



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 4th September, 2014**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Tim Mitchell (Chairman), Peter Freeman and Rita Begum

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 SAINSBURY'S 78-96 MARSHAM STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 4 September 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Reuben Segal

Relevant Representations: Environmental Health Service, 3 Ward Councillors (Vincent Square Ward), Management Company for St John's 79 Marsham Street including a petition signed by 102 people, 15 residents and 166 Petition Letters

Present: Robert Botkai, Winckworth, Sherwood LLP; (Representing the Applicants); On behalf of Sainsburys: Nicola Moss, Training and Compliance, Caroline Vickerstaff, Acquisition Surveyor; Katherine Kinch, Head of Property, Legal and Licensing; Steve Marshall, Area Manager, Dave Nevitt, (Environmental Health Service); Richard Brown, (Citizens Advice Bureau); Bhavna Parmar; David Setchell; Christine Beddoe; Bharti Chavda; Bharti Mehta.

**Sainsbury's – 78-96 Marsham Street
14/04352/LIPN**

1. Sale of Alcohol: Off Sales

Monday to Saturday 08:00 to 23:00
Sunday 10:00 to 22:30.

Amendments to application advised at hearing:

None

Decision (including reasons if different from those set out in report):

Mr Robert Botkai presented the application on behalf of the applicants. He stated that as the proposed licensable activities and hours fall within the City Council's policy and that the premises are not located within a stress area there was a presumption to grant the application. He further stated that guidance issued by the Secretary of State in October 2010 recommended that this should be in line with the operator's trading hours.

With reference to the adverse representations received to the application Mr Botkai commented that some of these issues such as concerns about potential increased traffic and the impact of deliveries are more clearly planning matters. In response to questions from the committee he explained that a planning application has been submitted to the Council at the beginning of August and had been validated and was currently subject to public consultation prior to determination. He stated that the licensing application was being determined prior to the planning application simply because the regimes run at different speeds.

Mr Botkai then referred members to the Council's Statement of Licensing Policy and referred to various policies supporting the licensing objectives. He explained that the applicant had agreed to conditions to mitigate problematic street drinking such as not selling high-strength beers and to including Westminster's latest CCTV conditions to prevent crime and disorder. Mr Botkai reminded the committee in respect of the latter that the police had not objected to the application while in relation to the protection of children from harm he stated that Sainsbury's is exceptionally experienced at operating stores and provide staff with training on how to deal with street drinkers and under age sales.

Nicola Moss, Training and Compliance, Sainsbury's provided the Sub-Committee with more detailed information on the training that the organisation provides to all store based staff in this respect. She explained that all members of staff are required to undertake training and must pass a test on such matters including dealing with proxy sales. She advised that Sainsbury's has a Challenge 25 policy in relation to underage sales and doesn't sell alcohol to people who are intoxicated. She also advised that managers received training in

the Licensing Act and aspects of law. Refresher training was provided every six months and for all training a 100% pass rate was required.

Mr Botkai then addressed the concerns raised by the local community. In respect of concerns that the introduction of a Sainsbury's would result in a change to the character of the area, he contended that the area was already changing as a number of buildings were being redeveloped to apartments. He suggested that the occupants of these flats would probably desire a local convenience store. Mr Botkai also argued that the street was not exclusively residential as suggested, even in this particular part of Marsham Street and that there were a number of office buildings in the vicinity including the Home Office and the Department of Transport. With regard to concerns about an increase in traffic and pollution he stated that this was more of a planning consideration, however, as there wouldn't be any parking provision at the site and as the premises would not be a destination venue there shouldn't be any increase in traffic and similarly there shouldn't be a risk to children. In respect of crime and disorder he advised that if crime and anti-social behaviour were to become an issue then the licence could be subject to review. None of the licensed Sainsburys stores in Westminster had ever been reviewed. He further stated that there were no in-lets at the premises which rough sleepers could use.

Mr Botkai stated in relation to concerns regarding the impact on local businesses that some, although not all, would be content to see the store open. However, this was not a licensable factor.

Caroline Vickerstaff, Acquisition Surveyor, Sainsburys, provided details in relation to the servicing of the store. She explained that all deliveries would be to the rear of the building between the hours of 6am to 7pm, 7 days a week and would not involve reversing. Drivers would call the store five minutes in advance of arrival to speed up the efficient offloading of goods.

In response to questions from Members regarding waste collection, Miss Vickerstaff advised that there would be one collection per week via Biffa who already collected waste from other retailers in the area. As such, there would not be any additional waste collections arising from the store opening. The delivery of alcohol would be included with the general goods which would occur once per day.

Mr Botkai provided details of meetings that he had held with the local community. This included a meeting with the Westminster Green Residents who were satisfied with the explanations provided regarding the proposed operation of the store. With regard to Mr Bird who had submitted the representation on behalf of the management company for St John's, 79 Marsham Street, Mr Botkai was of the opinion that he simply did not want a Sainsburys in any form on Marsham Street. He advised that Mr Bird owned 2 flats in the building opposite the proposed store and he suggested that his objection was based on a view that a supermarket would affect the value of his properties.

The Committee then heard from Dave Nevitt on behalf of the Environmental Health Service who was of the view that the conditions would meet many of the residents' concerns. In response to a question from Members he stated that he

was not personally aware of any licensing related problems at supermarkets in the area, however, he suggested that the Police would be better placed to comment on such matters. He confirmed that the applicants had agreed to the Council's model conditions. In response to questions from Mr Nevitt regarding the management of incident logs Mr Botkai confirmed that these were held electronically which meant that they could be monitored by Area Managers and Head Office.

Mr Richard Brown, Citizens Advice Bureau, addressed the committee on behalf of a number of local residents who had objected to the application. He disagreed with Mr Botkai's comment regarding the character of the area stating that 96% was residential with commercial and other uses being located predominantly on the North end of Marsham Street beyond Horseferry Road.

In respect of Mr Botkai's comment that there is a presumption to grant the licence he stated that determination is still subject to the Council's policies and in particular to local factors. He referred to the fact that the Council's policies indicate that the number of off licences in an area may be limited if there is concern that granting an application would result in a cumulative impact so as to undermine the licensing objectives and stated that there was no requirement for residents to show exceptional reasons for refusing the application. Mr Brown stated that in his opinion the area did have a problem with street drinking and referenced the Tesco in Monck Street as a venue which experiences such a problem. He stated that Tesco would have detailed practices and procedures to address public nuisance and crime and disorder but the Monck Street store is still subject to problems. The concern was that granting the licence would attract a similar situation including beggars and rough sleepers from the number of hostels in the area. He made specific reference to the objection from Dr Nokavic at page 59 of the report which indicated that there was a serious problem with begging near to the local costcutter store.

In terms of deliveries residents were concerned that the morning deliveries proposed were very early. These he suggested were out of step with the delivery times for other supermarkets in the area such as Morrisons and the Sainsburys in Rochester Row. Residents were also concerned about noise in the evening and late at night. Mr Brown stated that while there was high footfall during the day the area was quiet in the evening. He stated that if the Committee were minded to grant the application they have the flexibility to reduce the hours. In response to questions from the committee Mr Botkai advised that the applicant was willing to accept a condition that deliveries start at 0700 each day instead of 0600.

The Committee then heard from David Setchell a local resident who advised that he works with people who have alcohol and drug addictions. He stated that should the licence be granted the premises would be a magnet for people in the area with issues in the throes of addiction. He commented that he had witnessed problems outside a number of supermarkets in the area including Morrisons in Strutton Ground, Tescos on Monck Street and Sainsburys on Wilton Road. He suggested that the conditions offered up by Sainsbury's and the training provided reflected the fact that Sainsbury's thought that there might be street drinking or rough sleeping issues in the area but Mr Botkai later

pointed out that the same training is provided in all of their stores.

Christine Beddoe, a resident of Rogers House addressed the committee. In response to assertions that the store would not be a destination venue she believed that it would attract passing traffic coming from across Lambeth Bridge. With regard to the comment that the store would not include any in-lets she stated that there was an in-let within the access road behind Bennett House. She also criticised the applicant for the lack of community consultation commenting that there was a CityWest Homes estate in the area which contained a large number of families.

In response to the latter, Mr Botkai commented that there was no evidence to support the assertion that granting the licence would result in street drinking to migrate to this part of Westminster. He advised that there was a licensed store on Vincent Street and there were no issues of this kind there. With reference to paragraph 2.5.22 of the Council's Statement of Licensing Policy, he said that the Council would have to have good evidence and exceptional reasons to support a reduction in the hours applied for. He also commented in relation to the issue of the in-let that the access road behind the premises is controlled by the Department for Transport and includes the presence of a guard 24 hours per day as well as a security gate which would make rough sleeping impossible.

Whilst the Committee noted the concerns expressed by local residents including that the area was very residential in general it also noted that the police had not submitted any adverse representations to the application and that while the Environment Health Service supported residents officers were of the view that the majority of these concerns could be addressed through attaching conditions to the licence. The Committee further noted that the supermarket would predominantly sell food and goods and only 15% of the floor space would be dedicated to the sale of alcohol. Members considered that as there were already a number of licensed premises in the area consisting of both supermarkets and off-licences they did not believe that an additional licensed supermarket would lead to a problem in the area. As such the application was granted subject to conditions as set out below.

The Sub-Committee noted that the planning situation had not yet been resolved but also acknowledged that planning issues were not to be taken into account in reaching a decision on the licensing application. The granting of the licence was without prejudice to any decisions that might be taken by the planning authority.

2. Opening Hours
Monday to Sunday: 07:00 to 23:00
Amendments to application advised at hearing:
None.

	Decision (including reasons if different from those set out in report):
	Granted for the reasons set out in 1 above subject to the conditions set out below.

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

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 hold a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
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.
 - (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.
- (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.
- (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.
6. 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.

7. 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.
8. 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 trading area of the premises 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 customers.
9. 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.
10. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
11. No single cans or plastic bottles of beer or cider shall be sold at the premises.
12. There shall be no sales of spirits in vessels of 35ml or less.
13. There shall be no sales of beer or ciders in bottles larger than 1.5 litres.
14. 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.
15. 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, which 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.
16. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - Details of the time and date the refusal was made
 - The identity of the staff member refusing the sale
 - Details of the alcohol the person attempted to purchase

The register will be made available for inspection at the premises by the police or an authorised officer of the licensing authority at all times when the premises are open.

17. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security will be disclosed, on request, to the licensing authority and police.
22. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or a photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
23. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction Training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months

Training records will be kept at the premises available for inspection by the police or authorised officer on request.

24. All deliveries (save for newspapers/magazines) to be via the rear service road and to be no earlier than 0700 hours and no later than 1900 hours.
25. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
26. Before the premises are open to the public, the plans are deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.

27. 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.

4 THE PRINCE EDWARD PH 73 PRINCES SQUARE

LICENSING SUB-COMMITTEE No. 1

Thursday 4 September 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Reuben Segal

Relevant Representations: Local Amenity Society (SEBRA), 4 Local Residents

Present: Philip Day (Horsey, Lightly and Finn solicitors for the applicants), Chris Dessillas (Designated Premises Supervisor) and Anil Drayan, (Environmental Health Service)

The Prince Edward Public House, 73 Princes Square, London, W2 4NY 14/04777/LIPV	
1.	Plans Variation
	To amend the plans to those included at Appendix A3
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): Mr Day presented the application on behalf of the applicants. The Sub-Committee was referred to the further information that the applicants intended to rely on that had been circulated the day before the hearing. This included the rewording of some of the conditions set out in appendix D to the report. Mr Day informed Members that The Environmental Health Service had accidentally omitted to make representations on the application, however, he had spoken to the Service which had advised that it would have supported the application subject to conditions being attached to any licence granted. He explained that the applicants were requesting an additional 15 minutes beyond core hours for opening hours on Friday and Saturday to provide a gradual exodus of customers at the end of the night.

Adverse representations had been received from The South East Bayswater Residents' Association and 4 local residents particularly in respect of the longer terminal hours which they considered would cause additional public nuisance of noise. Mr Day believed that there had been a leaflet drop in the area asking people to make representations but clearly very few had. The Licensing officer confirmed that the Council had also sent 206 consultation letters to local residents.

Mr Day referred to the fact that the current licence is relatively free of conditions and that by granting the variation, subject to conditions, it would provide residents with greater protection.

Members were referred to the fact that since Mr Dessillas had taken over the role of Designated Premises Supervisor the venue had operated under Temporary Event Notices to sell alcohol beyond core hours on 14 different days in 2013 and that no complaints had been received on any of those occasions even though the venue was busier than unusual. With reference to the summary of noise complaints received by the council for the premises in the last two years, Mr Day acknowledged that there had been one instance of noise on 15 June when the pub had televised a World Cup football match. However, staff quickly took action to address the problem. He stated that the noise complaint recorded on 18 June had not taken place and that the applicants had checked the premise's CCTV which could verify this.

Mr Day informed the committee that between 60 to 70% of the pubs patrons are local residents. He stated that there was a hotel located close by and that guests of the hotel could often be heard coming back late at night which some residents may mistakenly believe are patrons of the pub.

With Mr Day's agreement Mr Drayan addressed the committee on behalf of the Environmental Health Service. He advised that the applicant had agreed that after 23:00 hours the number of patrons permitted to temporarily leave and then re enter the premises would be limited to a maximum of 5 at any time. He commented that there had been no significant noise complaints about the premises and that the application would result in a reduction in recorded music hours. In light of this he confirmed that he was content with the application subject to conditions.

Having carefully considered the representations including the support from the Environmental Health Service (subject to conditions) the Committee granted the application for core hours but without the additional 15 minutes for opening hours on Friday and Saturday in order to protect residential amenity being mindful of the representations from local residents living closest to the pub about noise nuisance when guests leave the premises at the current terminal hours.

2. Recorded Music

Monday to Thursday: 10:00 – 23:30
 Friday to Saturday: 10:00 – Midnight

	Sunday: 12:00 – 22:30
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): Granted for the reasons set out in 1 above subject to the conditions set out below.
3.	Late Night Refreshment (Indoors)
	To extend the late night refreshment by 30 minutes: Friday – Saturday to Midnight
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): Granted for the reasons set out in 1 above subject to the conditions set out below.
4.	Sale of Alcohol (On and Off Sales)
	To extend the terminal hour for the sale of alcohol by 30 minutes Monday to Thursday to 23:30 To extend the terminal hour for the sale of alcohol by 60 minutes Friday – Saturday to Midnight
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): Granted for the reasons set out in 1 above subject to the conditions set out below.
5.	Removal of Conditions 9-11 from Existing Licence at Appendix A1, Detailed Below

9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

	<p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p> <p>10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence. (b) He resides in the premises, but is not employed there. (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress. (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p> <p>11. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.</p>
	Amendments to application advised at hearing:
	None
	Decision (including reasons if different from those set out in report):
	Granted for the reasons set out in 1 above subject to the conditions set out below.
	6. Seasonal Variations and Non Standard Timings
	<p>For Recorded Music, Sale of Alcohol and Opening Hours on Sundays immediately prior to Bank Holidays 12:00 – midnight.</p> <p>For Late Night Refreshment on Sundays immediately prior to Bank Holidays 23:00 – midnight.</p> <p>For Late Night Refreshment, on New Year's Eve 23:00 to 05:00 on New Year's Day.</p>

	For Recorded Music, Sale of Alcohol and Opening Hours from 10.00 on New Year's Eve to the start of permitted hours on New Year's Day.
	Amendments to application advised at hearing:
	None
	Decision (including reasons if different from those set out in report):
	Granted for the reasons set out in 1 above subject to the conditions set out below.
7.	Opening Hours
	<p>To extend the opening hours:</p> <p>Monday to Thursday: 08:00 to 10:00 Friday to Saturday: 08:00 to 10:00 and 23:30 to 00:15</p> <p>To reduce terminal hour:</p> <p>Sunday: 23.00 to 22.30 (other than Sundays before a bank holiday Monday)</p>
	Amendments to application advised at hearing:
	None
	Decision (including reasons if different from those set out in report):
	<p>Granted as follows for the reasons set out in 1 above subject to the conditions set out below:</p> <p>Monday to Thursday: 08:00 to 23:30 Friday to Saturday: 08:00 to Midnight Sunday: 12.00 to 22.30 (other than Sundays before a bank holiday Monday)</p>

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

9.
 - (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 9(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 -

- (iv) P is the permitted price,
 - (v) 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
 - (vi) 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
 - (iv) 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 9(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 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.
10. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan 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 venue 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. Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request, throughout the preceding 31 day period.

11. 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 to the public. The staff member must be able to show a Police or authorised council recent footage with the absolute minimum of delay when requested.
12. A incident log shall be kept at the premises and made available upon request to an authorised Officer of the Council or the Police, which will record the following:-
 - a)All crimes reported to the venue
 - b)All ejections of patrons
 - c)Any complaints received regarding crime and disorder
 - d)Any incidents of disorder
 - e)Seizure of drugs or weapons
 - f)Any faults in the CCTV system
 - g)Any refusal of the sale of alcohol
 - h)Any visit by a relevant authority or Emergency Service
13. The use of the outside area for consumption of alcohol shall cease no later than 23:00
14. All waste shall be placed into an enclosed store, accessible to refuse collectors and not placed on the street or pavement.
15. All staff involved in the sale and supply of alcohol shall receive training on licensing laws , in particular the sale to under 18's and persons who are drunk. Records shall be kept of all training (inc refresher) and made available for inspection by any authorised City Council officer
16. 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.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises save that substantial food need not be made available to be ordered after 10pm.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. There shall be no sales of hot food or drink for consumption off the premises after 23.00 hours
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

21. Recorded music provided as regulated entertainment after 23:00 hours shall only be permitted in the basement.
22. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
23. All outside tables and chairs shall be removed or rendered unusable by 23:00 hours each day.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
25. After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them and shall be limited to a maximum of 5 at any one time immediately outside the premises.
26. 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.
27. 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.
28. Food and drink deliveries to or waste collections from the premises may only be made between 08:00 and 20:00 hours Monday to Saturday and 10:00 to 18:00 hours Sunday
29. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours.
30. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
31. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

5 JIGSAW 55 DUKE STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 4 September 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Reuben Segal

Relevant Representations: Environmental Health, One Local Resident

Present: Thomas O'Maoileoin (Thomas & Thomas partners LLP), Rick Wells (Designated Premises Supervisor) and Dave Nevitt (Environmental Health Service)

Jigsaw, 55 Duke Street, London, W1K 5NR 14/05626/LIPN	
1.	Sale of Alcohol On and Off The Premises
	Monday to Saturday 11:00 to 21:00 Sunday 12:00 to 21:00.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report):
	<p>Mr O'Maoileoin presented the application on behalf of the applicant. He explained that the premises operate as a clothes shop operating over the ground floor and basement levels. A cafe and delicatessen also operates on the ground floor. The sale of alcohol on and off the premises in the cafe would be ancillary to the main use of the building and limited to a small capacity of 35 people. The alcohol would be a minimal aspect of the café's overall sales. He advised members that the operators for the cafe would be the Fernando & Wells Group which has a reputation for high standards.</p> <p>It was noted that some last minute planning information relating to the premises was circulated to Members the day before the hearing.</p> <p>The Sub-Committee noted that adverse representations had been received from the Environmental Health Service and one local resident on the grounds that the licensable activity and hours requested would have an impact on public safety and have the likely effect of causing an increase in public nuisance within the area. Mr O'Maoileoin believed that the residential objection could be linked to an application on Binney Street where a venue had caused noise nuisance. He pointed out that the hours sought by the applicants were modest and that no regulated music or entertainment was being applied for. As such noise was not likely to result from granting the application. Litter or urination would also not occur.</p>

	<p>Mr Nevitt confirmed that he had undertaken a site visit to the premises to establish what facilities would be provided for patrons. He advised that he maintained his adverse representation due to the objection from a local resident. He requested confirmation of the designated area where the sale and consumption of alcohol would be permitted in the event that the application was granted.</p> <p>The Sub-Committee granted the application subject to the conditions set out below on the grounds that the sale and consumption of alcohol would be restricted to the designated cafe and delicatessen area, would form a minimal aspect of the cafe's overall sales and would be limited to a small capacity of 35 persons</p>
2.	Opening Hours
	<p>Monday to Friday: 09:30 to 21:00 Saturday: 10:00 to 21:00 Sunday: 12:00 to 21:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted for the reasons set out in 1 above subject to the following conditions.</p>

APPENDIX D

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

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

- (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.
- 5. The responsible person shall ensure that no alcohol is dispensed 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).
- 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
- 8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

- 9(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.

- 9(ii) For the purposes of the condition set out in paragraph 9(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.
- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

10. 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.
11. 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 are 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.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. The number of persons permitted in the designated hatched café area of the premises at any one time, excluding staff, shall not exceed 35 persons.
16. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
17. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0800 hours.

18. Deliveries to the premises shall only take place between 0800 and 2200 hours.
19. The supply of alcohol shall be by waiter or waitress service only.
20. Substantial food and non-intoxicating beverages, shall be available at all times when alcohol is being sold or supplied.
21. The sale and consumption of alcohol at the premises is restricted to the designated hatched café area on the licence plan and shall be ancillary to the operation of the premises as a retail clothes store.

6 DELICIAS DE PORTUGAL 43 WARWICK WAY

LICENSING SUB-COMMITTEE No. 1

Thursday 4 September 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Reuben Segal

Delicias De Portugal, 43 Warwick Way, SW1 14/01940/LIPV
Application adjourned to a later hearing at the request of the Applicant.