st March 2017

Appendix 1



 SUSHISHOP			
- 72 Westbourne Grove - LONDRES -			
PROJECT		Date	
		18/05/2018	
Scale	Project	Scale	Number
BASEMENT-GROUND FLOOR	APS	1/50-A2	3

Dimensions are given for information and ask to be verified by the contractor

01/02/17

Thomas & Thomas
Partners LLP

Application for Premises Licence
Sushi Shop, 72 Westbourne Grove, LONDON, W2 5SH

APPLICATION SUMMARY

Proposed Hours

Sale of Alcohol & Opening Hours	Monday – Sunday: 11:00 – 22:30
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NB: No non-standard timings

Proposed Conditions

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. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. 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.
5. 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.
6. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
7. A Challenge 21 or 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.
8. 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system,
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
9. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

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.

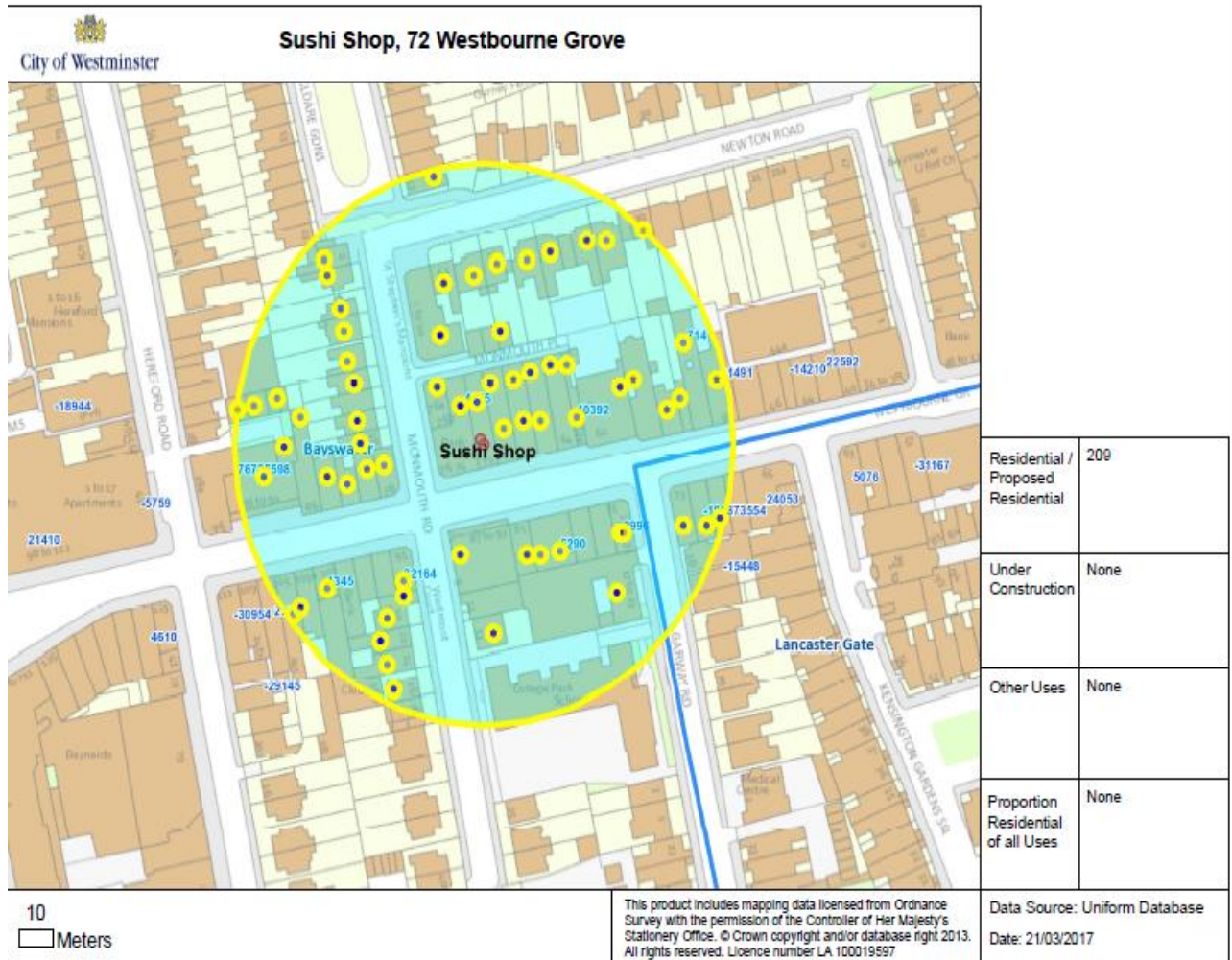
8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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.

Proposed Conditions by the Applicant consistent with the operating schedule

9. 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.
10. 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.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. 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.
13. 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.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
15. A Challenge 21 or 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.
16. 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system,
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service
17. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.



Premises within 75 metres of: Sushi Shop 72 Westbourne Grove

p / n	Name of Premises	Premises Address	Licensed Hours
1345	Byron	103 Westbourne Grove London W2 4UW	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-31491	Gourmet Burger Kitchen	50 Westbourne Grove London W2 5SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-7672	Sainsbury's	Grove House 88 - 94 Westbourne Grove London W2 5RT	Monday to Sunday 07:00 - 23:00
-4255	Ping Pong	74-76 Westbourne Grove London W2 5SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5290	Artisan Du Chocolat	81 Westbourne Grove London W2 4UL	Monday to Thursday 10:00 - 19:00 Friday 10:00 - 20:00 Saturday 10:00 - 20:00 Sunday 12:00 - 17:00
32164	Bit Me Pizza	95 Westbourne Grove London W2 4UW	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00
-714	C & R Restaurant	52 Westbourne Grove London W2 5SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5598	Sainsburys Supermarkets Limited	Grove House 88 - 94 Westbourne Grove London W2 5RT	Monday to Sunday 07:00 - 23:00
10392	W2 Express	62A Westbourne Grove London W2 5SH	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
8996	Alwaha	75 Westbourne Grove London W2 4UL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00