



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 4th February, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Jean Paul Floru (Chairman)
Jan Prendergast
Murad Gassanly

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. NEW CAVENDISH CLUB, 44 GREAT CUMBERLAND PLACE, W1

(Pages 1 - 20)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bryanston And Dorset Square Ward / not in cumulative impact area	New Cavendish Club, 44 Great Cumberlan d Place, W1	Variation	15/11137/LIPV

2. SHACKFUYU, BASEMENT AND GROUND FLOOR, 14 OLD COMPTON STREET, W1

(Pages 21 - 40)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End	Shackfuyu,	Variation	15/11692/LIPV

	Ward / West End Cumulative Impact Area	Basement and Ground Floor, 14 Old Compton Street, W1		
--	--	--	--	--

3. WEST 9 FOOD & STORES, BASEMENT AND GROUND FLOOR, 350 HARROW ROAD, W9

(Pages 41 - 94)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Westbourn e Ward / not in cumulative impact area	West 9 Food & Stores, Basement And Ground Floor, 350 Harrow Road, W9	Review	15/01317/LIRE VP

**Charlie Parker
Chief Executive
29 January 2016**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	4 February 2016
Licensing Ref No:	15/11137/LIPV - Premises Licence Variation
Title of Report:	New Cavendish Club 44 Great Cumberland Place London W1H 7BS
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:	Mr Steve Rowe Senior Licensing Officer
Contact details	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	27 November 2015		
Applicant:	Quintillion Restaurants Ltd		
Premises:	New Cavendish Club		
Premises address:	44 Great Cumberland Place London W1H 7BS	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area:	None
Premises description:	The premises operate as a private members club also providing licensable activities for persons attending pre-booked private events.		
Variation description:	<ol style="list-style-type: none"> To add the external terrace area on the first floor of the premises. To remove condition 18 of the premises licence. To add a new condition stating 'The First Floor Terrace shall be vacated by 22:00 and to add a new condition stating 'The supply of alcohol on the terrace shall be by waiter waitress service only'. 		
Premises licence history:	See Appendix 4		
Applicant submissions:	The applicants have stated that there will be no addition to the current licensable activities or hours.		

1-B Current and proposed licensable activities, areas and hours

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	No Change		Basement, Ground and 1 st Floor	To add 1 st Floor Terrace
Tuesday	07:00	01:00				
Wednesday	07:00	01:00				
Thursday	07:00	01:00				
Friday	07:00	01:00				
Saturday	07:00	01:00				
Sunday	07:00	01:00				
Non-standard timings:	Current:				Proposed:	
	The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				None	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	No Change		Basement, Ground and 1 st Floor	To add 1 st Floor Terrace
Tuesday	23:00	01:30				
Wednesday	23:00	01:30				
Thursday	23:00	01:30				
Friday	23:00	01:30				
Saturday	23:00	01:30				
Sunday	23:00	01:30				
Non-standard timings:	Current:				Proposed:	
	The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				None	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No Change	
	Current Hours (24 hours for residents and their guests)		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	No Change		Basement, Ground and 1 st Floor	To add 1 st Floor Terrace
Tuesday	07:00	01:00				
Wednesday	07:00	01:00				
Thursday	07:00	01:00				
Friday	07:00	01:00				
Saturday	07:00	01:00				
Sunday	07:00	01:00				
Non-standard timings:	Current:				Proposed:	
	The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				None	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No Change		Basement, Ground and 1 st Floor	To add 1 st Floor Terrace
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Non-standard timings:	Current: The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				Proposed: None	

1-C Layout alteration
To add the external terrace area on the first floor of the premises. Please see proposed plans at Appendix 1.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
1. Condition 18 of the Premises Licence	Remove (it provides that licensable activities are not permitted on the ground floor terrace and the applicant states that such a terrace does not exist).	
2. To add a new condition	The 1 st Floor Terrace shall be vacated by 22:00	
3. To add a new condition	The supply of alcohol on the terrace shall be by waiter waitress service only	
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	22 nd December 2015
Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.	

2-B Other Persons			
Name:		Marylebone Association	
Address and/or Residents Association:		Residents Association	
Status:	Valid	In support or opposed:	Opposed
Received:	28 th December 2015		

This representation is made by the Marylebone Association, on behalf of the Association Licensing Sub-Committee. The Marylebone Association is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area.

We are writing on behalf of the local community **OBJECTING** to the above application by the New Cavendish Club, a private members club, to vary a licence for permitting the supply of alcohol to the first floor external terraced area up to 22.00 hours.

IT IS SUBMITTED that the proposal to use the terrace for dining (or any other activity) on a daily basis, will cause disturbance to the residents of the neighbouring properties in the area, including one hotel. The premises are in a highly residential area and noise from the terrace would reverberate and cause disturbance to multiple residential properties, further smoking on the terrace would cause a nuisance to the surrounding properties by way of fumes and smell.

We therefore believe that this application if granted as applied for will be contrary to the following Licensing Objective: The Prevention of Public Nuisance.

IF Westminster does consider granting the license applied for we would ask for the additional amended **CONDITIONS** in order to minimise the impact on public nuisance:

1. An earlier terminal hour for the terrace, and that 8pm could be acceptable.
2. No access to the terrace before 8am Monday to Saturday, and 9am on Sunday.
3. Supply of alcohol on the terrace be by waiter or waitress service only.
4. That smoking not be permitted on the terrace.

FURTHER the premises has its entrance at present on Upper Berkeley Street, this however causes nuisance to those in neighbouring properties. It is submitted that Great Cumberland Place would improve matters in terms of traffic flow and in reducing disturbance to neighbours. We therefore ask that consideration be given to inserting a **FURTHER CONDITION**: That access to the club for members should be from Great Cumberland Place.

We would appreciate Westminster's Licensing Sub-Committee's consideration of the above representations in deciding this application and ask to be kept informed of any hearing date planned on this application.

Name:		Ms Heather Acton	
Address and/or Residents Association:		15 Upper Berkeley Stree	
Status:	Valid	In support or opposed:	Opposed
Received:	22 nd December 2015		

As a resident of a property adjoining the Club (for over 30 years), we are very vulnerable to any noise or smells emanating from the Club, particularly from the terrace. The proposal to use the terrace for dining (or any other activity) on a daily basis, will undoubtedly cause a loss of amenity to us and to the neighbouring properties in the area, as noise from the terrace reverberates around the back of our properties (which back on to a quiet mews, Brunswick Mews) I estimate that the disruption will affect at least ten properties, one of which is an hotel. Therefore, I am objecting to the granting of this licence on the grounds of prevention of public nuisance.

We realise that the applicant aims to be a good neighbour and that the current licence allowed use of the terrace beyond the 10 pm closing hour that the applicant proposes. However, previously, the terrace was used two or three times a year, whereas this new operating model (and the proposed structures to enable daily use, whatever the weather) will be far more disruptive. We would propose that Westminster consider granting an earlier terminal hour for the terrace, apart from Friday and Saturday nights, when we acknowledge that 10pm could be acceptable. We would also ask that there be no access to the terrace before 8am Monday to Saturday, and 9am on Sunday. We would also request that smoking not be permitted on the terrace, as the smells pervade our property (and probably others) when anyone smokes on the terrace.

Name:		Mr David Beckett	
Address and/or Residents Association		39 Great Cumberland Place	
Status:	Valid	In support of opposed:	Support
Received:	5 th December 2015		

Welcomed addition to an empty building.

3. Policy & Guidance

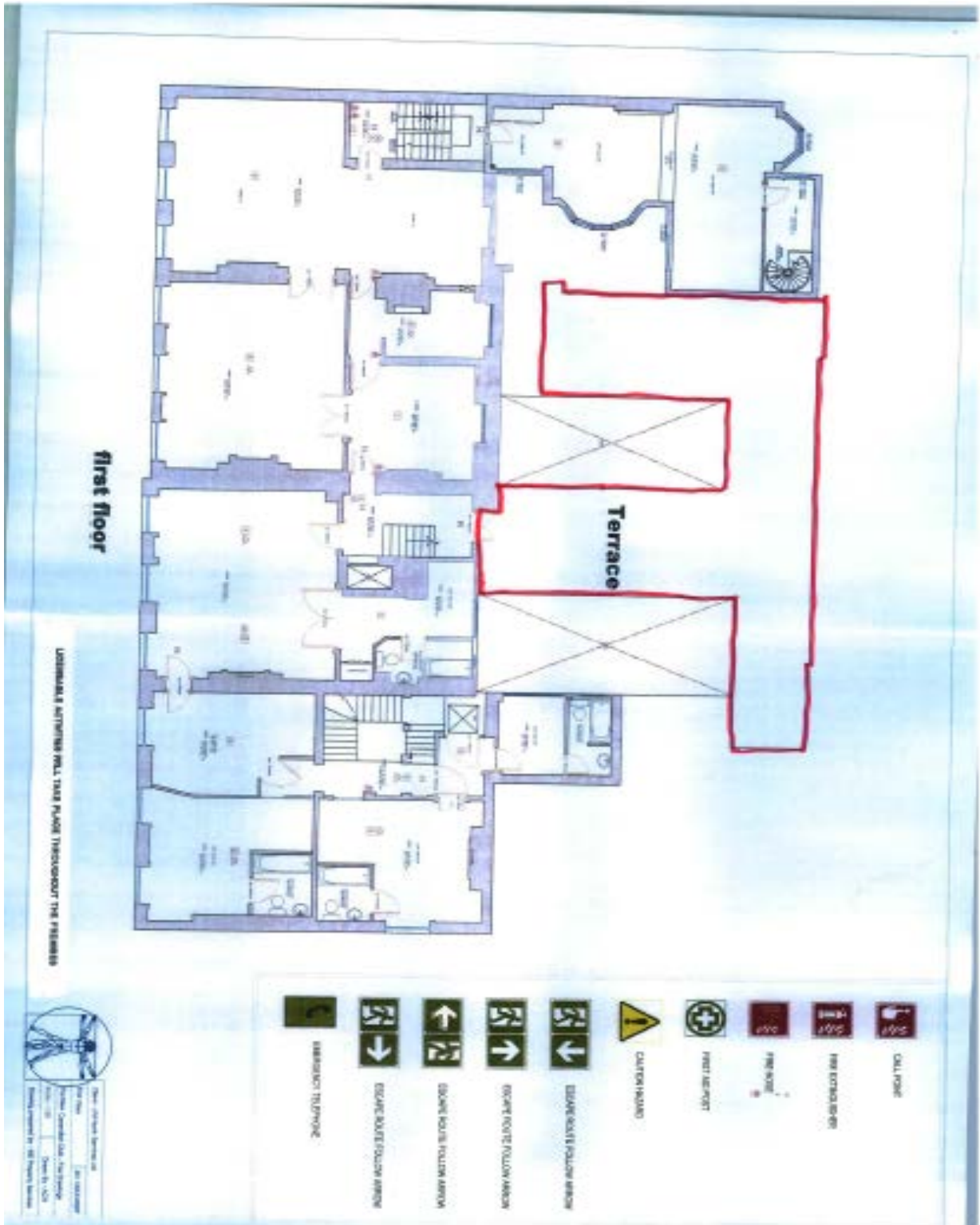
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</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 PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
---------------------	--

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:	Mr Steve Rowe Senior Licensing Officer
Contact:	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk



At the time of publication the applicant had not provided any further submissions.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises Licence Application (12/03933/LIPN)	Recorded Music: Monday to Sunday 07:00 to 01:00 Sale of Alcohol: Monday to Sunday 07:00 to 01:00 (24 hours to residents and their guests) Late Night Refreshment: Monday to Sunday 23:00 to 01:30 Opening Hours: 24 Hour	05.07.2012	Granted by LSC
Change of DPS (12/06155/LIPDPS)	Change of DPS	08.08.2012	Granted under delegated authority
Transfer (14/05076/LIPT)	Transfer into licensee The Portman Estate Nominees (one) Ltd	23.07.2014	Granted under delegated authority
Transfer (15/11098/LIPT)	Transfer in licensee Quintillion Restaurants Ltd		Deemed granted under delegated authority
Change of DPS (15/11109/LIPDPS)	Change of DPS		Deemed granted under delegated authority
Current Variation			

There is no appeal history

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

None

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

10. Licensable activities may not be provided other than to:
- I. Members (and their bone fide guests) of the New Cavendish Club as defined in the New Cavendish Club Rules.
- ' Any changes to these rules must be notified to the Police and Licensing Authority.
- II. Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.
11. Regulated Entertainment shall only be permitted in the areas listed in condition 12 of this licence.
12. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 320 persons (excluding Staff). With no more than the number listed below in each room;

The Portman Room - 35 persons
The Bar (including Lounge) - 60 persons
The Library - 25 persons
Silence Room - 10 persons
The Cumberland Room - 60 persons
Sample Suite - 40 persons
The Centenary Suite - 90 persons

13. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored. Information regarding the capacity should be given to an authorised officer on request.
14. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
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. With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted hours for the supply of alcohol.
17. The provision of alcohol shall be ancillary to food between 07:00 and 10:00 hours for non residents.
18. Licensable activities are not permitted on the ground floor terrace.
19. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving, save for off sales in sealed containers, and patrons using the terrace.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and external doors to areas where regulated entertainment is permitted shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
24. 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.
25. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
26. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

29. 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.
30. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
31. The approved arrangements at the premises, including means of escape provisions, emergency warning and emergency equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
32. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
33. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. All emergency doors will be maintained effectively self-closing, and not held open other than by an approved device.
35. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
37. Curtains and hangings shall be arranged so as not to obstruct safety signs other emergency equipment.
38. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given:
 - a. dry ice and cryogenic fog;
 - b. smoke machines and fog generators;
 - c. pyrotechnics including fire works;
 - d. firearms;
 - e. lasers;

- f. explosives and highly flammable substances;
 - g. real flame;
 - h. strobe lighting.
39. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
40. 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 regards crime and disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
41. The certificates listed below shall be submitted to Westminster City Council Consultation Team upon written request:
- a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any fire alarm system.
42. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
43. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
44. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

45. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
46. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except in the guest bedrooms.
47. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
48. 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 in the vicinity.
49. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch, clubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
50. The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Proposed by the applicant:

1. The 1st Floor Terrace shall be vacated by 22:00
2. The supply of alcohol on the terrace shall be by waiter waitress service only

Proposed by the Marylebone Association (not agreed):

1. The terminal hour for the terrace shall be 8pm
2. No access to the terrace before 8am Monday to Saturday, and 9am on Sunday.
3. Supply of alcohol on the terrace be by waiter or waitress service only (AGREED)
4. That smoking not be permitted on the terrace.

City of Westminster
New Cavendish Club, 44 Great Cumberland Place, London, W1H 7BS



10 Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA1000191987

Residential / Proposed Residential	54
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known
Data Source: Uniform Database Date: 24/01/2016	

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	
5	Premises Licence	
6	EH Representation	
7	Marylebone Association Representation	
8	Ms Acton Representation	
9	Mr Beckett Support Representation	



City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	4 February 2016
Licensing Ref No:	15/11692/LIPV - Premises Licence Variation
Title of Report:	Shackfuyu Basement And Ground Floor 14 Old Compton Street London W1D 4TH
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	14 December 2015		
Applicant:	Bone Daddies Limited		
Premises:	Shackfuyu		
Premises address:	Basement and Ground Floor 14 Old Compton Street London W1D 4TH	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operates as a Japanese restaurant.		
Variation description:	<p>The application proposes changes to the premises layout, including:</p> <p>Basement:</p> <ol style="list-style-type: none"> 1. Replacement of bar area with dining room; 2. General improvements to back-of-house areas and kitchen. <p>Ground Floor:</p> <ol style="list-style-type: none"> 1. Introduction of dining counter and bar (previously located in basement). 2. Changes to seating layout. 3. Removal of pizza oven. <p>The primary proposal relates to the relocation of the basement bar to the ground floor as a new dining counter and bar.</p> <p>The premises will continue to operate as Shackfuyu restaurant. The application does not propose any changes to licensable activities, permitted hours or conditions.</p>		
Premises licence history:	The premises has operated as a restaurant under four different operators since conversion to the Licensing Act 2003 in 2005.		
Applicant submissions:	None.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of Recorded Music - Unrestricted						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Ground floor and basement.	Increase in licensable area in basement. Change of layout and introduction of bar on ground floor.
Tuesday	Unrestricted		No change			
Wednesday	Unrestricted		No change			
Thursday	Unrestricted		No change			
Friday	Unrestricted		No change			
Saturday	Unrestricted		No change			
Sunday	Unrestricted		No change			
Seasonal variations:	Current:				Proposed:	
	None				No change	
Non-standard timings:	Current:				Proposed:	
	None				No change	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Ground floor and basement.	Increase in licensable area in basement. Change of layout and introduction of bar on ground floor.
Tuesday	Unrestricted		No change			
Wednesday	Unrestricted		No change			
Thursday	Unrestricted		No change			
Friday	Unrestricted		No change			
Saturday	Unrestricted		No change			
Sunday	Unrestricted		No change			
Seasonal variations:	Current:				Proposed:	
	None				No change	
Non-standard timings:	Current:				Proposed:	
	None				No change	

Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No change		Ground floor and basement.	Increase in licensable area in basement. Change of layout and introduction of bar on
Tuesday	23:00	00:30	No change			
Wednesday	23:00	00:30	No change			
Thursday	23:00	00:30	No change			

Friday	23:00	00:30	No change		ground floor.
Saturday	23:00	00:30	No change		
Sunday	23:00	00:00	No change		
Seasonal variations:	Current: None.			Proposed: No change.	
Non-standard timings:	Current: Hours on New Year's Eve extended until 05:00 on New Year's Day.			Proposed: No change.	

Sale by Retail of Alcohol						
On or off sales			Current : On sales		Proposed: No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Ground floor and basement.	Increase in licensable area in basement. Change of layout and introduction of bar on ground floor.
Tuesday	10:00	00:00	No change			
Wednesday	10:00	00:00	No change			
Thursday	10:00	00:00	No change			
Friday	10:00	00:00	No change			
Saturday	10:00	00:00	No change			
Sunday	12:00	23:30	No change			
Seasonal variations:	Current: None			Proposed: No change		
Non-standard timings:	Current: Christmas Day: 12:00 – 22:30 New Year's Eve: 10:00 – 22:30 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			Proposed: No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change		Ground floor and basement.	Increase in licensable area in basement. Change of layout and introduction of bar on ground floor.
Tuesday	10:00	00:30	No change			
Wednesday	10:00	00:30	No change			
Thursday	10:00	00:30	No change			
Friday	10:00	00:30	No change			
Saturday	10:00	00:30	No change			
Sunday	12:00	00:00	No change			
Seasonal variations:	Current: None			Proposed: No change		
Non-standard timings:	Current: None			Proposed: No change		

1-C Layout alteration

The application proposes changes to the premises layout, including:

Basement:

1. Replacement of bar area with dining room;
2. General improvements to back-of-house areas and kitchen.

Ground Floor:

1. Introducing of dining counter and bar (previously located in basement).
2. Changes to seating layout.
3. Removal of pizza oven.

The primary proposal relates to the relocation of the basement bar to the ground floor as a new dining counter and bar.

2. Representations

2-A Responsible Authorities

Responsible Authority:	Environmental Health
-------------------------------	----------------------

Representative:	Mr Ian Watson
------------------------	---------------

Received:	11 January 2016
------------------	-----------------

Objection is made to the application on the grounds of Public Safety.

A visit is required to be made to the premises to enable Environmental Health to assess the impact of the application on Public Safety.

2-B Other Persons

Name:	Mr Bruce Emery
--------------	----------------

Address and/or Residents Association:	Flat 2 14 Old Compton Street London
--	---

Status:	Valid	In support or opposed:	Opposed
----------------	-------	-------------------------------	---------

Received:	25 December 2015
------------------	------------------

I wish to register my strongest objections to the application for a licence for a bar. Over the last eight years there have, as far as I am aware, been numerous applications for a licence, each of which has been rejected. It is extremely disingenuous of the current residents of the basement and ground floor to ignore current planning restrictions, install and open a bar without having a licence to do so and then apply retrospectively for a license in the expectation that presenting the application as a "fait accompli" will allow them to circumvent previous planning decisions taken in the best interest of local residents who are already finding the area already becoming increasingly noisy and rowdy.

I trust you will not allow this devious approach to succeed in overcoming existing planning restrictions.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	(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. (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.

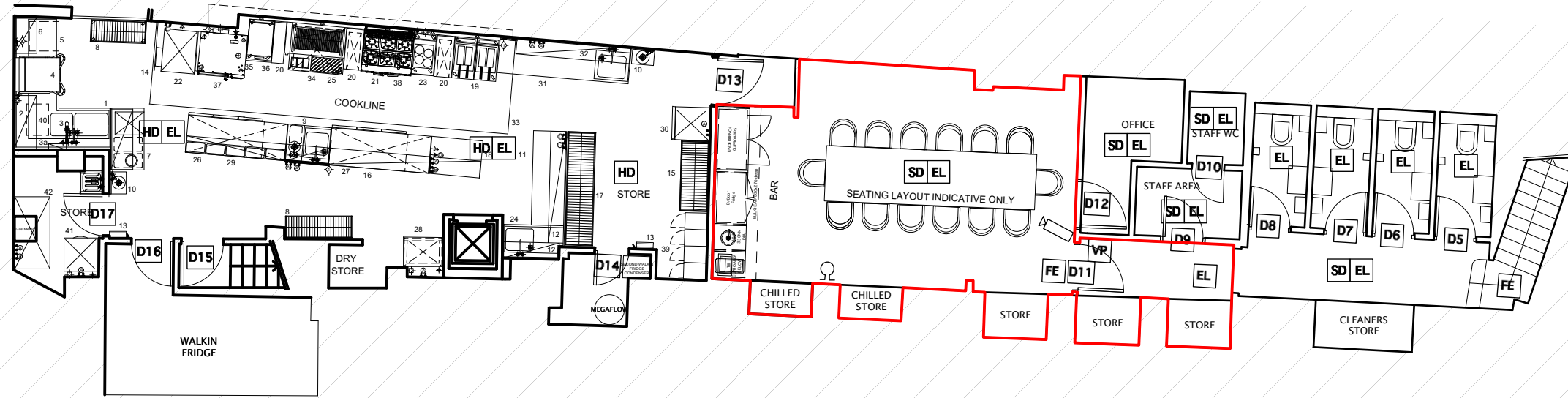
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - None
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Nick Nelson Senior Licensing Officer
Contact:	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

Appendix 1

page 27



GENERAL NOTES

- ALL FINISHES ARE TO CONFORM TO THE REQUIRED CURRENT BUILDING REGULATIONS IN THE APPLICABLE COUNTRY (IN A U.K. RESTAURANT ALL FINISHES ARE TO BE CLASS 1 OR EQUIVALENT)
- CONTRACTORS MUST VERIFY ALL SITE DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO STONEBLUE PROJECTS LTD. BEFORE PROCEEDING WITH ANY WORK
- ALL REQUESTED DRAWINGS SHOWING FIXINGS AND CONSTRUCTION DETAILS ARE TO BE APPROVED BY STONEBLUE PROJECTS LTD. PRIOR TO COMMENCEMENT OF WORK
- ALL SPECIFIED ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS
- CONTRACTOR TO PROVIDE A WORKING ENVIRONMENT WHICH CONFORMS TO THE CURRENT HEALTH AND SAFETY AT WORK CONDITIONS AND LOCAL AUTHORITY REGULATIONS
- ALL FINISHES ARE TO BE CARRIED OUT TO A HIGH STANDARD
- ANY DIMENSIONS ARE TO BE TAKEN FROM THE SETTING OUT PLAN ONLY AND ARE NOT TO BE SCALED FROM THE DRAWINGS
- IT IS THE CONTRACTORS RESPONSIBILITY TO UNDERTAKE AND ENSURE THAT ANY BUILDING WORK IS CARRIED OUT UNDER LOCAL AUTHORITY REQUIREMENTS
- THE CONTRACTOR IS TO CHECK AND APPRAISE ALL DESIGN, SHOPFITTING AND CONSTRUCTION DETAILS AND OFFER ALTERNATIVES TO THE DESIGNER FOR APPROVAL
- IN THE EVENT THAT DRAWING INFORMATION IS NOT THE SAME AND IF THE DESIGNER AND/OR SUPERVISING OFFICER ARE UNAVAILABLE FOR COMMENT THE PROPOSED PLAN IS TO BE READ AS CORRECT
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE OTHER RELEVANT CONSULTANTS DRAWINGS
- COPYRIGHT OF STONEBLUE PROJECTS LTD. NOT TO BE REPRODUCED

REV	DATE	ITEM
A	01.12.15	Area labels added

- INFORMATION ONLY
- APPLICATION FOR LOCAL AUTHORITY
- TENDER
- CONSTRUCTION

PROJECT 14A Old Compton Street
London
W1D 4TJ

TITLE **Proposed Basement Floor - Licensing Plan**

DRAWN DATE SCALE
RD NOV 2015 1:50@A3

PROJECT NUMBER REVISION
s2404 04.07 A

Stoneblue Projects I
design, project management, cost consultants

12 Bedford Road
Twickenham
Middlesex
TW2 5EW

ray@stoneblueprojects.co.uk

Fire Alarm & Emergency Lighting Ref BS5839:2002 and BS5206:2005

Means of Escape Capacity Occupancy rates are based upon BS 5588 Part 2 Table 2	
Area	Total
Basement Floor Demise	120 Sq M
Basement Floor Licensable Area - Internal	26 Sq M
Basement Floor Licensable Area - Including external seating	26 Sq M
Occupancy Levels	14
Basement Floor Area	26
TOTAL NUMBER OR OCCUPANCY & STAFF	14 + 6 = 20

	CCTV Camera
	Red outline Proposed Area of Licensable Activities
Fire Protection	
Installation of an automatic fire detection system to be fitted throughout in accordance with BS 5839 Part 1 1980.	
	Emergency push pad with sign
	Wall mounted fire blanket in container
	2Kg wall mounted Carbon Dioxide Fire Extinguisher
	9 litre foam fire extinguisher
	9 litre wet chemical extinguisher
	9 litre wall mounted water fire extinguisher
	Manual fire alarm call point location
	Maintained emergency light
	Illuminated exit sign over door
	Ceiling mounted smoke detector
	Ceiling mounted heat detector
	Smoke detector to be mounted within ceiling void
	Fire door keep clear sign located on direction of opening side door
	Fire alarm panel
	Keep door locked sign located on direction of opening side door
	Half hour fire door including intumescent smoke seal strips and positive overhead door closures, fire stops and sign
	1 hour fire door including intumescent smoke seal strips and positive overhead door closures, fire stops and sign
	Vision panel in door comprising FR glass and hw beads in intumescent paste minimum size of vision panel 250mm dia.
	Emergency exit sign indicating direction of means of escape.
	Fire alarm sounder
	Audio/visual fire alarm
	Repeater panel

0 5m
Scale 1:50

STANDARDS REQUIRED TO BE ACHIEVED IN RESPECT OF FIRE & SAFETY MATTERS.

1 DOORS & PARTITIONS REQUIRED TO BE FIRE RESISTING ARE TO BE IN ACCORDANCE WITH BRITISH STANDARDS BS 476 1972 AS AMENDED.

2 FIRE RESISTING DOORS REQUIRED TO RESIST THE PASSAGE OF SMOKE AT AMBIENT TEMPERATURE CONDITIONS SHOULD, UNLESS TESTED IN ACCORDANCE WITH BS 476 SECTION 3.1.1 1983, BE FITTED WITH SMOKE SEAL.

3 THE FIRE ALARM SYSTEM TO COMPLY WITH BRITISH STANDARDS BS5839: 2002. THE ATTENTION OF THE DESIGN INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 4.3 (CONSULTATION RECORDS) OF BS5839: 2002 WHICH REQUIRES CONSULTATION WITH THE FIRE AUTHORITY.

4 THE EMERGENCY LIGHTING INSTALLATION IS TO COMPLY WITH BRITISH STANDARD BS5206: 2005 THE ATTENTION OF THE DESIGN INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 4.3 (CONSULTATION OF RECORDS) OF BS5206: 2005. WHICH REQUIRES CONSULTATION WITH THE FIRE AUTHORITY.

5 FIRE SAFETY RELATED SIGNS AND NOTICES TO CONFORM TO CURRENT BRITISH STANDARDS.

6 ILLUMINATED 'EXIT' SIGNS ARE TO CONFORM TO BS 5499 PARTS 1&3.

7 FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH BS EN3 1-6, BS 7863 (1996), BS 7867 (1997) AND BS 5306 (2000).

8 UPHOLSTERED SEATING FURNITURE MUST SATISFY, AS A MINIMUM STANDARD, IGNITION SOURCE 0 (CIGARETTE TEST) AND CRIB IGNITION

SOURCE 5 AS SPECIFIED IN BS 5852 1990. METHODS OF TEST FOR ASSESSMENT OF THE IGNITABILITY OF UPHOLSTERED SEATING BY SMOLDERING AND FLAMING IGNITION SOURCES. IF IN ORDER TO SECURE COMPLIANCE WITH THE ABOVE STANDARDS WITH THE FABRIC SUBMITTED FOR TEST HAS BEEN TREATED BEFOREHAND WITH A FIRE RETARDANT PRODUCT, THE TESTING LABORATORY MUST BE INSTRUCTED TO SUBJECT THE SAMPLES TO BE TREATED TO A WATER SOAK TEST IN ACCORDANCE WITH BS 5651 1989 PARAGRAPH 5, BEFORE THE BS 5852 TESTS ARE CARRIED OUT. A COPY OF THE LABORATORY TEST REPORT FROM AN ACCREDITED TESTING LABORATORY IDENTIFYING COMPLIANCE OF THE FINISHING COMPOSITE WITH THE ABOVE MENTIONED BRITISH STANDARDS MUST BE FORWARDED TO THE LOCAL AUTHORITY BEFORE INSTALLATION AND CONFIRMATION THAT THE FURNISHING SPECIFIED IN THIS CERTIFICATE HAVE BEEN INSTALLED IN THE PREMISES.

9 CURTAINS AND OTHER TEXTILE HANGINGS MUST BE INHERENTLY FLAME RETARDANT OR BE TREATED WITH DURABLE FLAME RETARDANT. THEY MUST BE CAPABLE OF COMPLYING WITH 'TYPE B' PERFORMANCE REQUIREMENTS OF BS 5857 PART 2 1980 - 'SPECIFICATION FOR FABRICS FOR CURTAIN AND DRAPES - FLAMMABILITY REQUIREMENTS'.

10 ARTIFICIAL FOLIAGE AND OTHER DECORATIVE EFFECTS ARE TO BE FIRE RETARDANT TO THE SATISFACTION OF THE FIRE AUTHORITY.

11 LININGS AND SURFACE FINISHES OF WALLS AND CEILINGS SHOULD HAVE SURFACE SPREAD OF FLAME RATING AS DEFINED IN THE BUILDING REGULATIONS 1991.

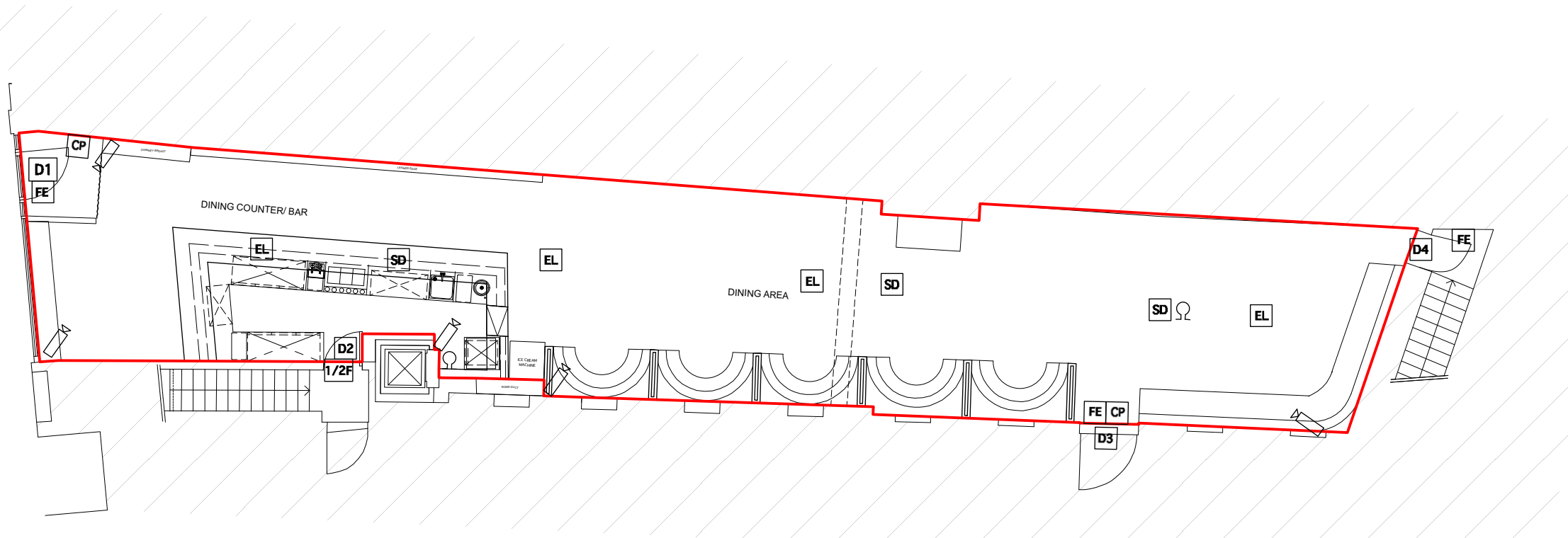
12 CERTIFICATES OF INSTALLATION TEST WILL BE REQUIRED IN RESPECT OF ITEMS NUMBER 3,4,6,8 AND 9 ABOVE AND MAY BE REQUIRED FOR ITEM 2.

NOTE: AND REFERENCE TO A BRITISH STANDARDS (BS) SHOULD BE TAKEN TO INCLUDE THE EQUIVALENT EUROPEAN STANDARD IF RELEVANT.

Life system contractor to ensure strict compliance to local and national criteria at design stage. The keys and symbols on this layout should be noted and modified if required.

GENERAL NOTES

1. ALL FINISHES ARE TO CONFORM TO THE REQUIRED CURRENT BUILDING REGULATIONS IN THE APPLICABLE COUNTRY (IN A U.K. RESTAURANT ALL FINISHES ARE TO BE CLASS 1 OR EQUIVALENT)
2. CONTRACTORS MUST VERIFY ALL SITE DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO STONEBLUE PROJECTS LTD. BEFORE PROCEEDING WITH ANY WORK
3. ALL REQUESTED DRAWINGS SHOWING FIXINGS AND CONSTRUCTION DETAILS ARE TO BE APPROVED BY STONEBLUE PROJECTS LTD. PRIOR TO COMMENCEMENT OF WORK
4. ALL SPECIFIED ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS
5. CONTRACTOR TO PROVIDE A WORKING ENVIRONMENT WHICH CONFORMS TO THE CURRENT HEALTH AND SAFETY AT WORK CONDITIONS AND LOCAL AUTHORITY REGULATIONS
6. ALL FINISHES ARE TO BE CARRIED OUT TO A HIGH STANDARD
7. ANY DIMENSIONS ARE TO BE TAKEN FROM THE SETTING OUT PLAN ONLY AND ARE NOT TO BE SCALED FROM THE DRAWINGS
8. IT IS THE CONTRACTORS RESPONSIBILITY TO UNDERTAKE AND ENSURE THAT ANY BUILDING WORK IS CARRIED OUT UNDER LOCAL AUTHORITY REQUIREMENTS
9. THE CONTRACTOR IS TO CHECK AND APPRAISE ALL DESIGN, SHOPFITTING AND CONSTRUCTION DETAILS AND OFFER ALTERNATIVES TO THE DESIGNER FOR APPROVAL
10. IN THE EVENT THAT DRAWING INFORMATION IS NOT THE SAME AND IF THE DESIGNER AND/OR SUPERVISING OFFICER ARE UNAVAILABLE FOR COMMENT THE PROPOSED PLAN IS TO BE READ AS CORRECT
11. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE OTHER RELEVANT CONSULTANTS DRAWINGS
12. COPYRIGHT OF STONEBLUE PROJECTS LTD. NOT TO BE REPRODUCED



REV	DATE	ITEM
B	08.12.15	Minor amendments to labeling
A	01.12.15	Area labels added

- INFORMATION ONLY
- APPLICATION FOR LOCAL AUTHORITY
- TENDER
- CONSTRUCTION

PROJECT 14A Old Compton Street
London
W1D 4TJ

TITLE **Proposed Ground Floor - Licensing Plan**

DRAWN	DATE	SCALE
RD	NOV 2015	1:50@A3

PROJECT	NUMBER	REVISION
s2404	04.08	B

Stoneblue Projects I
design, project management, cost consultants
12 Bedford Road
Twickenham
Middlesex
TW2 5EW
ray@stoneblueprojects.co.uk

page 28
N

Fire Alarm & Emergency Lighting Ref BS5839:2002 and BS5206:2005

Means of Escape Capacity Occupancy rates are based upon BS 5588 Part 2 Table 2	
Area	Total
Ground Floor Demise	107 Sq M
Ground Floor Licensable Area - Internal	98 Sq M
Ground Floor Licensable Area - Including external seating	98 Sq M
Occupancy Levels	77
Ground Floor Area	107 Sq M
TOTAL NUMBER OR OCCUPANCY & STAFF	77 + 6 = 83

	CCTV Camera		
	Red outline Proposed Area of Licensable Activities		
Fire Protection			
Installation of an automatic fire detection system to be fitted throughout in accordance with BS 5839 Part 1 1980.			
	Emergency push pad with sign		9 litre wet chemical extinguisher
	Wall mounted fire blanket in container		9 litre wall mounted water fire extinguisher
	2Kg wall mounted Carbon Dioxide Fire Extinguisher		Manual fire alarm call point location
	9 litre foam fire extinguisher		Maintained emergency light
			Illuminated exit sign over door
			Ceiling mounted smoke detector
			Ceiling mounted heat detector
			Smoke detector to be mounted within ceiling void
			Fire door keep clear sign located on direction of opening side door
			Fire alarm panel
			Keep door locked sign located on direction of opening side door
			Half hour fire door including intumescent smoke seal strips and positive overhead door closures, fire stops and sign
			1 hour fire door including intumescent smoke seal strips and positive overhead door closures, fire stops and sign
			Vision panel in door comprising FR glass and hw beads in intumescent paste minimum size of vision panel 250mm dia.
			Emergency exit sign indicating direction of means of escape.
			Fire alarm sounder
			Audio/visual fire alarm
			Repeater panel
			Life system contractor to ensure strict compliance to local and national criteria at design stage. The keys and symbols on this layout should be noted and modified if required.

STANDARDS REQUIRED TO BE ACHIEVED IN RESPECT OF FIRE & SAFETY MATTERS.

1 DOORS & PARTITIONS REQUIRED TO BE FIRE RESISTING ARE TO BE IN ACCORDANCE WITH BRITISH STANDARDS BS 476 1972 AS AMENDED.

2 FIRE RESISTING DOORS REQUIRED TO RESIST THE PASSAGE OF SMOKE AT AMBIENT TEMPERATURE CONDITIONS SHOULD, UNLESS TESTED IN ACCORDANCE WITH BS 476 SECTION 31.1 1983, BE FITTED WITH SMOKE SEAL.

3 THE FIRE ALARM SYSTEM TO COMPLY WITH BRITISH STANDARDS BS5839: 2002. THE ATTENTION OF THE DESIGN INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 4.3 (CONSULTATION RECORDS) OF BS5839: 2002 WHICH REQUIRES CONSULTATION WITH THE FIRE AUTHORITY.

4 THE EMERGENCY LIGHTING INSTALLATION IS TO COMPLY WITH BRITISH STANDARD BS5206: 2005 THE ATTENTION OF THE DESIGN INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 4.3 (CONSULTATION OF RECORDS) OF BS206: 2005. WHICH REQUIRES CONSULTATION WITH THE FIRE AUTHORITY.

5 FIRE SAFETY RELATED SIGNS AND NOTICES TO CONFORM TO CURRENT BRITISH STANDARDS.

6 ILLUMINATED 'EXIT' SIGNS ARE TO CONFORM TO BS 5499 PARTS 1&3.

7 FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH BS EN3 1-6, BS 7863 (1996), BS 7867 (1997) AND BS 5306 (2000).

8 UPHOLSTERED SEATING FURNITURE MUST SATISFY, AS A MINIMUM STANDARD, IGNITION SOURCE 0 (CIGARETTE TEST) AND CRIB IGNITION.

9 CURTAINS AND OTHER TEXTILE HANGINGS MUST BE INHERENTLY FLAME RETARDANT OR BE TREATED WITH DURABLE FLAME RETARDANT. THEY MUST BE CAPABLE OF COMPLYING WITH 'TYPE B' PERFORMANCE REQUIREMENTS OF BS 5857 PART 2 1980 - 'SPECIFICATION FOR FABRICS FOR CURTAIN AND DRAPES - FLAMMABILITY REQUIREMENTS'.

10 ARTIFICIAL FOLIAGE AND OTHER DECORATIVE EFFECTS ARE TO BE FIRE RETARDANT TO THE SATISFACTION OF THE FIRE AUTHORITY.

11 LININGS AND SURFACE FINISHES OF WALLS AND CEILINGS SHOULD HAVE SURFACE SPREAD OF FLAME RATING AS DEFINED IN THE BUILDING REGULATIONS 1991.

12 CERTIFICATES OF INSTALLATION TEST WILL BE REQUIRED IN RESPECT OF ITEMS NUMBER 3,4,6,8 AND 9 ABOVE AND MAY BE REQUIRED FOR ITEM 2.

NOTE: AND REFERENCE TO A BRITISH STANDARDS (BS) SHOULD BE TAKEN TO INCLUDE THE EQUIVALENT EUROPEAN STANDARD IF RELEVANT.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and variation application 05/06948/LIPCV	Application to convert the licence to LA03	1 October 2015	Granted under delegated authority
Transfer application 07/10653/LIPT	Transfer to Newultra Limited	21 January 2008	Granted under delegated authority
Vary DPS 07/10802/LIPDPS	Application to vary the designated premises supervisor	21 January 2008	Granted under delegated authority
Vary DPS 08/01410/LIPDPS	Application to vary the designated premises supervisor	10 March 2008	Granted under delegated authority
Vary DPS 08/08905/LIPDPS	Application to vary the designated premises supervisor	24 February 2009	Granted under delegated authority
Variation application 09/04030/LIPV	Application to vary the premises licence to refurbish the premises	10 July 2009	Granted under delegated authority
Transfer application 10/02047/LIPT	Transfer to Made In Italy Group Limited	28 April 2010	Granted under delegated authority
Variation application 10/02561/LIPV	Application to vary the premises licence so as to change the layout	1 July 2010	Granted by Licensing Sub-Committee
Vary DPS 10/03419/LIPDPS	Application to vary the designated premises supervisor	26 July 2010	Granted under delegated authority
Transfer application 15/00756/LIPT	Transfer to Bone Daddies Limited	27 March 2015	Granted under delegated authority
Vary DPS 15/00757/LIPDPS	Application to vary the designated premises supervisor	27 March 2015	Granted under delegated authority
Variation application 15/00761/LIPV	Application to vary the premises licence so as to change the layout	9 April 2015	Granted by Licensing Sub-Committee

There is no appeal history

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.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

Conditions related to the Sale of Alcohol

9. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
- (c) On Christmas Day: 12:00 to 22:30;
- (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
- (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
- (f) 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 taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) 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;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;

- (h) 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;
- (i) 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.

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.

- 10. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- 11. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

- 12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 13. The supply of alcohol shall be by waiter or waitress service only.
- 14. 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.
- 15. The supply of alcohol at 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.
- 16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 17. All tables and chairs shall be removed from the outside area by 23.00 each day.

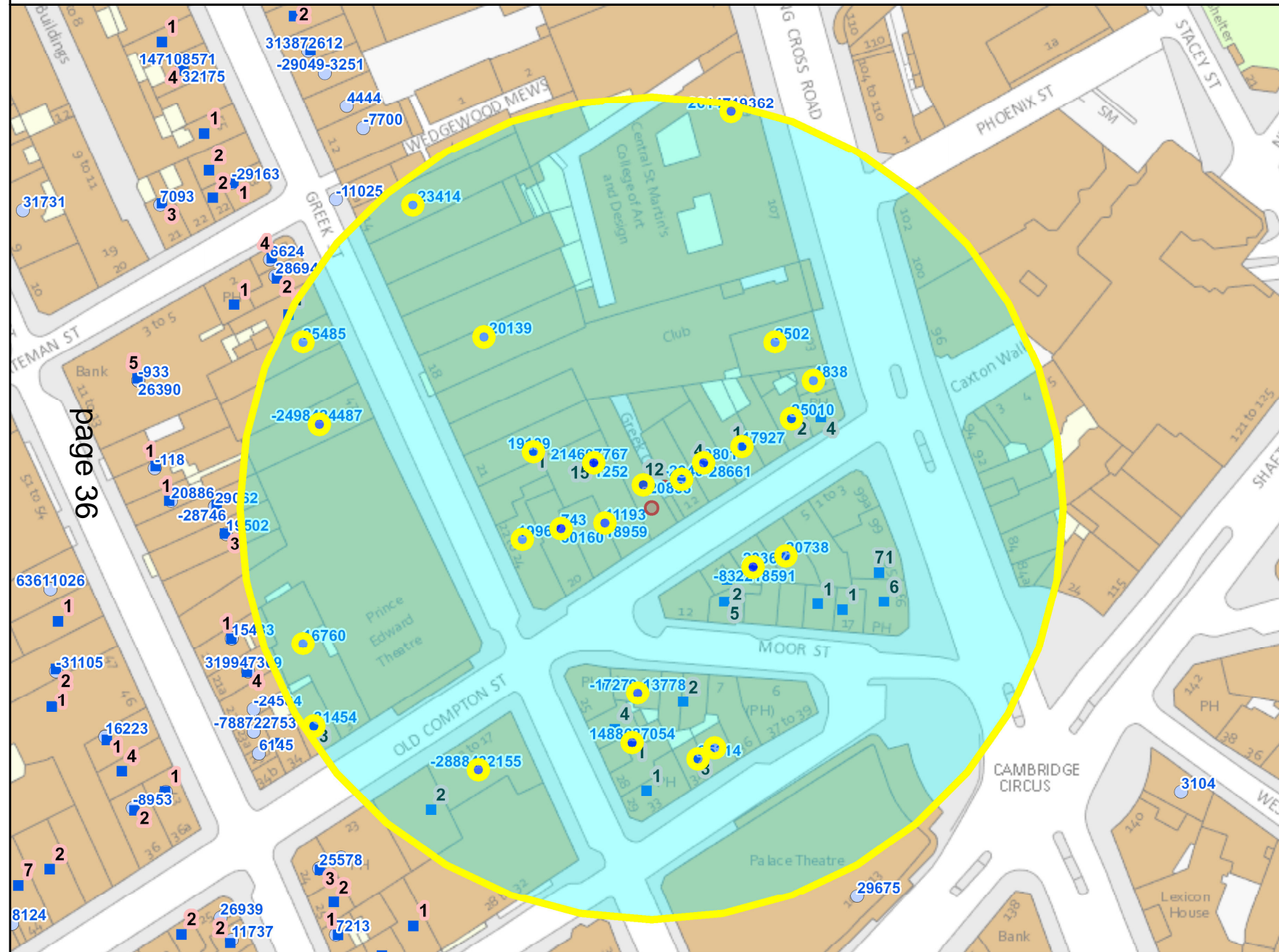
Annex 3 – Conditions attached after a hearing by the licensing authority

- 18. Draught sales of alcohol shall be limited to a single Japanese beer.
- 19. Customers waiting for a table will be asked to wait in the bar area.
- 20. 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.
- 21. All extractor fans shall be switched off at 23:00 hours.

22. The bar area shall only be used as a waiting area for customers waiting to be seated in the restaurant. Alcohol shall only be served to customers in this area who will be bona fide taking a substantial table meal in the restaurant.
23. The bar is not allowed to have a name separate from the restaurant name.
24. The bar is only for customers waiting for their tables and not to be used as a separate space (e.g. not by customers not eating on the premises).
25. Greek Court shall not be used for storage, deliveries or refuse and the exit door to Greek Court shall not be used except in an emergency.
26. 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.
27. 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 request.
28. 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) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
29. The number of persons accommodated at any one time in the Basement shall not exceed 25 persons (excluding staff). The capacities are based on the drawings reference number 01/B-05.03.15
30. There shall be no takeaway of food or drink at any time.



Shakfuyu 14 Old Compton Street



page 36

10 Meters

Residential / Proposed Residential	95
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database
Date: 21/01/2016

Premises within 75 metres of: Shakfuyu, 14 Old Compton Street

p / n	Name of Premises	Premises Address	Opening Hours
15/01353/LIPV	La Polenteria	Flat 3 16 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
13/01185/LIPVM	Montagu Pyke	Third Floor 101 Charing Cross Road London WC2H 0DT	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
06/06018/WCCMAP	Y Ming	Second Floor Flat 27 Greek Street London W1D 5DF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
09/01147/LIPV	G-A-Y Bar	Flat 4 18A Old Compton Street London W1D 4TN	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30
15/06088/LIPRW	NY Fold	Penthouse West 109 Charing Cross Road London WC2H 0DT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
08/09144/LIPD	The Vintage House	First Floor And Second Floor 20 Old Compton Street London W1D 4TW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
14/10732/LIPDPS	Lab Bar	Fourth Floor Flat 32 Old Compton Street London W1D 4TP	Monday to Saturday 09:00 - 00:30 Sunday 12:00 - 23:00
14/03450/LIPDPS	L'Escargot	Second Floor 47 Greek Street London W1D 4EE	Monday to Sunday 10:00 - 01:00
14/09011/LIPDPS	Eat Tokyo	Flat 8 14 Old Compton Street London W1D 4TH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/04123/LIPDPS	Pizza Express	Second Floor 18 Greek Street London W1D 4DS	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
12/03369/LIPVM	Soho House	Second Floor Flat 9 Old Compton Street London W1D 5JF	Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
13/09939/LIPDPS	Patisserie Valerie	20 Old Compton Street London W1D 4TW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
06/05480/WCCMAP	Taro Japanese Restaurant	Basement To First Floor 8 Old Compton Street London W1D 4TE	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
15/04626/LIPDPS	Cafe Boheme	9 Old Compton Street London W1D 5JF	Monday to Saturday 09:00 - 05:00 Sunday 12:00 - 00:00
14/10169/LIPT	Trattoria Da Aldo	49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/10204/LIPDPS	Hotel Chocolat	Flat 13-17 Old Compton Street London W1D 5JH	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30
15/01531/LIPDPS	Bar Soho	15 - 17 Old Compton Street London W1D 5JH	Sunday 09:00 - 01:00 Monday to Thursday 09:00 - 01:30 Friday to Saturday 09:00 - 03:30
15/00761/LIPV	Shackfuyu	Flat 4 10A Old Compton Street London W1D 4TG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/07071/LIPDPS	Z Hotel	35-38 Romilly Street London W1D 5AN	Monday to Sunday 00:01 - 00:00
06/05103/WCCMAP	Jazz After Dark	14 Greek Street London W1D 4DP	Monday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
12/06841/LIPV	Soho Whisky Club	First Floor To Third Floor 20 Old Compton Street London W1D 4TW	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00 Monday to Thursday 10:00 - 23:00
15/10322/LIPDPS	Ed's Easy Diner	First Floor And Second Floor 10 - 11 Moor Street London W1D 5NF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/03541/LIPT	New World Restaurant	10 Moor Street London W1D 5NF	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 01:00
15/05523/LIPDPS	Muriel's Kitchen	Flat 5 12 Old Compton Street London W1D 4TQ	Monday to Sunday 07:00 - 01:30
12/10955/LIPDPS	The Gallery Soho	103 Charing Cross Road London WC2H 0DT	Monday to Sunday 00:00 - 00:00

13/07159/LIPN	La Polenteria	Flat 3 16 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
10/02561/LIPV	Made In Italy	Flat 4 10A Old Compton Street London W1D 4TG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/08372/LIPRW	Balans Cafe	Flat 1 18A Old Compton Street London W1D 4TN	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
13/04738/LIPVM	Dozo	30 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
14/03170/LIPVM	Londis	Flat 2 21 Greek Street London W1D 4DX	Monday to Sunday 08:00 - 03:00
11/00185/LIPT	Maison Touaregue	Second Floor 23 - 24 Greek Street London W1D 4DZ	Monday to Sunday 09:00 - 03:30
15/04634/LIPDPS	Soho Kitchen And Bar	First Floor Flat 9 Old Compton Street London W1D 5JF	Monday to Sunday 00:00 - 00:00
14/02200/LIPN	Bar Termini	First Floor 7 Old Compton Street London W1D 5JE	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30
06/06013/WCCMAP	The Stockpot	Flat 9 16 Old Compton Street London W1D 4TL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/11029/LIPDPS	Byron	Apartment 2 109 Charing Cross Road London WC2H 0DT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/03152/LIPVM	Club 49	Basement And Ground Floor 48 Greek Street London W1D 4EE	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
13/10111/LIPDPS	Piccolo Diavolo	First Floor East Front 4-6 Old Compton Street London W1D 4TB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/04245/LIPDPS	La Bodega Negra	34 Romilly Street London W1D 5AN	Monday to Sunday 00:00 - 00:00
11/06024/LIPT	Coach & Horses Public House	Basement 27 Greek Street London W1D 5DF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50

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 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	14 December 2015
5	Current Premises Licence	20 April 2015
6	Representation from Environmental Health	11 January 2016
7	Representation from Mr Bruce Emery	25 December 2015

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	15/01317/LIREVP
Date:	4 February 2016
Classification:	For General Release
Title of Report:	West 9 Food & Stores Basement And Ground Floor 350 Harrow Road London
Report of:	Director of Public Protection and Licensing
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact Details:	Telephone: 020 7641 7830 E-mail: owojori@westminster.gov.uk

APPLICATION DETAILS

Application Type:	A review of premises licence application under the Licensing Act 2003.		
Applicant:	The Licensing Authority	Date Application Received:	24 February 2015
Premises Name and Address:	West 9 Food & Stores Basement And Ground Floor 350 Harrow Road		
Ward Name:	Westbourne	Cumulative Impact Area:	No
Description of Premises:	The premises operates as a convenience store and off licence		
Preliminary Note:	<p>The application was previously heard by the Licensing Sub-Committee on 30th April 2015. It was decided that the hearing be adjourned to a later so as to allow that the invoices/receipts provided by the licence holder prior to the hearing be sent to HMRC for assessment to determine the status of the invoices/receipts. The Licensing Sub-Committee hearing decision is attached at Annex F.</p> <p>The Licensing Service has from time to time enquired from the applicant whether any response has been received from HMRC in respect of the status of the invoices/receipts so that the application could be referred back to the Committee for determination.</p> <p>The applicant has not been able to ascertain whether the licence holder had forwarded the bundle of invoices /receipts to HMRC as requested by the Committee at the hearing on 30 April. The licence holder claimed to have sent the invoices/receipts to HMRC, whilst HMRC claimed not to have received any correspondence from the licence holder.</p> <p>However, HMRC has recently indicated that at least some of the spirits seized were not meant for the UK market and wouldn't have been bought legitimately.</p>		
GUIDANCE	<p>Guidance issued under section 182 of the Licensing Act 2003 (Para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.</p> <p>As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.</p>		

1. SUMMARY OF APPLICATION

- 1.1 An application submitted by the Licensing Authority for a review of the premises licence for West 9 Food & Stores, 350 Harrow Road, London, W9 2HP, was received on 24th February 2015 on the grounds of Prevention of Crime and Disorder. **Please see Annex A**
- 1.2 On 19th September 2014, during an operation by Her Majesty's Revenue & Customs, substantial quantity of alcohol were seized from the premises when it appeared that Excise Duty had not been paid on the goods when receipts could not be provided at the time. Failure to pay excise duty is an offence under the S 170 of the Customs and Excise management Act 1979 and S144 of the Licensing Act 2003.
- 1.3 The premises currently benefits from a premises licence that permits:

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

Sale by Retail of Alcohol (Off Sales)

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

Playing of Recorded Music Unrestricted

The opening hours of the premises:

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

- 1.4 A copy of the existing Premises Licence (07/00852/WCCMAP) is attached at **Appendix A of the applicant's bundle (Annex A)**

2. REPRESENTATIONS:

- 2.1 No representation has been received in respect of the application.

3. LICENCEES SUBMISSIONS:

- 3.1 The licence holder submitted bundle of invoices / receipts prior to the hearing on 30th April 2015 which were to be forwarded to HMRC for assessment to determine the status of those invoices and receipts.

4. OPTIONS:

- 4.1 The applicant originally sought revocation of the premises licence, but have stated that they no longer wish to pursue the application due to lack of additional information.
- 4.2 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence;
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;

- 4.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.4 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

5. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

- 5.1 Any applications under the Licensing Act 2003 are set out in Appendix C.
- 5.2 The chronology relating to appeals and applications is set out in Appendix C.

List of Appendices:	<p>Annex A – Application for Review</p> <ul style="list-style-type: none"> • Appendix A– Copy of current premises licence and photographs of the premises • Appendix B – Copy of Companies House report • Appendix C – Witness statement of Lawrence Stapleton (HMRC) • Appendix D – Correspondence between Licensing Inspector and Licensee • Appendix E –Additional material from Trading Standards <p>Annex B – Licence and Appeal History Annex C – Conditions Annex D – Residential Map and list of premises in the vicinity Annex E - Photograph of premises Annex F – Previous Licensing Sub-Committee Decision</p>
----------------------------	---

Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)



City of Westminster

APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service
REVIEWS
Westminster City Council
Westminster City Hall
14th Floor
64 Victoria Street
London
SW1E 6QP

Fax: 020 7641 3238

AND

Please give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service;

The Chief Officer of Police
Westminster Police Liaison Team
4th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

London Fire & Emergency Planning Authority
156 Harrow Road
London
W2 6NI

Community Protection (Environmental Health; Health & Safety; Weights and Measures)

Westminster City Council
Environmental Health Consultation Team
4th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

Development Planning Services
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Area Child Protection Committee
Head of Commissioning – Child Protection & Quality, Social and Community
Services – Children and Families
4 Frampton Street
NW8 8LF

For boats only

The Navigation Authority (for vessels not permanently moored)

Tidal Thames
The Harbour Master
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames
The Environment Agency Recreation and Navigation, Thames Region, Kings
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals
The Leisure Manager
British Waterways Board
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General
The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1
Knoll Rise

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Andrew Ralph

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <p align="center">West 9 Food & Stores 350 Harrow Road,</p>	
Post town <p align="center">London</p>	Post code (if known) <p align="center">W9 2HP</p>
Name of premises licence holder or club holding club premises certificate (if known) <p align="center">Mr Nallanathan Muhunthakumar</p>	
Number of premises licence or club premises certificate (if known) <p align="center">07/00852/WCCMAP</p>	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	<p style="text-align: center;">Licensing Authority Westminster City Council 64 Victoria Street, London, S1WE 6QP</p>
Telephone number (if any)	<p style="text-align: center;">020 7641 7502</p>
E-mail address (optional)	<p style="text-align: center;">ncarter2@westminster.gov.uk</p>

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

On 19 September 2014, during an operation by Her Majesty's Revenue & Customs a substantial quantity of alcohol were seized from these premises when it became apparent that no 'Excise duty' had been paid on the goods These are offences under S.170 Customs and Excise Management Act 1979 and S.144 Licensing Act 2003.

This incident indicates that the premises are unable to promote the Licensing Objective of:-

1. The prevention of Crime and Disorder

Please provide as much information as possible to support the application
(please read guidance note 2)

This premises operates predominantly as a convenience store and off licence and is currently licensed for Regulated Entertainment (playing of recorded music and private entertainment) and Sale by retail of alcohol (Monday to Saturday 0800-2300hrs and Sunday 1000-2230hrs). Mr. Nallanathan Muhunthakumar has been the Designated Premises Supervisor since November 2005. The holder of the licence is ASM Ltd, 66 Worcester Park Road, Worcester Park, Surrey KT4 7QD. According to a Companies House report from 24 September 2014, Mr. Nallanathan Muhunthakumar is a Director of the company, appointed to that position on 10 February 1994. The Secretary of the company is Mr. Allan George Pratt; appointed to that position on 7 April 1999.

(See Appendix 'A' for copy of current Premises Licence and photographs of premises)

(See Appendix 'B' for a copy of the report from Companies House)

On Friday 19 September 2014 a joint visit was carried out by officers from Customs and Excise and Trading Standards. These visits were carried out as a result of intelligence which had been gathered by Customs and Excise and Trading Standards. During the visit a substantial quantity of wine, spirits and beer were identified by Customs and Excise as having entered the UK with no Excise duty paid. Specifically it was noted that much of the labelling relating to the UK tax duty stamps had been tampered with or had suspected counterfeit labelling. Present at the time of the time of the visit was the Duty Manager, Mr. Thamilvan Sivarosa who was required to produce purchase records in relation to the identified stock. As he was unable to do so, Customs and Excise seized the alcohol which was predominately found in the basement storeroom. Specifically:-

1,192.5 litres of wine

7.4 litres of Spirits and

517 litres of Beer

Some of this stock was on display in the shop premises for sale, and the remainder was found in the storerooms. The total outstanding duty of the seized stock amounted to £4,968.18. It is an offence contrary to S 170 of the Excise Management Act 1979 to evade excise duty on goods and Mr. Sivarosa was issued with a warning letter. He was also given a booklet explaining his right appeal the seizure of the alcohol. To date he has not done so.

(See Appendix 'C' for two (2) witness statements completed by Customs and Excise Officer.)

In addition it is also an offence contrary to S 144 Licensing Act 2003 for the Designated Premises Supervisor and/or holder of a Premises licence to 'knowingly keep on licensed premises any goods without payment of duty'. A formal letter was sent to Mr. Muhunthakumar on 5 November 2014, asking for an explanation. Mr Muhunthakumar responded to my letter and included a large number of invoices in relation to alcohol purchased. I have explained to him that, as these were not sent to the HMRC as proof of duty paid, the review would continue and it is for him to bring

the invoices to the attention of the Licensing Sub Committee should he wish. I will also bring my copies along, should Councillors wish to see them.

(See Appendix 'D' for copy of letter to Mr. Muhunthakumar and response)

(See Appendix 'E' for Additional Material)

In addition to the above matter there have been no other matters of concern relating to these premises, other than a voluntary undertaking to cease stocking/selling super-strength (above 5.5% Abv) beers and ciders, to assist in reducing problem street drinking in the vicinity of the premises.

In the statutory "Guidance issued under section 182 of the Licensing Act 2003" (under the heading of "Reviews arising in connection with crime") it states:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

None

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

[Handwritten Signature]

Date

24 FEB 2015

Capacity

SERV. CO MANAGER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

2

Appendix 'A'



Schedule 12
Part A

WARD: Westbourne
UPRN: 999000131356

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

07/00852/WCCMAP

Part 1 – Premises details

Postal address of premises:

West 9 Food & Stores
Basement and Ground Floor
350 Harrow Road
London
W9 2HP

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Regulated Entertainment:

- 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:

Regulated Entertainment:

- 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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00

Sale by Retail of Alcohol: Sunday - 10:00 to 22:30

For times authorised for Christmas and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday - 08:00 to 23:00

Sunday - 10:00 to 22:30

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

Off

Part 2

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

ASM Ltd
66 Worcester Park Road
Worcester Park
Surrey
KT4 7QD

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

02896623

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

Name: Nallanathan Muhunthakumar
Address: 141 Thetford Road
New Maiden
Surrey
KT3 5DZ
Phone: Not Supplied

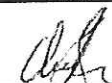
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: Not Supplied
Licensing Authority: Not Supplied

Date:

9/03/07

Signed:


Director of Legal & Administrative Services

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.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions applicable to the Sale of Alcohol

4. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00;
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30;
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- (a) 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;
 - (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) 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.
5. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

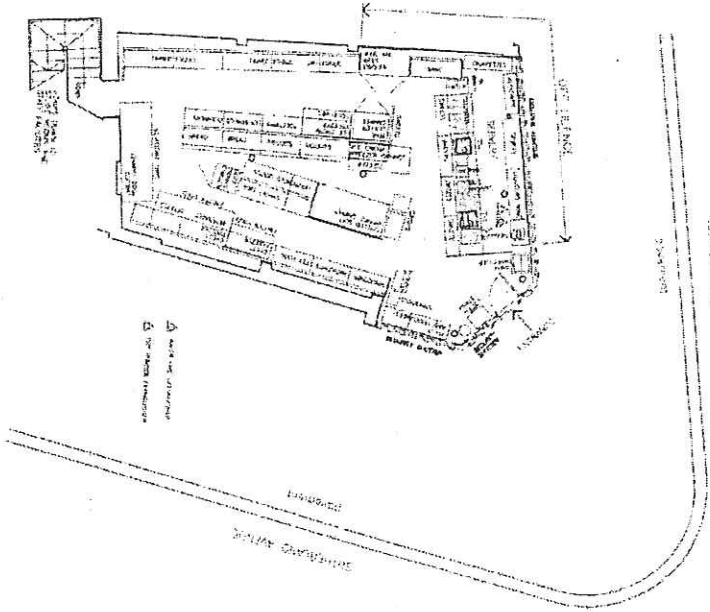
None

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

None

Annex 4 – Plans

GROUND FLOOR PLAN



WEST NINE SUPERMARKET
350 HARROW ROAD
LONDON
W9

PLAN OF PREMISES

Scale 1:100
Drawing No. WN1
Date July 2005
JOHN BEST
Designer
92 WINDERMERE ROAD
FALING W5 4TH
Tel: (020) 8567 1539

FOR SALE AND SPANISH ACCORD.



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

Schedule 12
Part B

WARD: Westbourne
UPRN: 999000131356

Premises licence
summary

Regulation 33, 34

Premises licence number:

07/00852/WCCMAP

Part 1 – Premises details

Postal address of premises:

West 9 Food & Stores
Basement and Ground Floor
350 Harrow Road
London
W9 2HP

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Regulated Entertainment:

- 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:

Regulated Entertainment:

- 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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00

Sale by Retail of Alcohol: Sunday - 10:00 to 22:30

For times authorised for Christmas and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday - 08:00 to 23:00

Sunday - 10:00 to 22:30

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

Off

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

ASM Ltd
66 Worcester Park Road
Worcester Park
Surrey
KT4 7QD

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

02896623

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

Name: Nallanathan Muhunthakumar

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

N/A

Date:

9/03/07

Signed:



Director of Legal & Administrative Services

1/15
Lords



a/k/a. Blaze



11/15
B...



1/15

Cash



4

Appendix 'B'



Companies House

Current Appointments Report for:

ASM LIMITED

02896623

Created: 24/09/2014 13:23:13

Companies House is a registry of corporate information. We carry out basic checks to make sure that documents have been fully completed and signed, but we do not have the statutory power or capability to verify the accuracy of the information that corporate entities send to us. We accept all information that such entities deliver to us in good faith and place it on the public record. The fact that the information has been placed on the public record should not be taken to indicate that Companies House has verified or validated it in any way.

Company Register Information

Company Number:	02896623	Date of Incorporation: 09/02/1994
Company Name:	ASM LIMITED	
Registered Office:	570 KINGSTON ROAD RAYNES PARK LONDON SW20 8DR	
Company Type:	Private Limited Company	
Country of Origin:	United Kingdom	
Status:	Active	
Nature Of Business (SIC):	47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating 47190 - Other retail sale in non-specialised stores	
Number of Charges:	(0 outstanding / 0 part satisfied / 0 satisfied)	

Previous Names

No previous name information has been recorded over the last 20 years.

Key Filing Dates

Accounting Reference Date:	31/07
Last Accounts Made Up To:	31/07/2013 (TOTAL EXEMPTION SMALL)
Next Accounts Due:	30/04/2015
Last Return Made Up To:	09/02/2014
Next Return Due:	09/03/2015
Last members list:	09/02/2014
Last Bulk Shareholders List:	Not available

Current Appointments

Number of current appointments: 2

SECRETARY: PRATT, ALLAN GEORGE MR
Appointed: 07/04/1999 **Date of Birth:** 02/12/1937
Nationality: ENGLISH
No. of Appointments: 620
Address: 66 WORCESTER PARK ROAD
WORCESTER PARK
SURREY
KT4 7QD
Country/State of Residence: ENGLAND

DIRECTOR: MUHUNTHAKUMAR,
NALLANATHAN MR
Appointed: 10/02/1994 **Date of Birth:** 27/04/1963
Nationality: BRITISH
No. of Appointments: 9
Address: 141 THETFORD ROAD
NEW MALDEN
SURREY
KT3 5DZ
Country/State of Residence: UNITED KINGDOM

This Report excludes resignations

Recent Filing History

Documents filed since 25/02/2013

DATE	FORM	DESCRIPTION
24/03/2014	AA	31/07/13 TOTAL EXEMPTION SMALL
12/02/2014	AR01	09/02/14 FULL LIST
12/02/2014	LATEST SOC	12/02/14 STATEMENT OF CAPITAL;GBP 10000
22/04/2013	AA	31/07/12 TOTAL EXEMPTION SMALL
25/02/2013	AR01	09/02/13 FULL LIST

This Report excludes 88(2) Share Allotment documents

5

Appendix 'C'

WITNESS STATEMENT OF LAWRENCE STAPLETON

Visit to West Nine Food & Wine, 350 Harrow Road, London, W9 2HP

I, Lawrence Stapleton, Officer of Her Majesty's Revenue & Customs, (HMRC) based at Custom House, 20 Lower Thames Street, London EC3R 6EE will say as follows:

1. On the 19th September 2014, accompanied by other Officers of HMRC, I attended West Nine Food & Wine, 350 Harrow Road, London, W9 2HP under the authority of section 112 of the Customs & Excise Management Act. I entered the premises at 09:55 hours.
2. During the course of this visit, examination of bottles of spirits on display by myself and other Officers in the shop identified a quantity of bottles that had issues in respect of the UK tax duty stamps on the rear labels. These issues ranged from suspected counterfeit rear labels to marking on the UK tax duty stamps that indicated that the UK duty tax stamps had been tampered with. These finding led me to consider that the UK excise duty had not been paid on these products.
3. The Manager of the shop, Mr Thamilvan Sivarosa, who was present throughout the visit was asked to provide purchase records in respect of the alcohol in the shop to demonstrate that the UK duty had been paid. Mr Thamilvan Sivarosa advised that the shop was trading as ASM Limited with the Director of the company being a Mr Nallanathan Anandankumariah who is also a partner in the W9 food & Wine store based at 175 Ladbroke Grove, London, W10 6HJ.
4. Thamilvan Sivarosa consulted with the company accountant at Waran & Company based at 570 Kingston Road, Raynes Park, London, SW20 8DR and a number of invoices were faxed to my office over the course of the morning for verification. The invoices received were only able to substantiate purchases in respect of Red Stripe canned lager and 5 boxes of wine.

5. As no invoices could be produced to substantiate the legitimate origin/supply of the alcohol stock held I was led to believe, on the balance of probabilities that UK duty had not been paid on the alcohol in question.
6. I made the decision to seize the alcohol in the shop, including the storerooms, pursuant to section 139 of the Customs & Excise management Act 1979 as it was liable to forfeiture on the basis that, on the balance of probabilities, the UK excise duty had not been paid.
7. In total the following quantities were seized;
 - 517 Litres of Beer
 - 1192.5 Litres of Wine
 - 7.4 Litres of Spirits
8. The duty figures of the seized stock amounted to £4968.18, including VAT. There was stock left on the premises but this was purely left there from a logistical perspective as there was a considerable quantity of loose bottles on the premises. In respect of the quantities seized I am unable to specify the quantity of alcohol on display in the shop that was seized.
9. Mr Sivarasa was issued with a seizure information notice, a warning letter and a booklet explaining his right to appeal the seizure after which Officers of HMRC left the premises, at 16:45 hours. To date I am not aware of any appeal against the seizure.
10. I have been asked by the Licensing Officer, what, if any offences are committed in general terms relevant to the evasion of excise duty. The relevant overarching criminal offence is one of being knowingly concerned in the fraudulent evasion of excise duty contrary to section 170 of the Customs & Excise Management Act, however as mentioned above, the decision made in this instance was to seize the stock only, thereby limiting this to civil proceedings only.

Statement of Truth

I believe that the facts contained in this witness statement are true.

Signed:


.....

LAWRENCE STAPLETON
Dated 18th November 2014

WITNESS STATEMENT OF LAWRENCE STAPLETON

Visit to West Nine Food & Wine, 350 Harrow Road, London, W9 2HP

I, Lawrence Stapleton, Officer of Her Majesty's Revenue & Customs, (HMRC) based at Custom House, 20 Lower Thames Street, London EC3R 6EE will say as follows:

Further to my witness statement of 20th October 2014, I have been made aware by Nigel Carter, License Inspector Premises Management Westminster City Council, that a number of invoices have been produced to him, purporting to show that the alcohol seized by me on 19th September 2014 had actually had the UK Duty paid on it. As I stated in paragraph 4 of my original statement, some invoices were faxed to my office whilst I was on the premises, and examined by a colleague, but these could only substantiate the legitimate purchase of Red Stripe lager and some of the wine that was present, so this alcohol was not seized. The legitimate purchase of the rest of the alcohol in question could not be substantiated by the invoices provided and so that alcohol that was seized. The booklet that I mentioned in paragraph 9 of my original statement as having been issued, and which explains the appeal procedure, makes it quite clear who should be contacted within HMRC and the relevant timescales involved with regard to any appeal. I can confirm that since my initial visit no subsequent invoices have been provided to me, nor has any appeal of any kind been received by HMRC regarding this matter.

Statement of Truth

I believe that the facts contained in this witness statement are true.

Signed:



LAWRENCE STAPLETON
Dated 21st November 2014

6

Appendix 'D'



City of Westminster

Nigel Carter
Licensing Inspector
Tel: 020 7641 3385
Fax: 020 7641 3436
My ref: 14/37463/ELREAC
NCarter2@westminster.gov.uk

Mr. Nallanathan Muhunthakumar
141 Thetford Road
New Malden
Surrey
KT3 5DZ

5 November 2014

Dear Mr. Muhunthakumar

Re: 'West 9 Food & Stores, 350 Harrow Road, London W9 2HP'.

I write to you in relation to an allegation made by an officer from Her Majesty's Revenue & Customs (HMRC) that, on 19 September 2014, a quantity of alcohol was seized from the above premises where it was suspected that excise duty had not been paid. You are a Director of ASM Ltd, the premises licence holder for this venue.

The officer states that there were a number of issues with bottles of alcohol (wine, beer and spirits) on display in the shop, and in the storerooms. These issues ranged from suspected counterfeit labels to marking on the UK tax duty stamps which indicated that they had been tampered with. In total the following quantities of alcohol were seized:

517 litres of Beer

1,192.5 litres of Wine

7.4 litres of Spirits

The duty figures of the seized stock amounted to £4,968.18, including VAT.

You, as the premises licence holder and Designated Premises Supervisor for these premises, have possibly committed an offence under **Section 144 of the Licensing Act 2003, of 'knowingly keeping or allowing to be kept, on any relevant premises, any goods which have been imported without payment of the duty or which have otherwise been unlawfully imported'.**



City of Westminster

In these circumstances I am minded to call for a review of your premises licence, in accordance with the Guidance given under Section 182 of the Licensing Act 2003.

Before I submit any papers for Review, I would like to give you the opportunity to provide an explanation for the alcohol found on your premises where excise duty had not been paid. Any explanation you provide will be added to the papers, and put before the Licensing Sub Committee for consideration.

If you intend to provide a response, I would be grateful for a response no later than 19 November 2014; otherwise I will presume that you don't wish to provide any explanation.

Yours sincerely

A handwritten signature in black ink that reads "Nigel Carter".

Nigel Carter

Licensing Inspector
Community Protection
020 7641 7052

ASM Limited

350 Harrow Road
London W9 2HP
Tel: 020 7266 0397
Fax: 020 7266 0502

18/11/14 Received by N. Carter

Nigel Carter
Licensing Inspector
City of Westminster
City Hall, 4th Floor
64, Victoria Street
London SW1E 6QP

14th November, 2014

Dear Sir,

West 9 Food and Stores, 350, Harrow Road, London W9 2HP

Thank you for letter dated 5th November, giving me the opportunity to explain about the quantity of alcohol that were seized by the HMRC from our premises for the alleged reason of not having paid the excise duty.

As mentioned in your letter, considerably large quantity of alcohol were seized from our shop by the HMRC on 18th September 2014, namely 517 litres of Beer, 1,192.5 litres of Wine, and 7.4 litres of Spirits as per the estimate of HMRC. Understandably, these were of considerable monetary value to us and been stored in our shop for resale, after being bought from reputable wholesalers in the UK. Please find enclosed the invoices pertaining to these transactions which show clearly the payments made in exchange of the amount of alcohol bought. I fail to understand how the HMRC can consider the labels on these stocks to be counterfeit when all our stocks are being bought in the UK open market by paying the relevant duties and taxes.

If HMRC seizure action is considered to be lawful and that there was duty evasion, it put a big question mark on the products we purchased from our wholesalers, namely Nisa, Dhamecha and Elbrook. My company, as their customer, rely on the big wholesalers' quality assurance for the products we buy from them. Following the HMRC seizure action, I have written to all my suppliers to challenge them on the

perceived authenticity of their labels. Only Nisa had taken further steps to get in touch with the HMRC about this issue so far.

Please note that none of the allegations quoted in your letter can be true. I cannot stress enough that if there are any counterfeiting mal practices, they exist elsewhere in the system. My shop is a small entity, trying to meet its many objectives and obligations towards its shareholders, employees and the wider community it serves, amidst tough competition from large retail stores. And, when such huge batches of alcohol are seized, seemingly for the contested reason of evasion of duty, by the government authorities, it places a huge impact on the moral and financial standing of a small business like ours by having a direct effect on the small income we generate. This lower income affects the livelihood of many who rely on the business to make a living. The seizure action by HMRC has not only put undue financial burden on the business but also levied on us the administrative and reputational burden to bear.

You may wish to note that the HMRC visit on 18th September was preceded by the City of Westminster Council's Trading Standard's officers' visit, which happened a few hours earlier on the same day (copy of code B notice attached). The Trading Standards officers' inspection of the alcohol stock did not reveal any wrong doing on our part, and they left having been satisfied by what they saw. Later HMRC officers arrived at the shop and carried out the same process but at the same time making a flurry of demands to my staff, and amongst these was a demand to see the invoices instantly of all the alcohol stock kept in the shop. My staff mobilised to comply but had to wade through the many invoices on the file to retrieve the relevant invoices. When they got hold of the invoices and tried to hand them over, the HMRC officers refused to even scrutinise or accept the invoices without offering any justification for such action. This seemingly highhanded action by the HMRC was of grave concern to my staff and was hard to comprehend by me.

As you will appreciate, any guilt should be proven under the law of this land, but to judge people guilty without even looking into the case being forwarded by them is what causes people to lose faith in the system eventually. Because the HMRC were not even prepared to accept the evidence in the form of invoices made their action of seizure totally unlawful.

As a director of ASM Ltd which owns this small retail shop, I have constantly provided strong instructions to my managing staff to purchase alcohol from reputed wholesalers only. My staff strictly adhere to this rule, so with them I rely heavily on such wholesalers for the quality assurance of the alcohol stock and other products we purchase from them.

I take my licensing duties seriously as a premises licence holder and a designated premises supervisor by continuing to ensure that the staff who work in the shop get access to all the licensing guidance and undertake the necessary training as required by the alcohol licensing law and that they are made aware of their duties when it comes to the purchase and sale of alcohol.

I am very grateful for your offer to include my reply into the paperwork you would be submitting to the Licensing Sub Committee, and hope that the Licensing

Sub Committee would take all the above factors into consideration when they undertake the review.

Thank you.

Yours sincerely,

N. Muhunthakumar

N. Muhunthakumar

Encl. Invoices

Code B (copy)

(7)

Appendix 'E'

Trading Standards Service
 5th Floor South, City Hall
 64 Victoria Street
 London SW1E 6QP
 email: tradingstandards@westminster.gov.uk
 Telephone: 020 7641 1111



City of Westminster

Police and Criminal Evidence Act 1984: Code B Notice

Business Name: <u>ASM Ltd t/a West 9 Food & Wine</u>			
Address of premises: <u>350 HARROW ROAD, LONDON</u>			
Date: <u>18/9/14</u>	Time of arrival: <u>09:40</u>	Notice issued to: <u>THAMILVANAN SIVAKASA</u>	
Position of recipient: <u>MANAGER</u>		Time of issue: <u>10:10</u>	
Recipient's signature:			
Other people present: <u>Robert Langridge, James Williams</u>			
Authorised Officer: <u>Lee Older</u>		Officer's Tel: <u>02076412549</u>	

Your rights and the powers of an Authorised Officer are summarised overleaf

This inspection/search is being made under the following (tick as necessary)

1. **Exercise of statutory power** (please specify legislation)

CONSUMER PROTECTION ACT 1987

2. **Entry Warrant** (copy attached) made under:

3. **With consent** (complete declaration below)

Where there are no reasonable grounds to believe an offence has been committed, your consent may be requested by an officer. You do not have to agree to this, but if you do, anything obtained may be used in evidence. If you do agree, please complete the declaration below.

I agree to allow the Authorised Officer to inspect (please specify):

Name:		Signature:		Position:	Time:
Departure time:	Force Y/N	Damage Y/N	Officer's Signature:		
Details of any damage caused:					
Uniform reference:			Search Register No.		

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and Variation	Application to convert existing Justices off Licence and to vary the premises licence to extend the hours for sale of alcohol	11.10.05	Conversion granted, variation refused by Licensing Sub-Committee

There is no appeal history for this 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions (if any) 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.

Current conditions on the existing licence:

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.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions applicable to the Sale of Alcohol

4. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00;
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30;
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- (a) 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;

- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) 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.

5. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Mandatory conditions to be attached to the premises licence

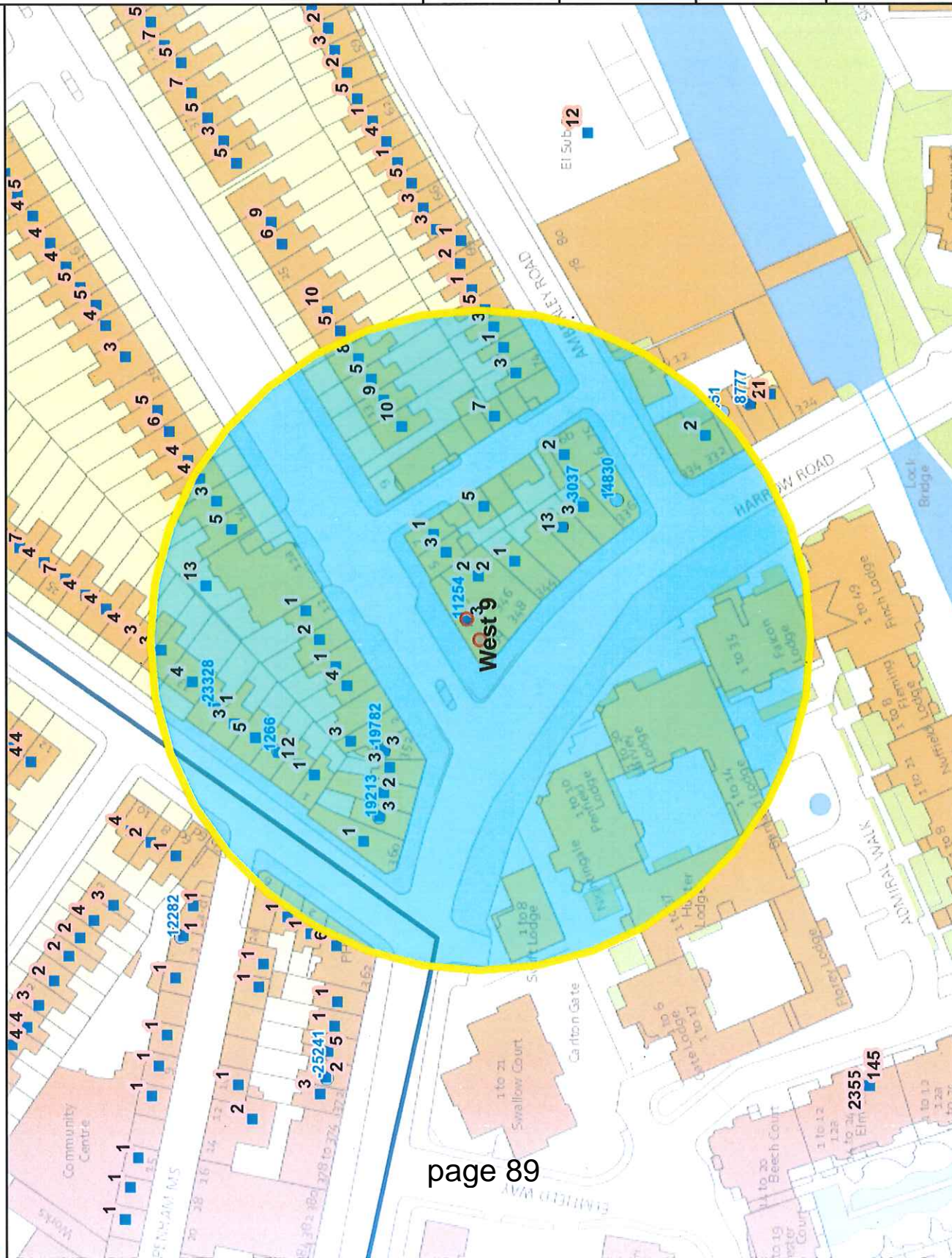
- A.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the 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.
- B(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.
- B(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.
- B(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.
- B(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.



West 9 Food & Stores



APPENDIX D

Residential / Proposed Residential	145
Under Construction	0
Other Uses	Not known
Proportion Residential of all Uses	Not known

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100010507

Data Source: Uniform Database
Date: 16/04/2015

Premises within 75 metres of: West 9 Food and Stores

p / n	Name of Premises	Premises Address	Opening Hours
-23328	Moreno Wines	11 Marylands Road London W9 2DU	Saturday 12:00 - 21:00 Monday to Friday 16:00 - 21:00
-19782	Champers	Basement And Ground Floor 352 Harrow Road London W9 2HT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-3037	The Gourmet Oriental	Basement And Ground Floor 338 Harrow Road London W9 2HP	Saturday 12:00 - 00:00 Monday to Friday 12:00 - 14:00 Sunday 12:30 - 23:30 Monday to Friday 17:30 - 00:00
11254	West 9 Food & Stores	Basement And Ground Floor 350 Harrow Road London W9 2HP	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
14630	London Food And Wine	Ground Floor 336 Harrow Road London W9 2HP	Monday to Sunday 06:00 - 01:00
19213	PJ's Pizza	Basement And Ground Floor 358 Harrow Road London W9 2HT	Friday to Saturday 09:00 - 02:00 Monday to Thursday 10:00 - 01:30 Sunday 10:00 - 01:30
1266	Tsiakkos & Charcoal	5 Marylands Road London	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

Description

OFF LICENCE

WEST 9
FOOD & WINE

350

CASH MACHINE

OFF
LICENCE

Available here

Males travelling around London easy

COLOUR COPY
NOW
IN STORE

cash
machine
All bank
cards accepted

PUSH

cash
machine
All bank
cards accepted

1-800-775-7755
FREE international calls
www.800775.com

Sharing

Tube
Bus
Tram
DLR

Tube
Bus
Tram
DLR

24/02/2015 13:22:46

LICENSING SUB-COMMITTEE No. 4

Thursday 30th April 2015

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Legal Adviser: Kirsten Chohan
Policy Adviser: Chris Wroe
Committee Officers: Jonathan Deacon

Relevant Representations: Licensing Authority (the Applicant).

Present: Ms Maria Johnson (Licensing Inspector, on behalf of the Licensing Authority), Mr Jon Payne (Solicitor, representing the Licence Holder), Mr N Anadankumariah (Licence Holder) and Mr N Muhunthakumar (Designated Premises Supervisor)

West 9 Food & Stores, Basement And Ground Floor, 350 Harrow Road, W9 15/01317/LIREVP

Summary of Application:

An application submitted by the Licensing Authority for a review of the premises licence for West 9 Food & Stores, 350 Harrow Road, London, W9 2HP, was received on 24th February 2015 on the grounds of Prevention of Crime and Disorder. On 19th September 2014, during an operation by Her Majesty's Revenue & Customs, substantial quantity of alcohol were seized from the premises as officers were of the view that Excise Duty had not been paid on the goods.

The premises currently benefits from a premises licence that permits:

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

Sale by Retail of Alcohol (Off Sales)

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

Playing of Recorded Music Unrestricted

The opening hours of the premises:

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

No other representations were received in respect of the application.

The Licence Holder was seeking revocation of the licence.

The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence;
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

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

The Sub-Committee adjourned the application.

Members of the Sub-Committee took the view that they were being asked to examine whether steps needed to be taken at the review hearing on the basis that Her Majesty's Revenue & Customs officers believed that Excise Duty had not been paid on alcohol that had been seized. The officer of HMRC had advised in a witness statement that 'as no invoices could be produced to substantiate the legitimate origin/supply of the alcohol stock held I was led to believe, on the balance of probabilities that UK duty had not been paid on the alcohol in question'. Just prior to the review hearing, however, the Licence Holder had supplied as evidence a large pile of invoices/receipts. The Sub-Committee considered that it was necessary to adjourn the application as Members could not be expected to take a decision at this juncture based either on the 'balance of probabilities' referred to by the HMRC officer or the large pile of receipts submitted at a late stage by the Licence Holder. There would need to be more conclusive evidence provided for the purposes of a review of the premises licence, including a report from HMRC assessing the status of the invoices/receipts provided by the Licence Holder.

The Sub-Committee noted additional correspondence from HMRC that they had not as yet received any information from the Licence Holder about the invoices/receipts. The Licence Holder had not challenged the legality of the seizure of the alcohol by HMRC. HMRC conducted unannounced visits to excise traders in order to verify that the products they had in stock had the correct tax and duties paid on them. HMRC took the stance that 'a reasonable amount of time is allowed for records to be produced to confirm the duty paid status of the stock, but if these are not forthcoming

then a decision is made on the balance of probabilities, this being a civil matter, whether the correct duty has been paid'. It was Ms Johnson's understanding, having spoken to HMRC that it was not too late for the Licence Holder to appeal. Mr Payne, representing the Licence Holder, informed the Sub-Committee that he had also been in contact with HMRC and had been told that the deadline for an appeal had elapsed some time previously.

It was necessary for the purposes of the Licensing Authority's review application that the invoices/receipts were forwarded to HMRC for them to assess.