



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 10th January, 2019**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Angela Harvey (Chairman)
Louise Hyams
Rita Begum

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 via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. 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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@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 Director of Law 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. TOP SHOP, 214 OXFORD STREET, LONDON, W1C 1DA

(Pages 1 - 38)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward/ Not in Cumulative Impact Area	Top Shop 214 Oxford Street London W1C 1DA	Premises Licence Variation	18/12260/LIPV

2. TOPS PIZZA, GROUND FLOOR, 8 GREAT WESTERN ROAD, LONDON, W9 3NN

(Pages 39 - 64)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Harrow Road Ward/ Not in Cumulative Impact Area	Tops Pizza, Ground Floor, 8 Great Western Road, London, W9 3NN	Premises Licence Variation	18/13607/LIPV

**Stuart Love
Chief Executive
3 January 2019**

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

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2016)

- 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.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	10 January 2019
Licensing Ref No:	18/12260/LIPV - Premises Licence Variation
Title of Report:	Top Shop 214 Oxford Street London W1C 1DA
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:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	10 October 2018		
Applicant:	Top Shop/Top Man Limited		
Premises:	Top Shop		
Premises address:	214 Oxford Street London W1C 1DA	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	<p>The premises in its entirety is primarily a retail store operating on Oxford Street under the brand name Topshop and Topman. The premises occupies the ground floor together with three floors above ground and then two basements levels.</p> <p>The basement level (titled SB2 on the premises licence plans) currently operates as a restaurant. The premises has the benefit of an existing premises licence which can be found at Appendix 6.</p>		
Variation description:	<p>This variation seeks to amend condition 10 on the premises licence that currently reads as:</p> <p>"The supply of alcohol within the basement restaurant shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal."</p> <p>To:</p> <p>"The consumption of alcohol in the restaurant area shall only be by a person seated in the restaurant."</p> <p>The applicant has stated that this is the only variation sought by this application.</p>		
Premises licence history:	This premises has had the benefit of a premises licence since it was granted in September 2018. The full details of the premises licence history can be found at Appendix 3 of this report.		
Applicant submissions:	<p>On submission of the application, the applicant provided the following information within the application form:</p> <p>"This Premises Licence has recently been granted, on 11 September, but as a result of discussions during that process a condition that forms part of the Licence is requested to be varied, namely:-</p>		

	<p>“the supply of alcohol within the basement restaurant shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.”</p> <p>The applicant seeks to replace that condition so that whilst the other conditions, requiring that food will always be available to be purchased during licensable activities, that there be no self-service and that the applicant will apply Challenge 25, will operate in the restaurant, the applicant requests that it not be a requirement that alcohol is only served to those taking tables meals, although it has agreed with Metropolitan Police and Westminster City Council Environmental Health Team that customers would have to remain seated when consuming in the restaurant and would propose to replace the condition with the following condition:- “the consumption of alcohol in the restaurant area shall only be by a person seated in the restaurant”.</p> <p>This would be the only change proposed to the conditions. The applicant suggests that it does not lead to a significant alteration of the Licence and conditions and does not harm the Licensing Objectives and on that basis the applicant would ask if this variation could be adopted.”</p>
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1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No Change		Ground Floor 1, 2, 3, SB1 and SB2	No Change
Tuesday	11:00	23:00				
Wednesday	11:00	23:00				
Thursday	11:00	23:00				
Friday	11:00	23:00				
Saturday	11:00	23:00				
Sunday	11:00	23:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	00:00	No Change		Ground Floor 1, 2, 3, SB1 and SB2	No Change
Tuesday	08:00	00:00				
Wednesday	08:00	00:00				
Thursday	08:00	00:00				
Friday	08:00	00:00				
Saturday	08:00	00:00				
Sunday	08:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No Change	

1-C Layout alteration
No layout alteration is sought as part of this variation.

1-D Conditions proposed to be varied by the applicant		
Condition	Proposed variation	
Condition 10 The supply of alcohol within the basement restaurant area shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.	The consumption of alcohol in the restaurant area shall only be by a person seated in the restaurant.	
Relevant entertainment:	Current position:	Proposed position:
	None	No Change

2. Representations

2-A Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	16 October 2018		
<p>I strongly object to this license variation on the following grounds:</p> <p>1. Noise nuisance and antisocial behaviour late evenings and at night. It turns the restaurant into a bar. People will be drinking without eating, so will be getting more tipsy than othewise. The premises license apparently permits this venue to be open very late at night. Residents all along Oxford Street are affected by very noisy people using Oxford Street late at night who are at best a bit tipsy, or at worst drunk. They shout, yell and make nuisances of themselves the whole length of Oxford Street, causing serious noise nuisance to local residents, and making the area feel unsafe. There is little policing of any kind late at night in this area.</p> <p>2. Major zone/area characteristics change. Large retailers are seeking ways to attract more shoppers, by varying their offer to include activities such as music, and food and alcohol. It's fine of course to offer snacks, meals and non-alcoholic drinks to shoppers, but to start offering a bar, alcohol without food, is a major change that affects residential amenity and safety in the area. The Met police has suffered from considerable cuts, and despite the new integrated security arrangements, some funded by New West End Company, there will not be anyone out there stopping the noise nuisance from tipsy or full-out roaring drunk people on Oxford Street during late evenings and the night-time. If city centres were not also residential, the retailers could also be bars, clubs, theatres and music venues all night long and it would not matter a toss. But for many, many years national and local government has determinedly insisted on populating city centres with families and other residents (makes the city centres 'vibrant' - remember?). The consequences are that people live in city centres, people live in the West End. You cannot just turn the retailer area into an entertainments/boozing area by the back door, one shop at a time. This is a major zoning/policy change.</p> <p>Please note that it is currently not possible to access the license conditions on the web page for the actual license application that was apparently granted.</p> <p>Had I seen this license application I would have objected to it, not least because of the late closing times.</p> <p>On 8 November 2018, this interested party provided further comments:</p> <p>I live just off [REDACTED] and along with all the other residents on and close to Oxford Street, suffer from noise nuisance caused by tipsy people making their way along Oxford Street. It only takes one or two glasses of wine to cause voices to be raised, and the acoustic dynamics of this area are such that the noise from Oxford Street amplifies into residents' homes.</p> <p>It cannot be claimed that drinking while sitting in a restaurant area is equivalent in any</p>			

way to having alcoholic drinks ancillary to a meal. The whole concept is different, the behaviour is different, the purpose of the drinking is different. The applicant previously cited pop-up experiences in retail areas, e.g. drinking white wine, as a reason for lifting the condition that alcohol is only to be drunk ancillary to a meal. Now they seem to be suggesting that sitting in a restaurant to drink, without having any meal with it, is no different from having alcohol ancillary to a meal. Of course it is different. The concept is different, the behaviour is different, the motivation is different. The grant of this application would leave it wide open for Top Shop to be treated only as a drinking venue. At best customers would be far more likely to get tipsy. This also makes them more vulnerable to pickpockets and other thieves, and more likely to get involved in altercations.

Oxford Street feels less and less safe for local residents, and we do not need yet more irresponsible alcohol drinking added to the mix.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	1 November 2018		
<p>The variation would turn the premises into a bar by removing the restaurant condition (alcohol ancillary to a table meal). Although the premises is outside of the Cumulative Impact Area it is immediately next to it and we consider removal of the restaurant condition to give rise for the potential for increased public nuisance in the area surrounding the premises. For this reason the application should be refused.</p>			

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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

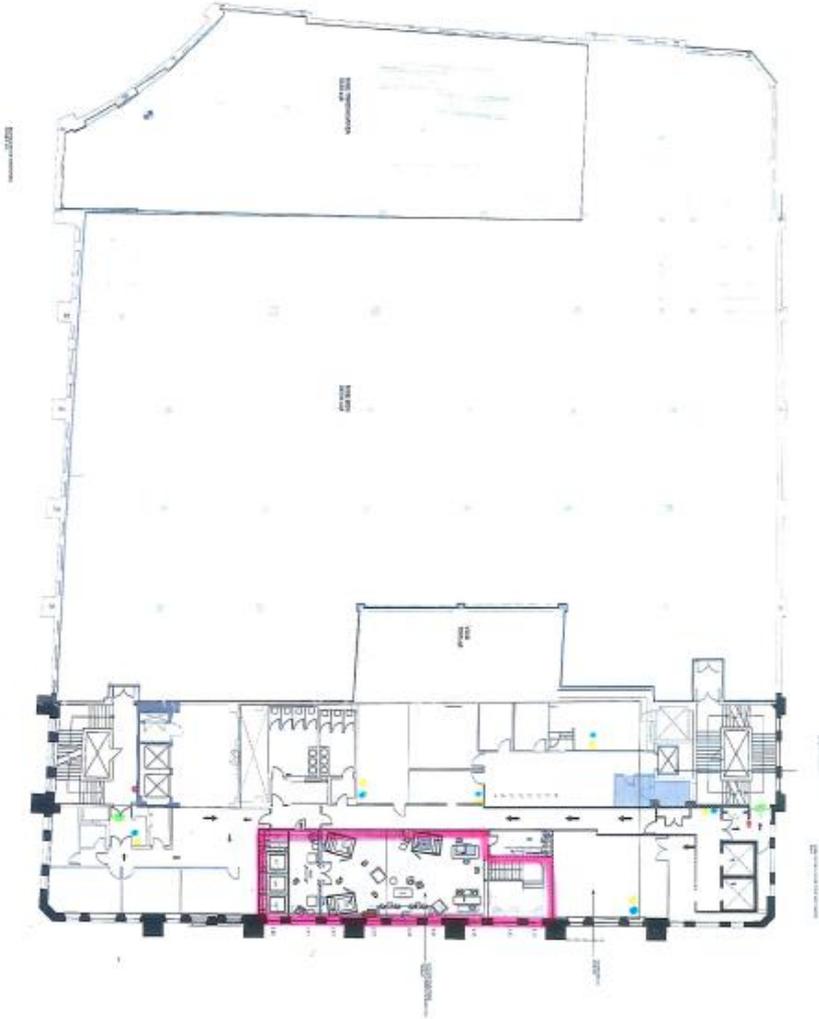
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Existing premises licence

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Representation Interested Party	16 October 2018
5	Representation Interested Party	1 November 2018



- key
- front Elevation
- rear Elevation
- Back Glass
- fire Exit
- boundary of view for heritable activities

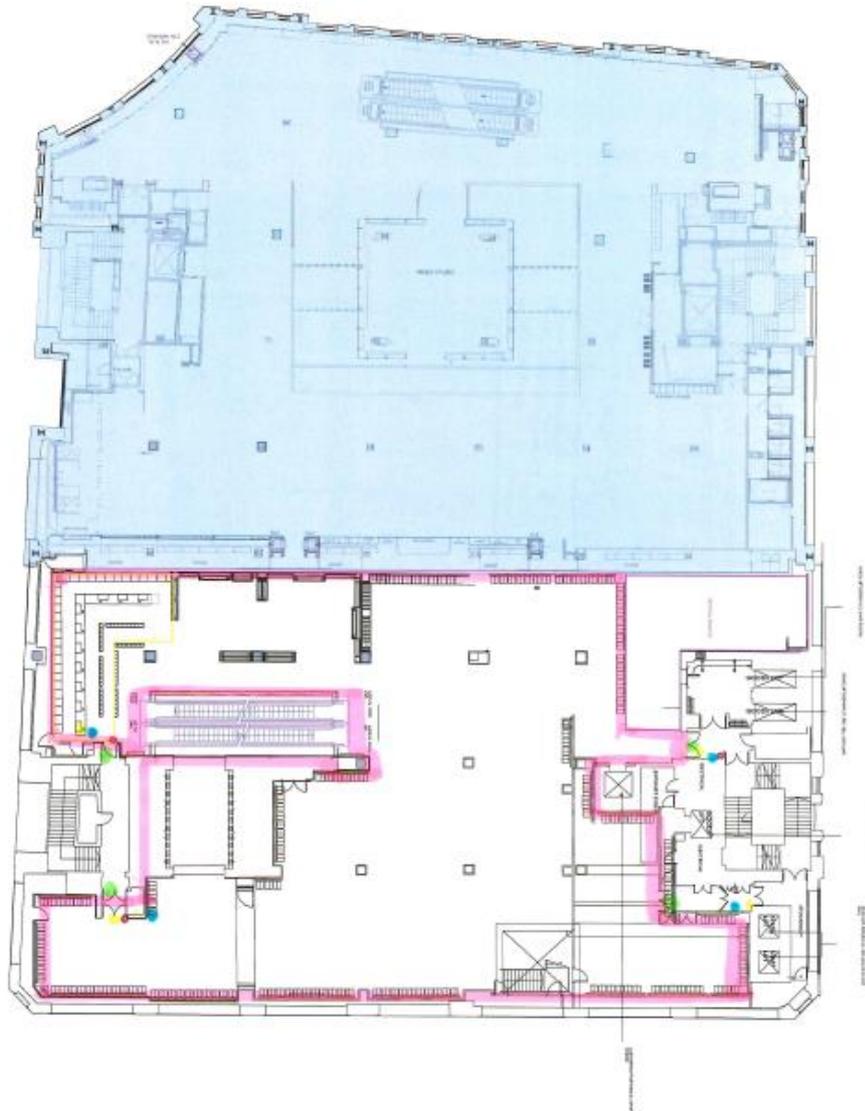
TS TSM
214 OXFORD STREET
THIRD FLOOR -
AS EXISTING
SCALE 1:100 @ A0



- from entrance
- lift entrance
- back stairs
- fire exit
- fire alarm
- boundary of area for domestic activities

TS, TSM
 214 OXFORD STREET
 SECOND FLOOR -
 AS EXISTING
 SCALE 1:100 @ A0

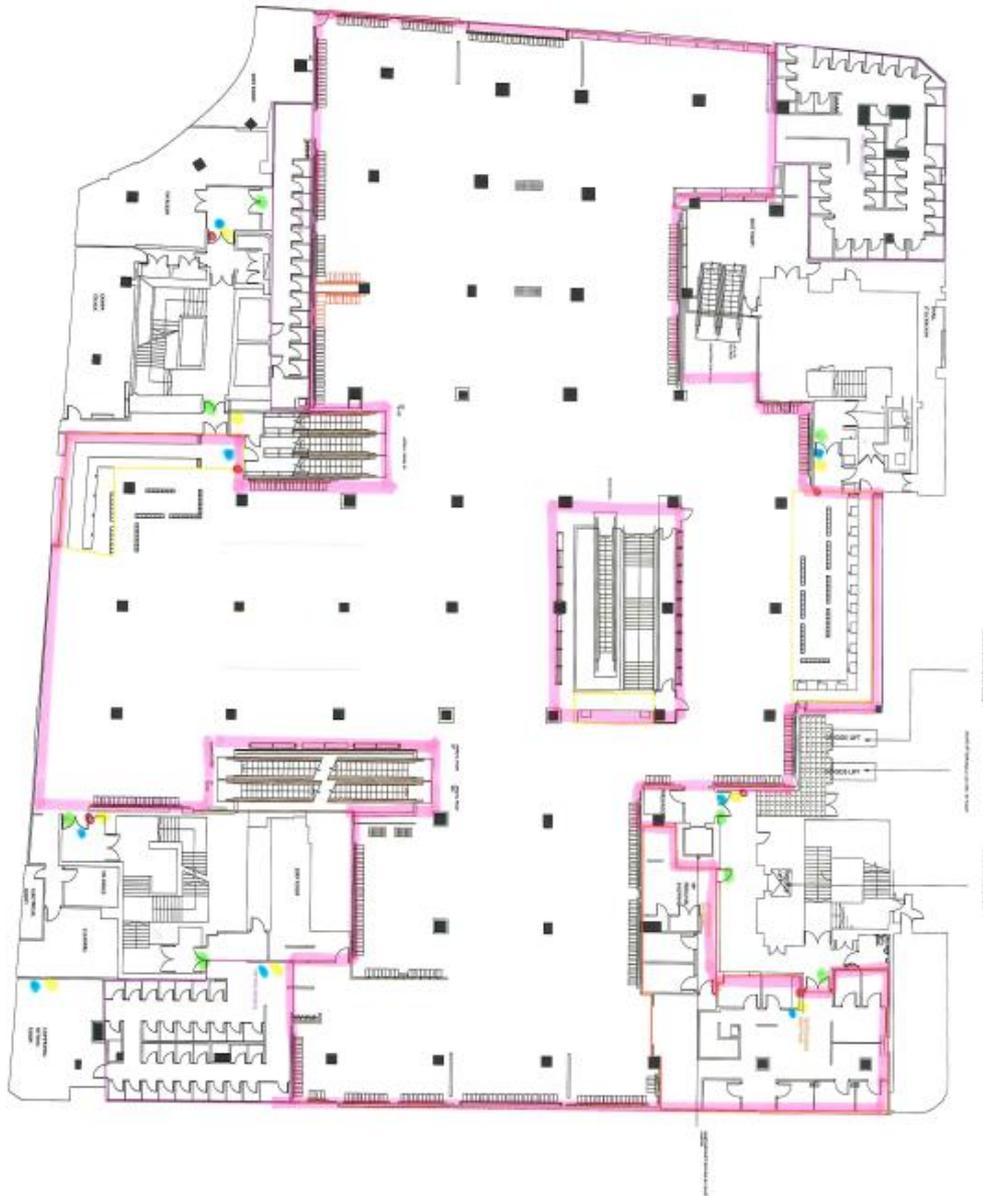




- From Exhibition
- Old Exhibition
- Great Glass
- fire Exit
- fire Phone
- boundary of area for licensable activity

TS TSM
 214 OXFORD STREET
 FIRST FLOOR -
 AS EXISTING
 SCALE 1:100 @ A0





- Green Exchange
- Cor Exchange
- Red Classroom
- Blue Exit
- Purple Room
- Boundary of area for household activity

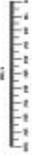
TS, TSM
 214 OXFORD STREET
 SB1 - AS EXISTING
 SCALE 1:100 @ A0





- Room Exhaustion
- CO2 Exhaustion
- Fresh Air
- Fire Exit
- Fire Alarm
- Boundary of area for licensable activity
- S&Z - Restaurant Area

TS TSM
 214 OXFORD STREET
 SB2 - AS EXISTING
 SCALE 1:100 @ A0



TOPSHOP TOPMAN

11 December 2018

To Whom It May Concern

Premises Licence: Top Shop/Top Man Limited, TOPSHOP TOPMAN store, 214 Oxford Street, London, W1C 1DA (the "Premises")

We write on behalf of Top Shop/Top Man Limited. We are a clothing, footwear and fashion accessories retailer. We currently have a licence to sell alcohol at the Premises (the "Licence") including from within a small restaurant in the basement level of the Premises. Whilst we wish to slightly vary the conditions of this Licence, there are no plans to change the nature of our business. We are, and will continue to be, a retailer of clothing, footwear and fashion accessories.

Our Licence currently allows us to sell alcoholic drinks in the basement restaurant area to customers who are also buying food. We consider this to disadvantage those customers who may accompany someone who is eating in the basement restaurant or those who simply wish to stop for a drink in the basement restaurant whilst shopping and may not want to eat. In order to address this, it was necessary to apply to vary the Licence so that alcohol can be served with and without food.

We note you have raised an objection to our application to vary our Licence. We have reviewed your comments and want to assure you that we believe we have put in place adequate measures to protect against your concerns, being:

1. The variation would turn the premises into a bar;
2. This is a major change that will affect residential amenity and safety in the area; and
3. There would be an increase in noise nuisance and anti-social behaviour.

Your concerns

We address each of your concerns as follows:

1. The Premises will not be turned into a bar. As explained above, we are and will continue to be a retailer of clothing, footwear and fashion accessories, this is a condition of the licence. The proposed variation simply relaxes the requirement for food to be served to a customer buying an alcoholic drink in the basement restaurant. The proposed variation still requires the customers to be seated in the designated basement restaurant area if drinking alcohol.
2. The proposed variation is only a minor change. The basement restaurant is (under the Licence) and will continue to be (under the proposed variation) a very modest area in relation to the Premises as a whole. The Premises spans five floors. The basement restaurant area is 1500 square feet; the selling space of the Premises is 100,000 square feet. The basement restaurant area accommodates a

COLEGRAVE HOUSE 70 BERNERS STREET LONDON W1T 3NL 0844 243 0000

TOP SHOP / TOP MAN LIMITED REGISTERED IN ENGLAND COMPANY NO 2317752

REGISTERED OFFICE COLEGRAVE HOUSE 70 BERNERS STREET LONDON W1T 3NL

maximum of 85 covers and it remains our intention that food will always be available in the basement restaurant area.

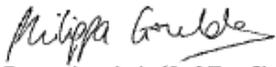
3. We do not envisage that this minor variation to the Licence will lead to anti-social behaviour. We have extremely rigorous security procedures in place in order to protect the Premises and the surrounding areas. The Responsible Authorities are satisfied with the provisions we have in place and have not objected to this small variation. It would not be in our interest to have people becoming intoxicated on the Premises and indulging in anti-social behaviour either at the Premises or outside the Premises. Furthermore, our staff will be trained to identify anyone who arrives at the Premises intoxicated or who becomes intoxicated and will not serve them alcohol.

Conclusion

We believe the conditions imposed on this Licence sufficiently protect against the fears you have expressed. In these circumstances, we would ask whether you feel it is necessary to maintain your opposition to the application.

We thank you for your consideration.

Yours faithfully



For and on behalf of Top Shop/Top Man Limited

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
18/09221/LIPN	Application for a New Premises Licence	11.09.2018	Granted under Delegated Authority
18/10929/LIPVM	Application for a minor variation of the premises licence that sought to amend condition 10 of the premises licence.	05.10.2018	Application refused.

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

9. The premises shall be used primarily as a retail department store and the provision of licensable activities shall remain ancillary to the main use of the premises as a retail department store.
10. The supply of alcohol within the basement restaurant area shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Condition 10 is proposed to be amended by the applicant so as to read:

The consumption of alcohol in the restaurant area shall only be by a person seated in the restaurant.

11. At all times that the premises are open and offering alcohol for sale, food and non-intoxicating beverages, including drinking water, shall be available in the premises.
12. There shall be no self-service of alcohol.
13. All alcohol sales shall cease 30 minutes before the store closes.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. Where the premises operate a temporary "pop-up" installation for the sale of alcohol at the premises these shall be for a period of less than sixteen weeks and such "pop up" installation will not involve the creation of any permanent structures. The Premises Licence holder or their representative shall carry out an event management plan/risk assessment including a layout plan in respect of each "pop-up" installation. Records of such event management plan/risk assessment shall be made available to the Police Licensing Officer and the

Environmental Health Consultation Team on request. Such records shall be available at least one month following the closure of each "pop up" installation.

16. All drinking vessels used in the "pop up" installation shall be polycarbonate and all drinks in glass bottles are to be decanted into polycarbonate containers.
17. All alcohol provided during a "pop up" installation shall be consumed within the immediate area of the "pop up" installation as defined on the layout plan.
18. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol provided during a "pop up" installation is secured in a locked store room or locked cabinet so as to prevent access to the alcohol by the public.
19. All tills used within a "pop up" installation shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

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

None

Due to a technical issue with this Council's GIS Mapping System, an alternative map of the premises and locality has been provided below.



Resident count = 13 within 75m of premises

Premises within 75m radius of the premises			
Licence Number	Trading Name	Address	Time Period
06/07875/WCCMAP	Top Shop	Whole Building 214 Oxford Street London W1C 1DA	Monday to Sunday; 09:00 - 23:00
18/09221/LIPN	Top Shop	214 Oxford Street London W1C 1DA	Monday to Sunday; 08:00 - 00:00
09/05133/LIPCH	Angus Steak House	241 - 243 Oxford Street London W1D 2LU	Monday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 00:00 Sundays before Bank Holidays; 10:00 - 01:00
13/07109/LIPT	Wok To Walk	15 Argyll Street London W1F 7TN	Monday to Sunday; 09:00 - 05:00
18/02059/LIPDPS	The Argyll Arms Public House	Ground 18 Argyll Street London W1F 7TP	Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
12/04512/LIPV	Bigger & Better Ltd T/a Cafe Fred	15A Argyll Street London W1F 7TW	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
10/05873/LIPDPS	Deگو	Basement Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30
18/06168/LIPDPS	Cote	Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:30
15/02434/LIPVM	Cote	Basement Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30
18/06324/LIPCH	London Cocktail Club	Basement Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
14/04087/LIPDPS	Eat Limited	36 - 38 Great Castle Street London W1W 8LG	Monday to Saturday; 09:00 - 21:00 Sunday; 11:00 - 18:00
18/08453/LIPCH	Benitos Hat	Ground Floor And Basement 12 Great Castle Street London W1W 8LR	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00



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

Schedule 12
Part A

WARD: West End
UPRN: 100023465444

Premises licence

Regulation 33, 34

Premises licence number:	18/09221/LIPN
Original Reference:	18/10929/LIPVM

Part 1 – Premises details

Postal address of premises:
Top Shop
214 Oxford Street
London
W1C 1DA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:
Not applicable

Licensable activities authorised by the licence:
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:
Sale by Retail of Alcohol
Monday to Sunday: 11:00 to 23:00 (Ground Floor 1, 2, 3 and SB1 and SB2)

The opening hours of the premises:
Monday to Sunday: 08:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol is supplied for consumption on the Premises.

Part 2

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

Top Shop/Top Man Limited
Colegrave Houose
70 Berners Street
London
W1T 3NL

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

02317752

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

Name: Jeremy Tieman

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

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

Licence Number: 0600935 LAPER
Licensing Authority: London Borough Of Bromley

Date: 14 December 2018

This licence has been authorised by Daisy Gadd on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv).
- (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

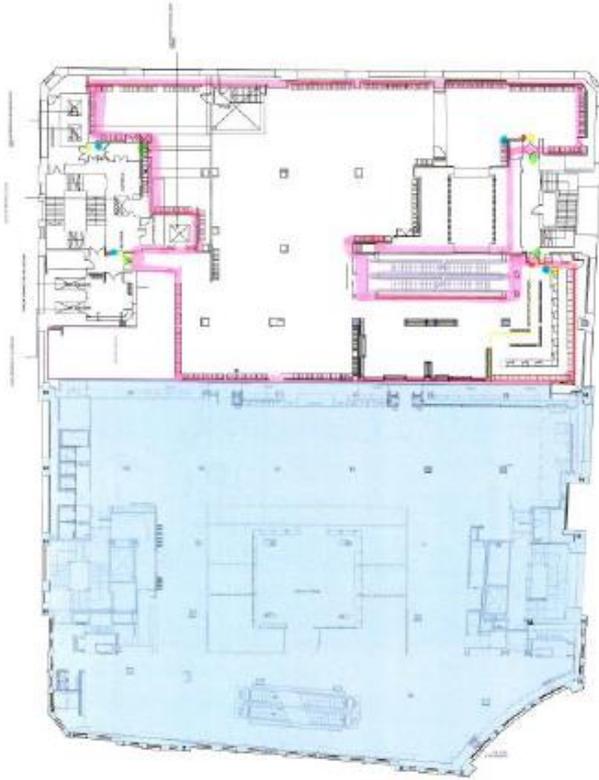
9. The premises shall be used primarily as a retail department store and the provision of licensable activities shall remain ancillary to the main use of the premises as a retail department store.
10. The supply of alcohol within the basement restaurant area shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. At all times that the premises are open and offering alcohol for sale, food and non-intoxicating beverages, including drinking water, shall be available in the premises.
12. There shall be no self-service of alcohol.
13. All alcohol sales shall cease 30 minutes before the store closes.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. Where the premises operate a temporary "pop-up" installation for the sale of alcohol at the premises these shall be for a period of less than sixteen weeks and such "pop up" installation will not involve the creation of any permanent structures. The Premises Licence holder or their representative shall carry out an event management plan/risk assessment including a layout plan in respect of each "pop-up" installation. Records of such event management plan/risk assessment shall be made available to the Police Licensing Officer and the Environmental Health Consultation Team on request. Such records shall be available at least one month following the closure of each "pop up" installation.
16. All drinking vessels used in the "pop up" installation shall be polycarbonate and all drinks in glass bottles are to be decanted into polycarbonate containers.
17. All alcohol provided during a "pop up" installation shall be consumed within the immediate area of the "pop up" installation as defined on the layout plan.
18. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol provided during a "pop up" installation is secured in a locked store room or locked cabinet so as to prevent access to the alcohol by the public.
19. All tills used within a "pop up" installation shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

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

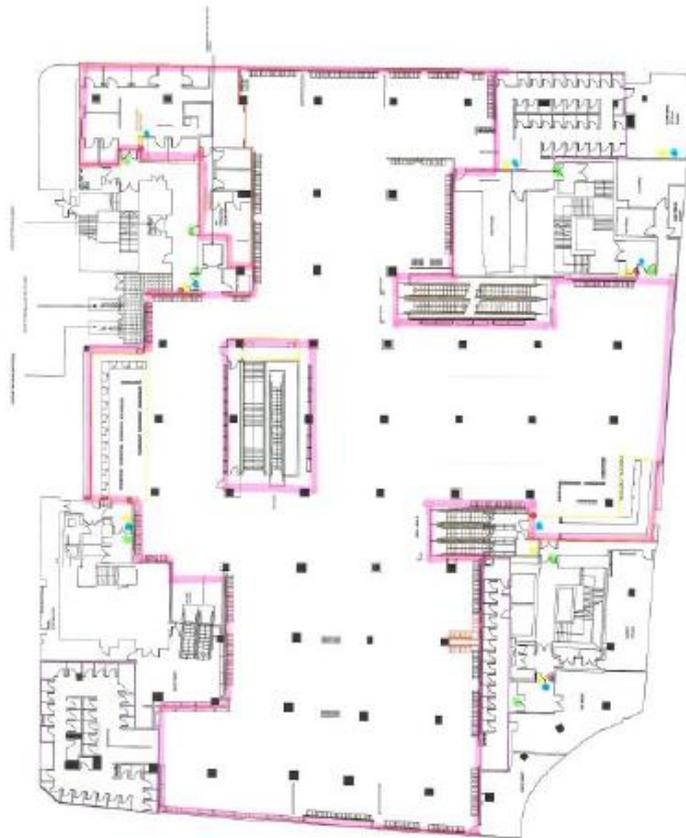
None





- Plaza
- CO₂-Storage
- Work Cells
- Elevator
- Elevator
- Stairways / Core for accessible network

1st Floor
 1st Floor
 AS EXISTING
 SCALE 1:100 @ A0
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



- Green - Unassigned
- Yellow - Existing
- Blue - Existing
- Pink - Existing
- Red - Existing
- Pink Line - Boundary of space for landscape activity

105, 106
 214 OXFORD STREET
 201 - AS EXISTING
 SCALE 1:100 @ A0





City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023465444

Regulation 33, 34

Premises licence number:

18/09221/LIPN

Part 1 – Premises details

Postal address of premises:

Top Shop
214 Oxford Street
London
W1C 1DA

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol
Monday to Sunday: 11:00 to 23:00 (Ground Floor 1, 2, 3 and
SB1 and SB2)

The opening hours of the premises:

Monday to Sunday: 08:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Top Shop/Top Man Limited
Colegrave Houose
70 Berners Street
London
W1T 3NL

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

02317752

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

Name: Jeremy Tieman

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

Restricted

Date: 14 December 2018

This licence has been authorised by Daisy Gadd on behalf of the Director - Public Protection and Licensing.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	10 January 2019
Licensing Ref No:	18/13607/LIPV - Premises Licence Variation
Title of Report:	Tops Pizza Ground Floor 8 Great Western Road London W9 3NN
Report of:	Director of Public Protection and Licensing
Wards involved:	Harrow Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	7 November 2018		
Applicant:	Mr Pejman Eftekhari		
Premises:	Tops Pizza		
Premises address:	Ground Floor 8 Great Western Road London W9 3NN	Ward:	Harrow Road
		Cumulative Impact Area:	None
Premises description:	This premises currently operates as a pizza takeaway outlet.		
Variation description:	<p>According to the application form, the proposed variation is to extend the terminal hour for late night refreshment:</p> <p>Monday to Thursday 23:00 to 02:00 Friday to Saturday 23:00 to 03:00 Sunday 23:00 to 01:00</p> <p>With no entry to customers after 00:00 (Delivery Only).</p> <p>The variation also seeks to extend the hours of opening in line with the proposed changes for late night refreshment.</p> <p>Full details of the variation sought can be found in the following sections of the report.</p>		
Premises licence history:	The premises has had the benefit of a premises licence since 2006. The premises is currently licensed under reference number 17/14827/LIPDPS. Full details of the premises licence history can be found at Appendix 3 of the report.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
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	01:00	23:00	02:00	Ground Floor	No Change
Tuesday						
Wednesday						
Thursday						
Friday	23:00	02:00	23:00	03:00		
Saturday	23:00	01:00	No Change			
Sunday						
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No Change	

Note: In the application form, the applicant stated that there would be no entry to customers after 00:00 as it would be delivery only.

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Off Sales Only		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No Change		Ground Floor	No Change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	11:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	00:00	11:00	02:00	Ground Floor	No Change
Tuesday						
Wednesday						
Thursday			11:00	03:00		
Friday						
Saturday			11:00	01:00		
Sunday						
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No Change	

1-C Layout alteration
No layout alteration is sought as part of this variation.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
No alterations to conditions are sought as part of this variation	No Change	
Relevant entertainment:	Current position:	Proposed position:
	None	No Change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	29 November 2018

I refer to the application for variation of the Premises Licence for the above premises.

The applicant is seeking the following:

1. Increase the hours for Late Night Refreshment for delivery only to 02:00 hours Monday to Thursday, 03:00 hours Friday and Saturday and 01:30 hours Sunday.

I wish to make the following representations:

1. The increase in hours requested for the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the area

Environmental Health also makes the following further comment:

- Environmental Health will also need to be satisfied that the resultant extended operation of any plant or machinery does not lead to noise and/or odour nuisance.

For information : a premises history check of Environmental Health's nuisance database for the last 2 years shows no records of nuisance complaints made against the premises.

The applicant is requested to contact the undersigned to discuss the above and to arrange a site visit after which Environmental Health may propose additional conditions.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	10 November 2018		

I would like to oppose the application for a number of reasons.

1. There are three off-licences in the immediate vicinity of Tops Pizza. Customers already congregate outside these shops to consume alcohol and regularly cause disturbances (fighting and shouting). There is no need for a further establishment selling alcohol. Furthermore the licence applied for would allow Tops Pizza to sell alcohol until later than the other shops. Currently drunk customers disperse after the shops have closed. Having a shop selling alcohol for longer will result in the disturbances caused by drunk customers congregating on Great Western Road to last longer into the night.
2. Tops Pizza delivers pizza using motorbikes. There are regularly four or more motorbikes parked on the yellow line in front of the shop. These bikes are making quite a lot of noise when arriving and leaving, which can be heard in our flat. The shop closing at night is a relief in terms of noise and allows us to sleep at night. Allowing the shop to stay open and deliver food until 2am would mean that the noise would continue for longer, leaving us less rest at night.

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> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

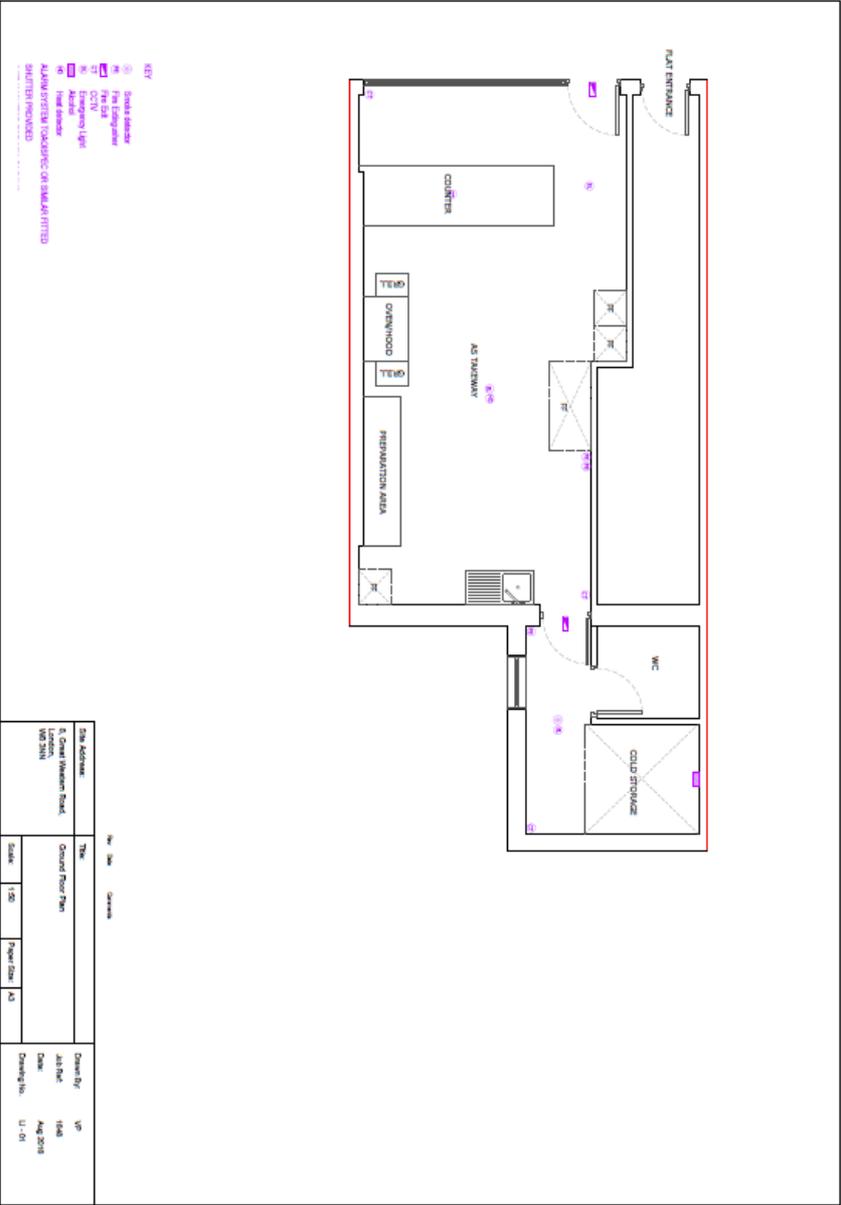
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Premises Licence
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 0207641 1872 Email: msteward1@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Representation Environmental Health	29 November 2018
5	Representation interested party	10 November 2018



- KEY
- ① Solid door
 - ② Solid window
 - ③ Fire door
 - ④ Fire exit
 - ⑤ CCTV
 - ⑥ Alarm light
 - ⑦ Alarm
 - ⑧ Heat sensor
 - ⑨ Alarm system indicator on shutters
 - ⑩ SHUTTER PROVIDED

Site Address	THE	Site Name	Grassington
Client Name	6, Great Western Road, WIMBORNE	Ground Floor Plan	
Scale	1:50	Sheet Size	A3
Drawn By	VP	Check By	VP
Date	16th Aug 2018	Drawn On	U-01

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/10208/LIPN	Application for a new premises licence	07.12.2006	Granted by Licensing Sub-Committee
07/01642/WCCMAP	Master Licence	09.02.2007	
09/05939/LIPT	Transfer of Premises Licence Holder	08.09.2009	Granted under Delegated Authority
09/08361/LIPV	Variation application of Premises Licence hat sought to extend the opening hours. After 00:00 it was proposed to run as a delivery service only.	10.12.2009	Granted by Licensing Sub Committee
16/08964/LIPV	Variation of Premises Licence that sought to extend the hours for late night refreshment to Monday to Thursday 23:00 to 02:00, Friday to Saturday 23:00 to 03:00 and Sunday 23:00 to 01:00. Late Night Refreshment to only involve delivery to customers from 00:00 hours Monday to Sunday. The variation also sought to increase the opening times to Monday to Thursday 11:00 to 02:00, Friday to Saturday 11:00 to 03:00 and Sunday 11:00 to 01:00.	20.10.2016	Granted by Licensing Sub Committee
17/14827/LIPDPS	Variation of Designed Premises Supervisor	29.01.2018	Granted under Delegated Authority

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 premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 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.

5(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.

- 5(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

- 6. The supply of Alcohol shall be ancillary to the provision of food.
- 7. The supply of Alcohol shall be in sealed containers only.

8. No beer or Cider to be sold above 5.5% Alcohol by Volume.
9. No Alcohol shall be displayed.
10. A delivery register to include the full details of any order for the supply of alcohol to be maintained and available for inspection by a Police Officer or authorised Officer for a period of 31 days.
11. After 00:00 and until the following day's business an opaque blind which will cover the length and width of both shop windows and door will be drawn to prevent the escape of light from the premises.
12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. 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.
15. Prominent signage indicating the permitted hours for the late night refreshment shall be displayed so as to be visible before entering the premises.
16. After 00:00 customers shall not be permitted on the premises and there shall be no sales of hot food or hot drink to persons actually attending the premises for consumption either on or off the premises otherwise than by delivery only to a bona fide address.
17. Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
18. Drivers shall wait inside the premises between deliveries/for deliveries.
19. A notice shall be displayed by the front door stating the restaurant opening hours and that all orders after 00:00 must be phoned through and are by home delivery only.
20. Appropriate staff training in responsible alcohol retailing to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.
21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
22. Only wines and bottled beer shall be sold by the premises.

23. Deliveries of goods shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby businesses and residents.
24. Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.
25. Home deliveries shall only be carried out by in-house employees of the licence holder.
26. Notices shall be prominently displayed at the exit and in the main window display requesting patrons to respect the needs of local residents by not loitering outside the premises after 11pm and leave the area quietly.
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 requested.
28. No noise generated on the premises, or by its associated plant or equipment or delivery vehicles near the premises, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
32. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Harrow Road
UPRN: 100023604247

Premises licence

Regulation 33, 34

Premises licence number:

17/14827/LIPDPS

Original Reference:

06/10208/LIPN

Part 1 – Premises details

Postal address of premises:

Tops Pizza
Ground Floor
8 Great Western Road
London
W9 3NN

Telephone Number: 020 7286 4000

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Sunday to Thursday: 23:00 to 01:00
(No entry to customers after 00:00, delivery only.)

Friday to Saturday: 23:00 to 02:00
(No entry to customers after 00:00, delivery only.)

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 23:00
Sunday: 11:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 11:00 to 00:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Mr Pejman Eftekhari
Flat 10
7 Blackdown Close
East Finchley
London, N2 8JF
Mobile Phone Number: 07539 539 539

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

N/A

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

Name: Alizai Mohammed Khan

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

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

Licence Number: 06/10208/LIPN
Licensing Authority: London Borough of Brent

Date: 29 January 2018



Signed:

This licence has been authorised by Ms Roxsana Haq on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 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.
- 5(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.
- 5(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

6. The supply of Alcohol shall be ancillary to the provision of food.
7. The supply of Alcohol shall be in sealed containers only.
8. No beer or Cider to be sold above 5.5% Alcohol by Volume.
9. No Alcohol shall be displayed.
10. A delivery register to include the full details of any order for the supply of alcohol to be maintained and available for inspection by a Police Officer or authorised Officer for a period of 31 days.
11. After 00:00 and until the following day's business an opaque blind which will cover the length and width of both shop windows and door will be drawn to prevent the escape of light from the premises.
12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. 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.
15. Prominent signage indicating the permitted hours for the late night refreshment shall be displayed so as to be visible before entering the premises.
16. After 00:00 customers shall not be permitted on the premises and there shall be no sales of hot food or hot drink to persons actually attending the premises for consumption either on or off the premises otherwise than by delivery only to a bona fide address.
17. Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
18. Drivers shall wait inside the premises between deliveries/for deliveries.
19. A notice shall be displayed by the front door stating the restaurant opening hours and that all orders after 00:00 must be phoned through and are by home delivery only.
20. Appropriate staff training in responsible alcohol retailing to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.
21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
22. Only wines and bottled beer shall be sold by the premises.

23. Deliveries of goods shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby businesses and residents.
24. Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.
25. Home deliveries shall only be carried out by in-house employees of the licence holder.
26. Notices shall be prominently displayed at the exit and in the main window display requesting patrons to respect the needs of local residents by not loitering outside the premises after 11pm and leave the area quietly.
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 requested.
28. No noise generated on the premises, or by its associated plant or equipment or delivery vehicles near the premises, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
32. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: Harrow Road
UPRN: 100023604247

Premises licence
summary

Regulation 33, 34

Premises licence number:

17/14827/LIPDPS

Part 1 – Premises details

Postal address of premises:

Tops Pizza
Ground Floor
8 Great Western Road
London
W9 3NN

Telephone Number: 020 7286 4000

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment
Sunday to Thursday: 23:00 to 01:00
(No entry to customers after 00:00, delivery only.)
Friday to Saturday: 23:00 to 02:00
(No entry to customers after 00:00, delivery only.)

Sale by Retail of Alcohol
Monday to Saturday: 11:00 to 23:00
Sunday: 11:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 11:00 to 00:00

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

Alcohol is supplied for consumption off the Premises.

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

Mr Pejman Eftekhari
Flat 10
7 Blackdown Close
East Finchley
London, N2 8JF

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

N/A

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

Name: Alizai Mohammed Khan

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

Restricted

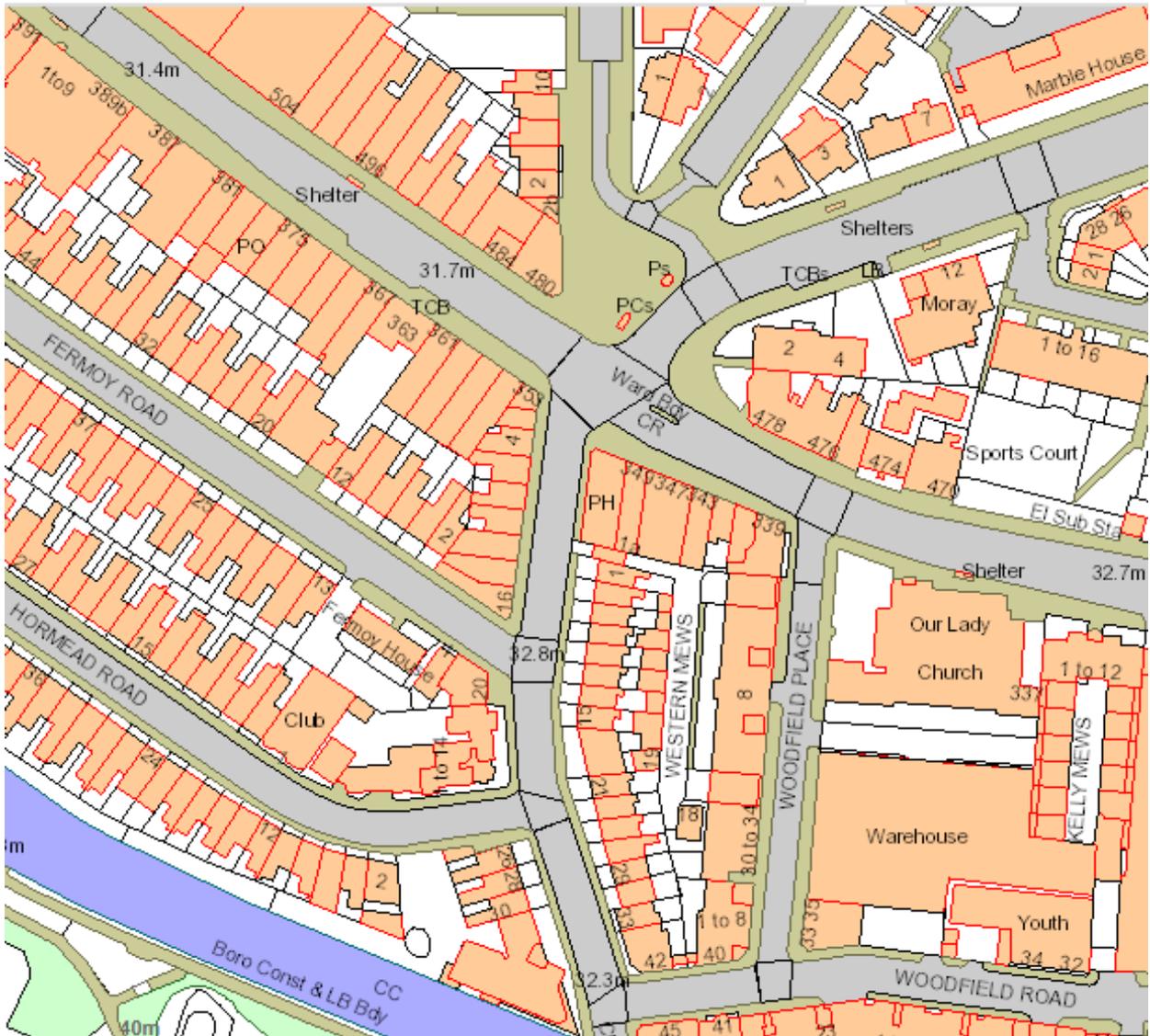
Date: 29 January 2018

A handwritten signature in blue ink, appearing to read 'Roxsana Haq', is written over a horizontal line.

Signed:

This licence has been authorised by Ms Roxsana Haq on behalf of the Director - Public Protection and Licensing.

Due to a technical issue with this Council's GIS Mapping System, an alternative map of the premises and locality has been provided below.



Resident Count: 317

Premises within 75 metres of Topps Pizza, 8 Great Western Road:

Licence Number	Trading Name	Address	Premises Type	Time Period
17/14827/LIPDPS	Tops Pizza	Ground Floor 8 Great Western Road London W9 3NN	Restauran t	Monday to Sunday; 11:00 - 00:00
08/10286/LIPDPS	Antello's Wine	Ground Floor 6 Great Western Road London W9 3NN	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
17/01421/LIPRW	Great Western Beer & Wine	12 Great Western Road London W9 3N	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 08:00 - 22:30
15/00547/LIPVM	W9 Food And Wine Smokers Junction	Basement And Ground Floor 355 Harrow Road London W9 3NA	Shop	Monday to Sunday; 07:00 - 23:00
13/06071/LIPV	Sam's Chicken	359 Harrow Road London W9 3NA	Restauran t	Monday to Wednesday; 10:00 - 00:00 Thursday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 00:00

16/02172/LIPCH	Pizza Hut Westbourne Park	341A Harrow Road London W9 3RA	Restauran t	Monday to Sunday; 11:00 - 00:00
09/10415/LIPN	Maida Hill Piazza	Open Space At Junction Of Fernhead Road And Elgin Avenue London	Food store (large)	Monday to Sunday; 00:00 - 00:00

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