



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday 15th October, 2020**

Time: **10.00 am**

Venue: **This is a virtual meeting**

Members: **Councillors:**

Karen Scarborough  
(Chairman)  
Louise Hyams  
Rita Begum

**This will be a virtual meeting and members of the public can view the live broadcast by accessing the media links on the council's website.**



**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](mailto:kscharlemagne@westminster.gov.uk)  
Tel: 07817054613  
Corporate Website: [www.westminster.gov.uk](http://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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

#### 1. YAHALA, LONDON STREET, LONDON, W2 1HH

(Pages 5 - 40)

App No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
1.	Hyde Park Ward / Not in Cumulative Impact Area	Yahala 26 London Street London W2 1HH	Premises Licence Variation	20/070/L76IPV

#### 2. MELCOMBE NEWS, BASEMENT AND GROUND FLOOR, 3 MELCOMBE PLACE, LONDON, NW1 6JE

(Pages 41 - 80)

App No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
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2.	Bryanston and Dorset Square Ward/ Not in Cumulative Impact Area	Melcombe News, Basement And Ground Floor, 3 Melcombe Place, London, NW1 6JE	New Premises Licence	20/07246/LIPN
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**Stuart Love**  
**Chief Executive**  
**8 October 2020**

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 7<sup>th</sup> 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 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.

## **Procedure for virtual hearings held under the Licensing Act 2003**

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

### **Accessing virtual hearings**

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

### **Final Submissions before the Hearing**

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk).

### **Rules during Licensing Hearings**

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)** no later than **12 noon on the Monday** before the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.
- If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

### Procedure

1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
2. The Chairman will confirm the procedure that the hearing will follow.
3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
5. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 10 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
  - a. The applicant
  - b. Responsible authorities
  - c. Other persons
7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than **5 minutes each**, in the following order:
  - a. Responsible authorities
  - b. Other persons
  - c. The applicant
10. The Chairman shall then **close the meeting** and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision (“Summary Decision”) will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated 15 April 2020

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# Licensing Sub-Committee Report

## Agenda Item 1

Item No:	
Date:	15 October 2020
Licensing Ref No:	20/07076/LIPV - Premises Licence Variation
Title of Report:	Yahala 26 London Street London W2 1HH
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 August 2020		
<b>Applicant:</b>	Mr Akil Efkih		
<b>Premises:</b>	Yahala		
<b>Premises address:</b>	26 London Street London W2 1HH	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This premises currently operates as a restaurant.		
<b>Variation description:</b>	<p>This application seeks the following:</p> <ul style="list-style-type: none"> <li>To permit the delivery of Late Night Refreshment via reputable delivery agents, e.g. Uber Eats, Deliveroo, Just Eat between the hours of 23:00 to 04:30.</li> <li>To remove conditions 15 (a) to (f), 16 and 18.</li> <li>To add 5 additional conditions.</li> </ul>		
<b>Premises licence history:</b>	The premises have had the benefit of a licence, Licence number 20/05475/LIPD from 2005. A copy of the licence can be found at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	Late Night Refreshment will continue to be provided to customers on site until the current terminal hours; however, once the premises is closed to the public late night refreshment will be provided by delivery. There will be no customer collection from the site. The applicant has also provided an email to the Environmental Health Service which can be seen at <b>Appendix 2</b> .		

1-B Current and proposed licensable activities, areas and hours						
<b>Regulated Entertainment</b>						
<b>Playing of Recorded Music</b>						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	00:00	00:00	No variation sought		Basement and Ground floor	No variation sought
<b>Tuesday</b>	00:00	00:00				
<b>Wednesday</b>	00:00	00:00				
<b>Thursday</b>	00:00	00:00				
<b>Friday</b>	00:00	00:00				
<b>Saturday</b>	00:00	00:00				
<b>Sunday</b>	00:00	00:00				
<b>Seasonal Variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

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	00:00	00:00	No variation sought		Basement and Ground floor	No variation sought
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				
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No variation sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	23:00	04:30	Basement and Ground floor	No variation sought
Tuesday	23:00	00:30	23:00	04:30		
Wednesday	23:00	00:30	23:00	04:30		
Thursday	23:00	00:30	23:00	04:30		
Friday	23:00	00:30	23:00	04:30		
Saturday	23:00	00:30	23:00	04:30		
Sunday	23:00	00:00	23:00	04:30		
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No variation sought	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No variation sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	00:00	No variation sought		Basement and Ground floor	No variation sought
<b>Tuesday</b>	10:00	00:00				
<b>Wednesday</b>	10:00	00:00				
<b>Thursday</b>	10:00	00:00				
<b>Friday</b>	10:00	00:00				
<b>Saturday</b>	10:00	00:00				
<b>Sunday</b>	12:00	23:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	<p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30</p> <p>(c) On Good Friday, 12:00 to 22:30</p> <p>(d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>(ii) Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>				<p>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).</p>	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	00:30	No variation sought		Basement and Ground floor	No variation sought
<b>Tuesday</b>	10:00	00:30				
<b>Wednesday</b>	10:00	00:30				
<b>Thursday</b>	10:00	00:30				
<b>Friday</b>	10:00	00:30				
<b>Saturday</b>	10:00	00:30				
<b>Sunday</b>	12:00	00:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> N/A				<b>Proposed:</b> N/A	

1-C Conditions to be removed
<p><b>Condition 15 excluding (g):</b></p> <p>15. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30</li> <li>(c) On Good Friday, 12:00 to 22:30</li> <li>(d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 22:30</li> </ul> <p>(ii) Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p> <p>NOTE - The above restrictions do not prohibit:</p> <ul style="list-style-type: none"> <li>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</li> <li>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</li> <li>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</li> <li>(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</li> </ul>

- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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.

**Condition 16:**

16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

**Condition 18:**

18. The Variation will have no effect until the refurbishment of the premises as shown in the submitted plans have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

<b>• 1-D Conditions to be added</b>
<ul style="list-style-type: none"> <li>• All deliveries of hot food shall be made by the premises licence holder, his staff members or by a reputable carrier.</li> <li>• No customers shall be permitted to call at the premises after 00:00 Monday to Saturday or 23:30 Sunday.</li> <li>• The premises licence holder shall ensure that all individuals engaged in delivering hot food to customers' homes shall arrive and depart the premises with a minimum of noise.</li> <li>• Any motorised vehicles engaged in the delivery of food which are waiting at the premises shall ensure the engines are switched off during the preparation of each order.</li> <li>• Where a delivery driver has concerns further to child protection at any address to which food has been delivered these concerns shall be made known to the premises licence holder with a minimum of delay whereupon the premises licence holder shall report the matter to Westminster's Emergency Duty Team.</li> </ul>

**2. Representations**

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu-Koduah
<b>Received:</b>	04 September 2020
<p>I refer to the variation application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.</p> <p><b>The applicant is seeking to provide late night refreshment via 3<sup>rd</sup> party delivery (Uber Eats, Deliveroo, Just Eat) from 23:00 to 04:30 hours.</b></p> <p><b>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</b></p> <ol style="list-style-type: none"> <li>1. The hours requested to provide late night refreshment have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</li> </ol> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.</p>	

<b>2-B Other Persons</b>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	06 September 2020		

[REDACTED] objects to this variation application.

[REDACTED] are very concerned that if granted, the variation of the licence to enable deliveries to 4.30am will cause a nuisance from noise etc to the [REDACTED]  
[REDACTED]

Delivery vehicles would have to double park and will cause noise arriving and leaving when turning off and turning off engines and opening and shutting vehicles doors.

Even worse would be the intolerable noise from the constant coming and going of motor bikes or motor scooters, collecting an order for delivery. There will be noise from the engines being turned off and on and from delivery persons congregating outside the premises and all talking etc.

Noise nuisance will also be caused when collecting the delivery from the premises.

We are concerned with engine fumes as well as noise, especially if engines idling.

Nuisance could also be caused to [REDACTED] where booked delivery is being delivered to in the early hours of the morning.

We know of no similar applications approved in W2.

We also do not understand why the applicant wishes to delete Condition 15.

We are happy for our details and this representation to be forwarded to the applicant and, as always, we are willing to meet up to discuss the variation with the applicant.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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><b>For premises for the supply of alcohol for consumption on the premises:</b>  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> <p><b>For premises for the supply of alcohol for consumption off the premises:</b>  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p> <p><b>For premises for the provision of other licensable activities:</b>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy RNT1 applies</b>	<p>Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

### 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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

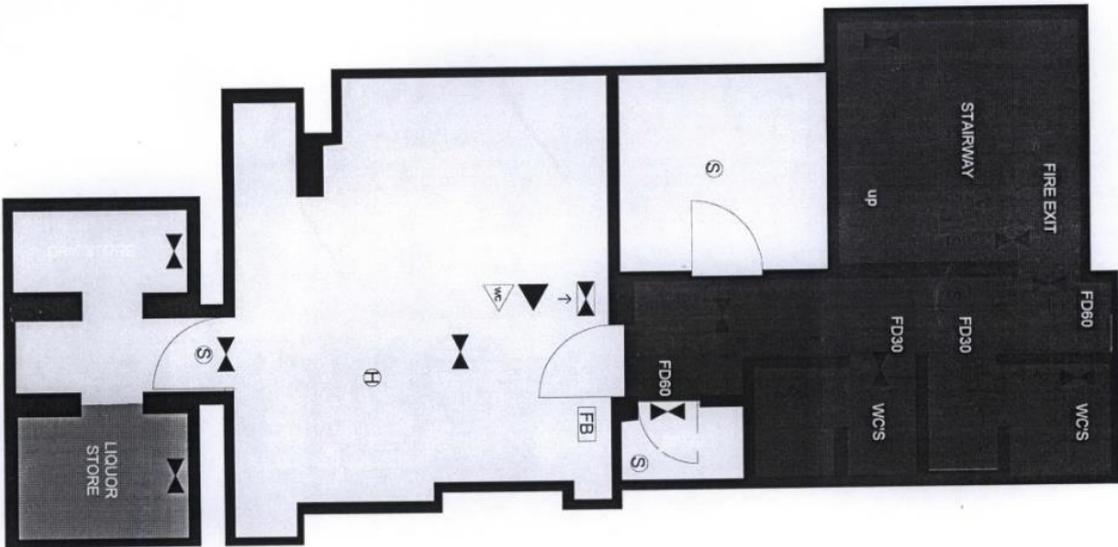
<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

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

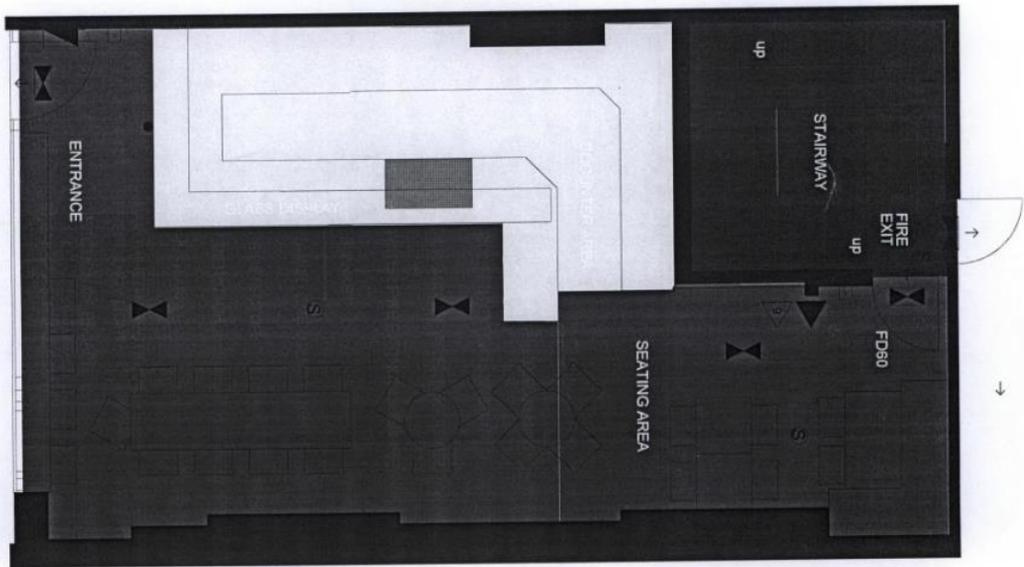
### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service representation	04 September 2020
<b>5</b>	Resident representation	06 September 2020

BASEMENT PLAN 1:50 @ A3



GROUND FLOOR PLAN 1:50 @ A3



- FD30/60 FIRE RATED DOOR (30 OR 60 MINS)
- ▲ 2kg CO2 FIRE EXTINGUISHER
- ▲ WET CHEMICAL FIRE EXTINGUISHER
- ▲ 9LT WATER FIRE EXTINGUISHER
- ▭ FIRE BLANKET
- ⚡ MAINTAINED EMERGENCY LIGHT
- ⊕ SMOKE DETECTOR
- ⊕ HEAT DETECTOR
- ⊕ SOUNDER / BELL
- ⬇ MAINTAINED DIRECTIONAL EMERGENCY LIGHT
- ⬆ DIRECTION OF ESCAPE
- ◻ BREAK GLASS CALL POINT
- ▣ FIRE ALARM PANEL

COMPTOIR LIBANAIS PADDINGTON

**Email from applicant to Environmental Health Service**

**From:** [REDACTED]  
**To:** Koduah, Maxwell: WCC; Jackaman, Kevin: WCC; Licensing: WCC  
**Subject:** Re: 20/07076/LIPV, Yahala, 26 London Street- EH Rep  
**Date:** 09 September 2020 18:27:47  
**Attachments:** [image001.png](#)

Dear Mr Koduah

I have sought instruction from my client and I can confirm the following.

The licence holder will be using third party companies such as Uber Eats etc to deliver the food supplies. The licence holder does not have the option to require a third party to exclusively use bicycles or to park delivery vehicles away from the premises. In addition, the use of bicycles will restrict the radius in which hot food may be supplied.

This premises is located next door to a Burger King which we understand has a late licence into the early hours and which obviously attracts visitors. As is made clear on our application we will not permit visitors to attend the premises during the extended period.

The street on which this premises is located is busy throughout the night with pedestrian and vehicular traffic so it is unlikely that the addition of intermittent delivery drivers to our premises will contribute to any potential for public nuisance.

Thank you for your previous contact.

Kind regards  
*Paul Jones*  
*Licensing Consultant*  
*Innpacked*

[REDACTED]

**From:** Koduah, Maxwell: WCC <mkoduah@westminster.gov.uk>  
**Sent:** Friday, September 4, 2020 8:48:00 PM  
**To:** [REDACTED]; Jackaman, Kevin: WCC; Licensing: WCC  
**Subject:** 20/07076/LIPV, Yahala, 26 London Street- EH Rep

Dear Paul Jones

Please find attached Environmental Health representation to the above application.

Kind regards  
Maxwell

Maxwell Owusu Koduah MSc, MCIEH  
Environmental Health Officer  
Regulatory Support Team 2  
Public Protection and Licensing  
Westminster City Council  
City Hall 15th Floor West  
64 Victoria Street

London  
SW1E 6QP  
Tel: 07971920558  
Email: [mkoduah@westminster.gov.uk](mailto:mkoduah@westminster.gov.uk)  
Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)

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

**Schedule 12**  
**Part A**

**WARD: Hyde Park**  
**UPRN: 100023477668**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

20/05475/LIPD

**Original Reference:**

05/10710/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Yahala  
26 London Street  
London  
W2 1HH

**Telephone Number:** 0207 262 1111

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**

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

**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: 10:00 to 00:00  
Sunday: 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

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

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

**Part 2**

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

Mr Akil Efkiah  
26 London Street  
London  
W2 1HH

**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:** Ahmed Kitous

*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:** 05/08726/LIPERS  
**Licensing Authority:** City Of Westminster Council

**Date:** 7<sup>th</sup> July 2020

**Signed:**

pp



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

## Annex 1 – Mandatory conditions

1. 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.
2. For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
  - (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(7)
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4.
  - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

8. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
9. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
12. The responsible person shall ensure that;

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

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

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

- 13. In the area hatched pink on the deposited plan, intoxicating liquor may only be sold or supplied to those people taking table meals there and for consumption by such a person as an ancillary to meals served in the licensed premises.
- 14. Intoxicating liquor shall be supplied to customers seated at the tables only (therefore, for the avoidance of doubt, excluding supply to customers seated on stools at the counters).

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

- 15. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

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

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.

16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

17. 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**

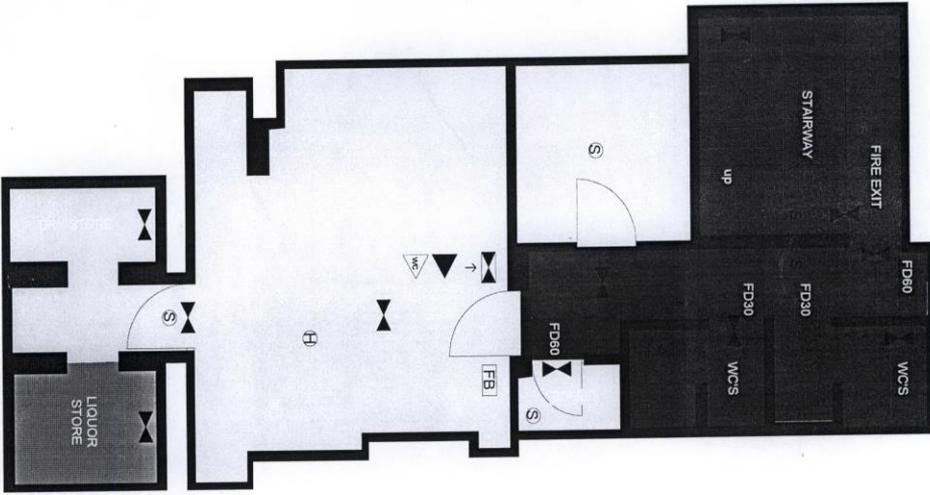
18. The Variation will have no effect until the refurbishment of the premises as shown in the submitted plans have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
19. The premises shall install and maintain a comprehensive 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.
20. 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested
21. An incident log shall be kept at the premises 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) seizure of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any visit by a relevant authority or emergency service.

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

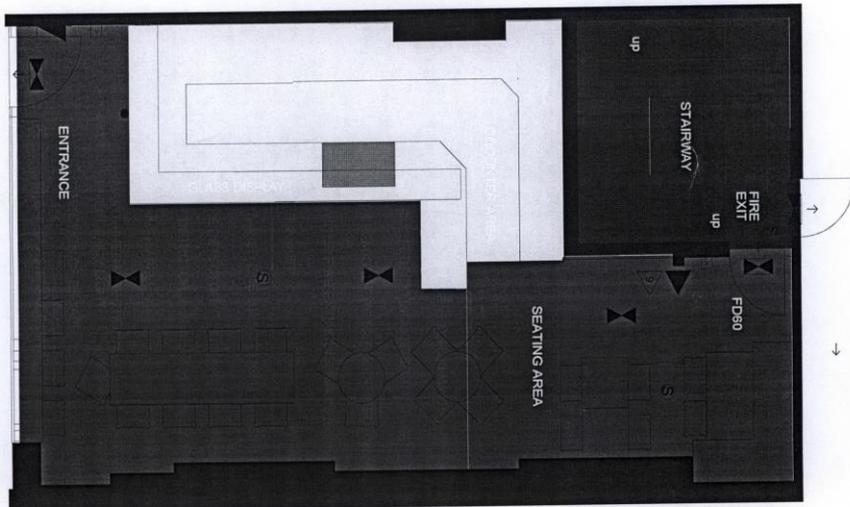
None

Annex 4 – Plans

BASEMENT PLAN 1:50 @ A3



GROUND FLOOR PLAN 1:50 @ A3



- FD30/60 FIRE RATED DOOR (30 OR 60 MINS)
- ▲ 2kg CO2 FIRE EXTINGUISHER
- ▲ WET CHEMICAL FIRE EXTINGUISHER
- ▲ 9LT WATER FIRE EXTINGUISHER
- FB FIRE BLANKET
- ◻ MAINTAINED EMERGENCY LIGHT
- ⊕ SMOKE DETECTOR
- ⊕ HEAT DETECTOR
- ⊕ SOUNDER / BELL
- ⊕ MAINTAINED DIRECTIONAL EMERGENCY LIGHT
- ⊕ DIRECTION OF ESCAPE
- ⊕ BREAK GLASS CALL POINT
- ◻ FIRE ALARM PANEL

COMPTOIR LIBANAIS PADDINGTON



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

Schedule 12  
Part B

WARD: Hyde Park  
UPRN: 100023477668

Premises licence  
summary

Regulation 33, 34

Premises licence  
number:

20/05475/LIPD

**Part 1 – Premises details**

**Postal address of premises:**

Yahala  
26 London Street  
London  
W2 1HH

**Telephone Number:** 0207 262 1111

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**  
Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

**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: 10:00 to 00:00  
Sunday: 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

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

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

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

Mr Akil Efkih  
26 London Street  
London  
W2 1HH

**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: Ahmed Kitous

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

Restricted

Date: 7<sup>th</sup> July 2020

Signed:

pp



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

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/10710/LIPC	Conversion Licence	29.09.2005	Granted under delegated authority
06/04930/WCCMAP	Master Licence	29.09.2005	Granted under delegated authority
09/04898/LIPV	Variation application	18.08.2009	Granted under delegated authority
10/03420/LIPT	Transfer application	26.07.2010	Granted under delegated authority
12/03742/LIPT	Transfer application	09.07.2012	Granted under delegated authority
14/04098/LIPVM	Minor Variation application	10.06.2014	Granted under delegated authority
20/05475/LIPD	Duplicate licence	07.07.2020	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. 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.
2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)

(b) “permitted price” is the price found by applying the formula—

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

where—

- (iv) P is the permitted price,
- (v) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (vi) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iv) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7)

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
8. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 9. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 11. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 12. The responsible person shall ensure that;
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

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

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

- 13. In the area hatched pink on the deposited plan, intoxicating liquor may only be sold or supplied to those people taking table meals there and for consumption by such a person as an ancillary to meals served in the licensed premises.
- 14. Intoxicating liquor shall be supplied to customers seated at the tables only (therefore, for the avoidance of doubt, excluding supply to customers seated on stools at the counters).

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

- 15. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
  - (c) On Good Friday, 12:00 to 22:30
  - (d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
  - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
  - (f) On New Year's Eve on a Sunday, 12:00 to 22:30
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

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

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.

**The applicant proposes to remove Condition 15 excluding (g)**

16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

**The applicant proposes to remove Condition 16**

17. 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**

18. The Variation will have no effect until the refurbishment of the premises as shown in the submitted plans have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

**The applicant proposes to remove condition 18**

19. 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.
20. 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested

21. An incident log shall be kept at the premises 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) seizure of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any visit by a relevant authority or emergency service.

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

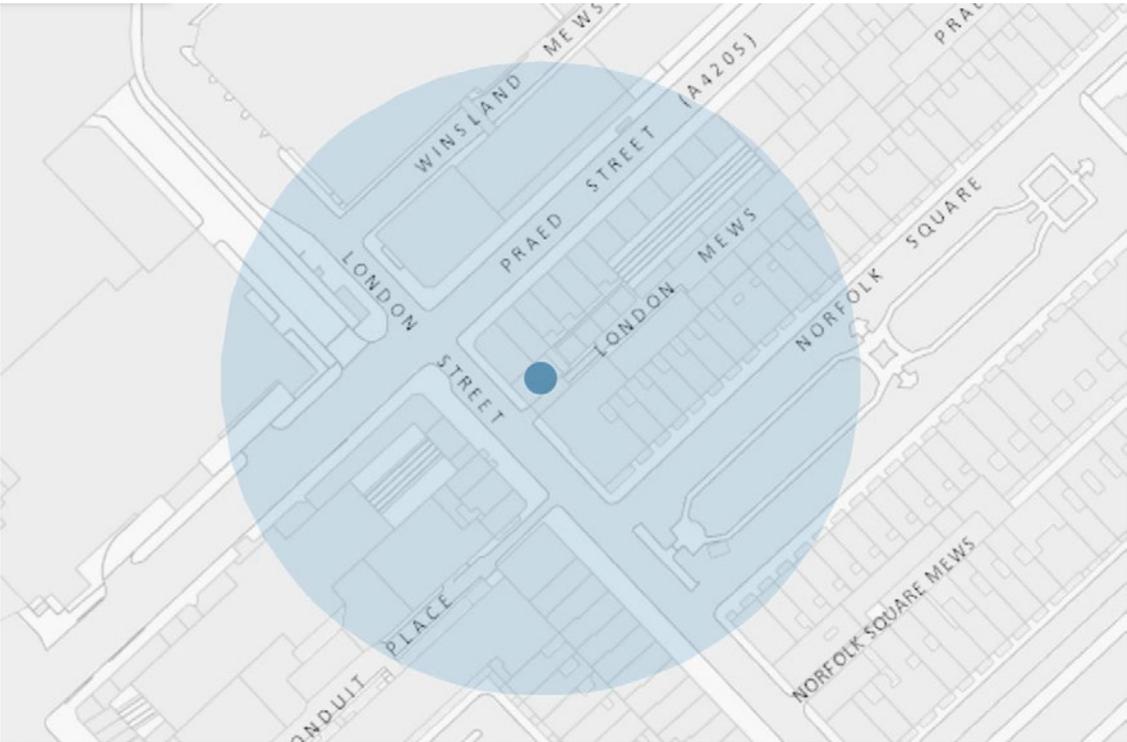
None

**Conditions proposed by the applicant so as to form part of the operating schedule.**

22. All deliveries of hot food shall be made by the premises licence holder, his staff members or by a reputable carrier.
23. No customers shall be permitted to call at the premises after 00:00 Monday to Saturday or 23:30 Sunday.
24. The premises licence holder shall ensure that all individuals engaged in delivering hot food to customers' homes shall arrive and depart the premises with a minimum of noise.
25. Any motorised vehicles engaged in the delivery of food which are waiting at the premises shall ensure the engines are switched off during the preparation of each order.
26. Where a delivery driver has concerns further to child protection at any address to which food has been delivered these concerns shall be made known to the premises licence holder with a minimum of delay whereupon the premises licence holder shall report the matter to Westminster's Emergency Duty Team.

**Conditions proposed by the Environmental Health Service**

None



Resident count: 76

<b>Licenced premises within 75 Metres of 26 London Street, London, W2 1HH</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
20/05475/LIPD	Yahala	26 London Street London W2 1HH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
08/04611/LIPN	Burger King (UK) Ltd	27 London Street London W2 1HH	Takeaway food outlet	Monday to Sunday; 07:00 - 02:00
06/11392/WCCMAP	Paddington Gift Shop	Ground 161 Praed Street London W2 1RL	Restaurant	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
14/03099/LIPVM	Oliver's Steakhouse	Basement 25 London Street London W2 1HH	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:30
18/04895/LIPDPS	Dickens Tavern	Basement 25 London Street London W2 1HH	Pub or pub restaurant with lodge	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:30
19/07429/LIPVM	Pilgrm Hotel	25 London Street London W2 1HH	Hotel, 3 star or under	Monday; 00:00 - 00:00   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
13/02856/LIPN	Tavolina	Basement And Ground Floor 159 Praed Street London W2 1RL	Cafe	Monday to Saturday; 08:00 - 23:30   Sunday; 10:00 - 22:30

16/07456/LIPN	Patsons News	3 - 4 London Street London W2 1HL	Shop	Monday to Sunday; 08:00 - 23:00
11/09256/LIPN	Lite Bite	Basement Front And Ground Floor 7 London Street London W2 1HL	Restaurant	Monday to Saturday; 07:00 - 23:30   Sunday; 07:00 - 23:00
19/06223/LIPCH	Kentucky Fried Chicken Express	149 Praed Street London	Restaurant	Monday to Sunday; 23:00 - 03:00
19/16871/LIPDPS	Budgens	171-173 Praed Street London W2 1RH	Shop	Monday to Saturday; 08:00 - 05:00   Sunday; 10:00 - 05:00
20/04429/LIPT	Garfunkels	Ground Front 144 Praed Street London W2 1HU	Hotel, 4+ star or major chain	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 00:00
18/12070/LIPT	McDonalds Restaurants	Ground Front Right 144 Praed Street London W2 1HU	Restaurant	Monday to Sunday; 06:30 - 00:00
16/05273/LIPN	Subway	147 Praed Street London W2 1RL	Restaurant	Monday to Sunday; 00:00 - 00:00
16/11340/LIPVM	Sawyers Arms Public House	8-9 London Street London W2 1HL	Pub or pub restaurant with lodge	Monday to Saturday; 08:00 - 23:30   Sunday; 08:00 - 23:00
06/10770/WCCMAP	San Marco	10 London Street London W2 1HL	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
10/01544/LIPDPS	The Mughal's	Basement And Ground Floor 11 London Street London W2 1HL	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
20/07490/LIPCH	Aberdeen Steak House	163-167 Praed Street	Restaurant	Monday to Saturday; 10:00 - 01:00

		London W2 1RH		Sunday; 10:00 - 00:00   Sundays before Bank Holidays; 10:00 - 01:00
19/02484/LIPDPS	Kolossi Taverna	12 London Street London W2 1HL	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
13/02699/LIPN	La Tazza Cafe	Basement And Ground Floor 143 Praed Street London W2 1RL	Cafe	Monday to Sunday; 07:00 - 23:00
09/04987/LIPDPS	Thresher Wine Shop	14 London Street London W2 1HL	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
13/03165/LIPVM	Portland Food & Wine	15 London Street London W2 1HL	Shop	Monday to Sunday; 00:00 - 00:00

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Item No:	
Date:	15 October 2020
Licensing Ref No:	20/07246/LIPN - New Premises Licence
Title of Report:	Melcombe News Basement And Ground Floor 3 Melcombe Place London
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:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 August 2020		
<b>Applicant:</b>	Melcombe News Ltd		
<b>Premises:</b>	Melcombe News		
<b>Premises address:</b>	Basement And Ground Floor 3 Melcombe Place London NW1 6JE	<b>Ward:</b>	Bryanston and Dorset Square
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This is an application for a new premises licence which operates as a local newsagent.		
<b>Premises licence history:</b>	The premises applied for a new premises licence in 2008 however the application was refused by the Licensing Sub-Committee.		
<b>Applicant submissions:</b>	The applicant has provided an additional submissions document which can be found at <b>Appendix 3</b>		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			<b>Off sales</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	08:00	08:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 29 September 2020</i> )
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	09 September 2020
Police object to this application for a new premises licence as there are insufficient steps offered to promote the licensing objectives, namely the prevention of crime and disorder. I will propose a list of conditions to satisfy the requirements of the Police, which if agreed to, will enable me to withdraw my objection.	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	17 <sup>th</sup> September 2020
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"><li>1. To provide for the Supply of Alcohol 'Off' the premises Monday to Saturday between 08.00 and 21.00 hours and Sunday between 10.00 to 21.00 hours.</li></ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"><li>1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.</li></ol> <p>The applicant has agreed conditions proposed by Environmental Health.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 September 2020		
Please see the full representation at <b>Appendix 1</b> .			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	17 September 2020		
With regards to the above and, in lieu of being unable to complete the objections via the online portal, please see below			
OBJECTION 1			
<p>There are at least 8 outlets in the vicinity that already sell alcohol Tesco on Lisson Grove, M&amp;S in Marylebone Station, Tesco on Melcombe Street and another wine store, a 24 hour newsagent on Baker Street, Sainsbury and yet another Tesco both on Baker Street south of the Marylebone Road, Majestic Wine on Crawford Street. A new Co-Op is also opening soon next to Baker Street Station which will sell alcohol.</p>			
OBJECTION 2			
<p>When large events sporting, concerts etc are held at Wembley Stadium, Marylebone Station is a magnet for where people gather. Especially when football matches take place, there are always large numbers of supporters in and around the immediate area, most of whom are worse for wear due to alcohol consumption. As a result, this causes problems such as noise, urinating in doorways or against walls, vomiting, and all kinds of litter. Having another establishment selling alcohol will only increase the issues already described.</p>			
OBJECTION 3			
<p>Anywhere there is a major train station, there are always beggars and vagrants and Marylebone is no exception. It's obvious that many of them are intoxicated. Allowing the Applicant to sell alcohol will only draw more beggars, vagrants to the neighbourhood.</p>			
OBJECTION 4			
<p>[REDACTED] Melcombe News has rarely been kept clean. As a result, all kinds of litter typically ends up [REDACTED] [REDACTED]</p>			
<b>Residents response to the email from the Licensing Service containing Environmental Health's agreed conditions and the possibility of withdrawing:</b>			

Regarding the request to possibly withdraw our objections to the licence application, I'm sorry but this is a No. The document you forwarded, highlighting a number of changes/modifications by the Applicant, relates to the conduct of business on the actual premises. Objections that have already been forwarded are in relation to the consumption of any shop bought alcohol, off/outside the premises.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	16 September 2020		

Together [REDACTED] I wish to oppose the liquor license application of above reference by Melcombe News of 3 Melcombe Place NW1 6JE.

As one of our local Councillors stated recently across the city drinking shop-bought alcohol in an antisocial manner has become an important issue. This is precisely the reason for our objections.

Melcombe News is a small shop situated [REDACTED]. [REDACTED] objected when a similar application for the same premises was submitted in 2008 and was rejected by the licensing committee. The applicant's reference to high end alcohol is confusing. When [REDACTED] are disturbed by anti social behaviour and cans and bottles are kicked and thrown about and drinkers urinate [REDACTED] it surely matters little if the beverage was cheap beer or expensive champagne. If the alcohol described as high end did not sell well then we assume less expensive alcohol alternatives would be offered under the same license.

Alcohol is readily available in the area from early till late at multiple outlets all [REDACTED], namely Tesco in Lisson Grove, M&S in Marylebone Station, another Tesco and a wine shop both in Melcombe Street, from Londis at the petrol station on Gloucester Place and the newspaper shop next to Baker Street station open 24h, and very soon from a new Coop in the same location. Total seven. May we ask if we need more?

As Police and Council Officers and homeless charities can confirm, the area around Baker Street and Marylebone Stations is seriously affected by begging, often aggressive especially late at night, and in the early hours, and by rough sleeping and alcohol and drug abuse. Notwithstanding the efforts of station operators to persuade commuters to support homeless charities instead, many station users still offer beggars and rough sleepers cash, usually used to buy drink or drugs. For this reason the begging often occurs close to stations on the footway right outside shops which sell alcohol.

Anti social behaviour also occurs, sometimes on a grand scale, when football matches take place at Wembley Stadium, [REDACTED] being the main departure points. This is usually on weekday evenings and weekends, the kick off time seemingly later and later, more likely now at 5 or 7 than at 3pm. Fans from both teams gather [REDACTED] through the day, even from early morning, singing and shouting, with alcohol being one of the main themes. Local bars and pubs are popular as are those shops selling alcohol, often with queues outside. There are never enough rubbish bins for large quantities of empty cans and bottles and on weekends [REDACTED] street cleaning is much reduced compared with weekdays, leading to large amounts of discarded cans and bottles.

In addition to all those locations listed above, yet another one [REDACTED] offering shop-sold alcohol of whatever variety can surely only aggravate existing anti-social behaviour problems.

Our objections to the application for the reasons outlined are supported by [REDACTED] who is very familiar with a wide range of [REDACTED] issues.

**Residents response to the email from the Licensing Service containing Environmental Health's agreed conditions and the possibility of withdrawing:**

With regard to the possible withdrawal of our objections to the licence application we are not able to do so. The document you have forwarded has a lot to do with the proposed conduct of business on the premises.

Our objections are nothing to do with what happens on the premises and everything to do with consumption of shop bought alcohol in an OFF the premises in an antisocial way. Said objections were specified in some detail and are in no way affected by the content of your email about what may or may not occur within the applicant's premises.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	08 September 2020		
A convenience store would be more useful for [REDACTED] and we are in favour of this use. Provided the shopkeeper does not sell to street drinkers and any alcohol is not stored near the street entrance, we have no objections.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	18 September 2020		

[REDACTED]  
We are concerned regarding the application for a license at Melcombe News Ref 20/07246/LIPN.

We have the support in opposing the application of [REDACTED]  
[REDACTED]

Our main concern is that the selling of alcohol at a shop [REDACTED] will mean an inevitable increase in anti social behaviour and the link between that and consumption of alcohol.

This already often occurs with smokers [REDACTED] and [REDACTED] [REDACTED] to discourage this.

The footfall from Marylebone station means it is already very busy [REDACTED] with commuters, traffic and building and roadworks. We already have to put up with a great deal of noise late into the night and with alcohol being sold [REDACTED] this is one issue we would like to avoid.

Alcohol being sold from 8am until 9pm seems excessive and will no doubt encourage people to loiter [REDACTED] We have

many homeless people who consume alcohol [REDACTED] who will be more likely to stand [REDACTED] a site often having food debris, needles, cans of alcohol and urine [REDACTED] and on the pavement or the entrance to the station. Police are often called to incidents outside the station gates linked to drugs and alcohol consumption.

There are already many shops further along the shopping street [REDACTED] [REDACTED] that sell alcohol so there is not a need for alcohol to be sold. It is already on sale at Tesco Lisson Grove, M&S in the station, an off licence and another Tesco in Melcombe St, Londis at the petrol station on Gloucester place, the newsagent next to Baker St lost property 24h help, and soon in the new coop next to Baker St station. Do we really need more?

There is also a greater chance of people taking alcohol onto the trains from Marylebone station opposite particularly during the football season when thousands of fans congregate on the piazza outside the station yelling and shouting late into the night.

[REDACTED] and are concerned about anti social behaviour and unsavoury characters gathering outside our premise. There are also many elderly people [REDACTED] [REDACTED] who are very concerned regarding this application, [REDACTED] and do not have the same voice as us.

We are also curious as to what high end alcohol means? Will it only be champagne and expensive wine as opposed to beers and cheap wine? If the high end doesn't sell will the shop be able to then sell cheap beer as part of their licence?

We implore you to consider [REDACTED] who already have a great deal to contend [REDACTED] in such a central location.

We await your response.

**[REDACTED] response to the applicant's additional submissions document:**

b. This licence application is to sell 'high end alcohol' - exactly what does this mean as this is surely subjective? Please can it be confirmed what the proposed minimum price is for a purchase of alcohol? People who get drunk, particularly following the attendance of sporting fixtures do not just buy cheap alcohol and tend to 'hang around' outside the station (not just 'vagrants!'). This is fact. We do not want this antisocial behaviour [REDACTED] [REDACTED] We cannot guarantee this will happen so yes it is 'opinion' however it is also 'opinion' that it will not happen and in our experience this spilling over to purchase alcohol is highly likely.

e. We of course do not blame Melcombe News for people [REDACTED]'. However, as I have already stated as fact from experience, the [REDACTED] and has in the past attracted smokers which we have gone to lengths to discourage. The issue we have is that this shop wants to sell alcohol in a shop [REDACTED] Other shops are a [REDACTED] in a parade of shops or in Marylebone station NOT [REDACTED].

f. We suggest that removing recycling or waste after 9pm is excessive and 23.00 is too late for people working the next day, the elderly and children [REDACTED] [REDACTED]

g. 'The hours applied for are not out of keeping with other local premises'. Other local premises are [REDACTED] close to Baker Street along a parade of shops or inside Marylebone Station. Clearly the issue is not what other local off licences are doing, but how this particularly affects [REDACTED] in this particular case - [REDACTED]

15. With regard to the below as quoted by Stewart Gibson, we implore you to weigh up the competing considerations as he suggests - and not to forget [REDACTED]. We do not agree that there is benefit to the local community or [REDACTED] in having alcohol sold at this store. [REDACTED] do not overwhelmingly use this shop, it is used on the whole by footfall from the station and they have many other options. We do not need to [REDACTED] 'stimulating the demand' for alcohol when it is already a very busy place and it is freely available elsewhere. Considering the number of local establishments in which alcohol is being sold there is not any positive impact for the local community in having alcohol sold here.

*"Licensing decisions often involve weighing a variety of competing considerations: benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those [REDACTED], and so on."*

In addition to the above, please can you advise how long this licence is being requested for, and if granted, but any conditions are broken whether it is automatically revoked?

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	01 September 2020		

[REDACTED] take the view that over the counter alcohol is already available in Tesco Lisson Grove, M&S Marylebone Station, Tesco and the Wine Shop in Melcombe Street, The new Coop in Baker St, and the Londis petrol station on Gloucester Place.

Do we really need another license premises to supply us with alcohol in this part of the [REDACTED]

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	02 September 2020		

With reference to the Licence Application from Melcombe News we have particular concern about this because [REDACTED]

[REDACTED]. There is no shortage whatsoever of licensed premises in the immediate vicinity and the number of these has increased since the previous application was overturned in 2008. The majority of these are open 7 days a week and for long hours.

Having yet another outlet for the sale of alcohol and [REDACTED] would immediately lead to an increase in the already high level of anti social behaviour. Discarded litter which is not thrown on the pavement will be tossed over the railings of [REDACTED] to join the many items which are frequently discarded there.

We hope there will not be an additional potential source of disturbance in this [REDACTED]

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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><b>For premises for the supply of alcohol for consumption off the premises:</b></p> <p>Monday to Saturday: 08:00 to 23:00</p> <p>Sundays: 10:00 to 22:30</p>
<b>Policy OS1 applies</b>	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

### 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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	██████████ representation
<b>Appendix 2</b>	Premises plans
<b>Appendix 3</b>	Applicant supporting documents
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: Jdonovan@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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	07 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service Representation <b>(Withdrawn 29 September 2020)</b>	09 September 2020
<b>5</b>	Environmental Health Representation	17 September 2020
<b>6</b>	Resident representation 1	06 September 2020
<b>7</b>	Resident representation 2	17 September 2020
<b>8</b>	Resident representation 3	16 September 2020
<b>9</b>	Resident representation 4	08 September 2020
<b>10</b>	Resident representation 5	18 September 2020
<b>11</b>	Resident representation 6	01 September 2020
<b>12</b>	Resident representation 7	02 September 2020



[REDACTED]

Sunday, 06 September 2020

Angela Seaward  
Senior Licensing Officer  
Licensing Service  
Public Protection and Licensing  
Westminster City Council  
15th Floor  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

By Email

TO: [aseaward@westminster.gov.uk](mailto:aseaward@westminster.gov.uk)  
[licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
[dgadd@westminster.gov.uk](mailto:dgadd@westminster.gov.uk)

[REDACTED]

Dear Madam,

**Re: Melcombe News, 3 Melcombe Place, London, NW1 6JE**

**Application Reference: 20/07246/LIPN**

**Melcombe News, Basement and Ground Floor, 3 Melcombe Place, London**

**Licensable activities applied for: Sale by Retail of Alcohol**

**Monday to Saturday: 08:00 to 21:00 & Sunday: 10:00 to 21:00**

We, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We refer to the Application (a family local newsagent) for a new premises license under the Licensing Act 2003 in respect of the above-mentioned premises for Sale by Retail of Alcohol Monday to Saturday: 08:00 to 21:00 & Sunday: 10:00 to 21:00 as they find the trade of newspapers, magazines, tobacco and cigarettes has now vertical disappeared due to technology and coronavirus; they would like to continue their trade as have been at [REDACTED] for over 20 years; the newsagent has been passed to [REDACTED] [REDACTED] and they are looking to increase their range to the local general store, groceries, alcohol, household products and fruit and veg.

We note that the Applicant sets out that they will promote the four licensing objectives by having a CCTV System that they believe the police will be happy with; operating the CCTV system all the time and recording 31 days loop with the day and time visible on the screen; will ensure staff working there will have proper training and this will be recorded and logged; will issue training manuals to the staff; their EPOS system asks on every transaction if the person is of age; will provide a refusal audit log; will be no access for self-service of spirits; spirits will be stored behind the counter and in lockable cupboards if not behind the counter; although there will be access for self-service of beers.

We draw your attention to street drinking and the nuisance it causes to [REDACTED] [REDACTED], located in the area where begging, drunkenness

[REDACTED]

and gathering of vagrants and anti-social behaviour are well documented at Westminster City Council.

The Applicant's premises are located on the ground floor [REDACTED],

[REDACTED]

The operational hours of opening (Saturday: 08:00 to 21:00 & Sunday: 10:00 to 21:00) and the conditions attached to the Applicant's premises deal with issues inside the shop. Our fundamental concerns and issues are all about what happens OUTSIDE the shop after alcohol is sold for consumption off the Premises and is being consumed on the street on Melcombe Place, [REDACTED]

[REDACTED] on the concourse or outside Marylebone Station or behind along [REDACTED]

Service of alcohol located behind the counter and/or lockable cupboards makes little difference to [REDACTED] should they have to put up with the aftermath of alcohol sale and pick up the pieces. We do not believe the proposed measures address one single issue of our numerous and specific concerns which are listed below.

We note there appears to be little evidence to show that local residents have been asking the Applicant for off sales of alcohol by retail either because they prefer to come to their local daily run business or at all.

[REDACTED]

In 2008, the Applicant previously submitted the Premises License Application under Ref 2008/06476/LIPN which was refused; the then Sub-Committee took into account the fact that conditions had been agreed between the Applicant and the Metropolitan Police Service and also that the proposed hours (Monday - Saturday: 08:00 - 22:00 & Sundays: 10:00 - 22:00) for the off sales of alcohol were within the Council's 'core hours' policy. However, the 2008 Application was refused on the grounds of Prevention of Public Nuisance and Prevention of Crime and Disorder. This does not appear to have changed since 2008. This is a highly residential area and there was, as still is, potential should the shop be able to provide off sales of alcohol for it to be a source of antisocial behaviour, disorder and disturbance. The then Members of the Sub-Committee had heard from our then Local Councillor and [REDACTED], that there were existing problems in the vicinity of the premises, including Marylebone Station, relating to street drinking and abusive behaviour and there were concerns that this issue would be exacerbated if the application was granted.

**There is nothing in the Applicant's application for a new premises license under the Licensing Act 2003 in respect of the above-mentioned premises to promote the licensing objectives outside the Shop Premises of (i) the Prevention of Public Nuisance and (ii) the Prevention of Crime and Disorder in the highly residential area [REDACTED] and after the supply of alcohol for consumption off the premises has been made which is the single source**

[REDACTED]

of antisocial behaviour, disorder and disturbance [REDACTED]

[REDACTED]

[REDACTED] in the area of & on the concourse or outside Marylebone Station or behind along [REDACTED].

There is choice of licensed premises in the area: Marylebone station directly opposite (Marks & Spencer & the Sports Bar), also Oddbins and Tesco Express further towards Baker Street and in addition another Tesco Express at Lisson Grove, around the corner from Marylebone Station towards Edgware Road. Alcohol is readily available in the area, in the Station (Marks & Spencer), in Lisson Grove (off-license store plus Tesco Express) and in Melcombe Street (off-license Tesco Express and 2 or more off-license stores).

We have been partnering with the City of Westminster Council, to see a solution to the problem of beggars and vagrants, all with alcohol problems, loitering, begging, and causing nuisance in the area, especially in and around Marylebone Station and [REDACTED]. The Applicant has not made it clear that they would exercise discretion in the sale of alcohol to beggars or vagrants already intoxicated, which would lead to further problems of a kind we are just now resolving.

Marylebone Station is one of the gathering places from early morning onwards, when there are major sporting events, usually major football matches, at Wembley. On these occasions, large numbers of football supporters who

[REDACTED]

have been drinking since early morning gather around the station, often intoxicated. Among some of the nuisances created in the immediate area as a result are noise, urinating and vomiting in the street. As alcohol cannot in theory be taken onto trains cans and bottles are discarded everywhere as people enter the Station. To add to the ready availability of alcohol in the immediate vicinity of Marylebone Station could only aggravate the type of nuisance described.

The forecourt land outside the Applicant's premises belongs [REDACTED] [REDACTED] which is licensed for use to the Applicant. The Applicant already infrequently sweeps and cleans it and, in the evening, when the premises are closed little or no effort has been made to remove lottery slips, plastic and glass bottles, drink cans, ice cream, sweet wrappers and other debris in the immediate vicinity of the shopfront. To add alcohol to items already on offer would make this problem of litter much worse. The Applicant has already no measures in place to collect drinking vessels from soft drinks, lottery coupons and litter, which remain on the forecourt of the premises during and after operating hours. The proposed application would lead to the need for increased sweeping, cleaning, refuse storage or waste collection, inconvenience and nuisance caused [REDACTED]

The Applicant proposed that the licensable activity of sale by retail of alcohol will take place seven days a week from Monday to Saturday from 08:00 until

[REDACTED]

21:00 and further on Sunday from 10:00 until 21:00. We continue to feel extremely concerned about the effect these wide-ranging licensing hours could have on [REDACTED], our area and our community as there is [REDACTED] that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed. Our prime concern is that sale of alcohol during the proposed operating hours is likely to adversely impact prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. Is there need for more off-license shops in the circumstances where the area is already well served by licensed premises.

[REDACTED]. We feel that people standing or even sitting outside the premises are likely to cause obstruction or other nuisance in particular because the Applicant's premises are [REDACTED] [REDACTED] the Applicant's premises. The Applicant needs to have measures in place to manage people attending and leaving premises and not to smoke or consume alcohol outside their premises. The Applicant will need to undertake to discourage the development of culture and the protection of [REDACTED] and other local residents.

Nuisance and crime and disorder are also some of our prime concerns. We feel that as [REDACTED] we are entitled to enjoy a good quality of life and be free from anti-social behaviour, noise, nuisance, the problem of beggars and

[REDACTED]

vagrants, all with alcohol problems, loitering, begging, and causing nuisance in the area, especially in and around Melcombe Place and Marylebone Station. We feel that everything must be done to prevent crime and disorder and public nuisance in Melcombe Place and Marylebone Station area. We feel that drunkenness and the life of the area to be dominated by an alcohol, tobacco and lottery selling outlet must be discouraged in order to prevent anti-social behaviour, noise and further degradation of the street environment.

The applicant must provide undertakings to [REDACTED] in respect of [REDACTED] and to the Metropolitan Police Service in respect of everything else for this to be reliable as there had been issues with the Applicant and their attitude towards the problems caused by the existence of the applicant's premises in the past.

We feel that an off license can only be acceptable [REDACTED] on planning grounds of character and function, as well as on the licensing grounds of public nuisance, anti-social behaviour and noise on the strict condition only when the Applicant manages and operates their premises properly by having strict, adequate and appropriate management and control systems in place.

It is widely accepted that there are clear links between excessive alcohol consumption and poor health and the negative impacts associated with alcohol consumption. We feel that the Applicant should provide undertaking so that nuisance and anti-social behaviour be controlled and to manage the evening

[REDACTED]

and night-time economy of [REDACTED]  
[REDACTED] to prevent an increased and high likelihood of crime and disorder occurring as a result of the grant of the application.

It has been known that people gather outside the Applicant's premises. There have been problems of street drinking. The selling of alcohol by the Applicant is likely to increase a source of antisocial behaviour, disorder and disturbance, including the day-long consumption of alcohol on the street and in open spaces by groups of drinkers causing various types of public nuisance and engaging in antisocial behaviour in between [REDACTED]

[REDACTED] There is also a risk of sale of alcohol to underage young people which apart from being a criminal offence, gives rise to disorder, public nuisance and concerns over public safety and harm to children plus the sale of alcohol to both adult and underage young people who consume it on the way to other premises giving rise to problems of drunkenness and disorderly behaviour. It is widely known and accepted that in the past street drinkers and underage drinkers have tried to obtain or/and have obtained alcohol from premises around Melcombe Place and Marylebone Station and they gathered around the area and in particular [REDACTED] urinating into the fire exit of the building. Due to these concerns over crime, disorder and disturbance, we strongly object this application.

A license for off sales may only be granted if our serious concerns over problems of street drinking or late-night disorder associated with the off sale

[REDACTED]

of alcohol in the area are under control by the Applicant. This is to hinder both underage drinkers, and problematic street drinkers masking their consumption by purchasing from a series of premises and using a number of premises to try to buy alcohol if they are refused in one. The overall management and staffing of the premises by the Applicant must be appropriate to ensure that the licensing objectives are promoted in what may be extremely challenging circumstances. The earliest hours of opening and the latest hours of closing are of particular concern. This is because problematic street drinkers, and other people who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning than other premises and create public nuisance.

There is a high risk of consumption of alcohol on the streets after selling alcohol for consumption from the Applicant's premises and this must be strongly discouraged. We also believe that there are exceptional reasons related to the licensing objectives, in particular the prevention of crime and disorder and public nuisance and ask for the Applicant to provide undertakings to [REDACTED] and the Metropolitan Police Service as the conditions attached to the license if granted.

Yours sincerely,

[REDACTED]



BEFORE A LICENSING SUB-COMMITTEE OF  
WESTMINSTER CITY COUNCIL

**MELCOMBE NEWS**

**3 Melcombe Place, London, NW1 6JE**

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**SUMMARY OF PREMISES LICENCE APPLICANT'S SUBMISSIONS**

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*v.15.10.20*

1. This is an application for a new premises licence, to enable the applicant to add the sale of alcohol for consumption off the premises to an already established news/convenience store.
2. This is a family run business and has traded at these premises for the past 30 years. Sales have predominantly come from newspapers, tobacco, confectionery, but the applicant is looking to branch out and add other ranges to the sales mix, of which the sale of alcohol for consumption off the premises is one of the options.
3. The application, in terms of conditions offered has been amended from the original application, and a full list of the additional agreed conditions can be found on pages of this report.
4. The applicant for the new licence is Melcombe News Ltd, with C/O Michael Filiou

Ltd Salisbury House, 81 High Street, Potters Bar, Hertfordshire, United Kingdom, EN6 5AS listed as the registered address of the company, and Mr Amit Patel, listed as the sole director of the company. The DPS of the premises is to be Mr. Amit Patel.

5. Extensive engagement with the responsible authorities, namely the Police and the Environmental Health Officer has taken place during the application process. The positive results of those discussions are as follows:
6. The application has been amended to request the following conditions be added to the operating schedule, which have been agreed with both responsible authorities.
7. These are:
  - All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
  - All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
  - A Challenge 21 or 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.
  - No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
  - No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
  - There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
  - Prominent signage indicating the permitted hours for the sale of alcohol shall be

displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 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.
- 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 licensable activities are provided. 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.
- 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.

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  - During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
  - All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  - No waste or recyclable materials shall be moved, removed from or placed outside the premises between 23.00 hours and 08.00 hours on the following day.
  - No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
  - No deliveries to the premises shall take place between 23.00 hours and 07.00 hours on the following day.
  - Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff".
8. As a result of the above agreed conditions, there are no responsible authority representations to this application.

9. We are therefore left with outstanding representations from the following:

██ - interested party, generally in favour of application

██████████ - interested party

██ - interested party

██ - interested party

██ - interested party

██ - interested party

██ - interested party

The representations focus on the following concerns:

- a. Streetdrinking.
- b. Restrictions on alcohol display in the premises
- c. Need for another off sales premises.
- d. An increase in crime and disorder.
- e. An increase in public nuisance.
- f. Risk of an increase to litter in the general area.
- g. 2008 application was rejected.
- h. Increase in public nuisance due to noise late into the night.
- i. The hours applied for are excessive.
- j. The gathering of vagrants.
- k. Impact of the sale of alcohol on the surrounding streets.

10. From the above reasons cited in the representations, the following have no relevance to the Licensing Act 2003:

- a. Need for another off sales premises.- Need is not a consideration.
- b. 2008 application was rejected. All applications are determined on their own merits.

- c. The impact of the sale of alcohol on the surrounding streets: The Section 182 Guidance, (2018), is quite clear on this point in section 1.16, which states; **“conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and should be written in a prescriptive format”**

11. In relation to the remaining reasons for representation, the applicant would say this:

- a. **The threat of increased street drinking:** (including the gathering of
- b. vagrants). The applicant has agreed robust conditions with the responsible authorities that limits the sale of high strength beers, lagers and ciders, which is the preferred option for the street drinker. They have agreed a condition that limits the sale of these products to the following: No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles. This is known to have the effect of removing the streetdrinking problems from a particular store, as nothing is on sale that is of interest to them. They are far more likely to frequent premises that sell the higher strength beers, lagers and ciders. This is backed by strong evidence across the country over the past 15 years.
- c. **Restrictions on alcohol display in the premises:** a condition has already been agreed to restrict the space allocated to the display of alcohol to a maximum of 15 % of all display space. The applicant also undertakes to ensure that no alcohol is displayed in the immediate vicinity to the entrance door to the store.
- d. **An increase in crime and disorder:** Although this is mentioned in representations, there is no evidence supplied to back this up. It is acknowledged that the premises does not have a premises licence at present, so no evidence can be provided as to the direct effect of the sale of alcohol from these premises,

but there is also no evidence provided to indicate any problem with crime and disorder that can be related to these premises of any kind. These kind of statements, without evidence, are merely opinion, not fact, and it is our submission that a premises licence cannot be refused on opinion. At very least we would have expected some evidence of alcohol related crime and disorder that can be linked to the existing off- licenses in the area to be used as an example, but again the representations are silent on this fact.

- e. **An increase in public nuisance:** in answering this point I will also include point (h) from above, which can be classed under the above heading. There is a point made in the representations that these premises selling alcohol will encourage more people to hang around the area. We reject this point. If the area has a current problem of the public hanging around the streest due to off-licenses, then the proble currently is not one of the applicants making. It could be assumed that this is due to the numerous other off-sales premises that are already in the area, (as listed in the representations). To suggest that one small shop adding to the mix will increase this number is simply fanciful speculation. There is no evidence to back this up, and as we have already said, the premises will not stock the range of products that attract such an individual. We are also led to believe that by granting this application we will encourage noise nuisance” late into the night”. It is worth pointing out that the latest hour the applicant is seeking to sell alcohol is 21:00 hours. This means that for around 4 months of the year he will be closing the premises in daylight!
- f. **Risk of an increase to litter in the general area:** As stated in point 10 (c) above, the applicant is responsible for the area in the immediate vicinity of the premises, and not beyond. This concern has been dealt with the agreed condition with the authorities which states:

*During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.*

*All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.*

*No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.*

*No waste or recyclable materials shall be moved, removed from or placed outside the premises between 23.00 hours and 08.00 hours on the following day.*

**g. The hours applied for are excessive:** The hours applied for are as follows:

Monday to Saturday: 08:00 to 21:00

Sunday: 10:00 to 21:00

As stated in the representations, there are a number of off-sales premises in the area. The hours applied for are not out of keeping with other local premises. Taking a sample of the licensed hours we can see the current agreed hours:

Marks & Spencer Marlybone Station  
M-Sat 8am 11pm  
Sunday 8am 8pm

Tesco Express Lisson Grove  
M-S 7am 11pm  
Sun 7am 11pm

Tesco Express Melcombe Street  
M-S 7am 11pm

Coop Baker Street  
7am - 10pm

Londis Petrol station  
24 hours

Newsagent on Baker Street  
24 hours

In addition to this, under the old regime, (pre Licensing Act 2003), the standard hours for an off-sales premises was 08:00 to 23:00 Monday to Saturday, with slight restrictions on Sundays and Good Friday, with further restrictions on Christmas Day, so the hours applied for by the applicant are by no means excessive. The premises does not fall within any special area as designated by Westminster Council, so the hours applied for are well within the policy hours for the council.

12. It is also worth pointing out that a number of off-sales licenses have been granted in the area since the applicants previous application some 12 years ago. One must assume that the Authority do not see the area as problematic, (as the objectors would have us believe), to have granted these additional licences over time.
13. The proposed licence is heavily conditioned to minimise the risk of any negative impact on the locality. In particular:
  - i. The licensable activities must at all times be ancillary to the primary use of the premises as a convenience store. a maximum of 15% of the display space in the shop can be allocated to alcohol at any one time. The shop is not alcohol led. It is a convenience store, with alcohol being a part of an overall convenience offering, allowing the customer to pick up everything they want under one roof, instead of having to visit a number of shops to make their purchases.
  - ii. The proposed conditions have already satisfied the Police and the Environmental Health Officer. There were no concerns from any of the other responsible authorities.

14. It is plain to all that the country is currently in very difficult times. Many businesses are closing down, many jobs have been, and many more will be lost in the coming months to the detriment of local communities and major cities alike. Here we have a business that, despite the economic uncertainty, is willing to invest in the local area, and not only provide a service for the local community, but also to continue to provide local jobs for local people. No one can predict with any certainty how long the country will suffer the effects of the COVID -19 pandemic. Businesses that are still willing to invest in the area in these difficult times are in need of support and encouragement.

15. The propriety of taking into account the wider economic impact of licensing decisions was explicitly recognised by the Court of Appeal in the leading case of *Hope and Glory* [2011] EWCA Civ 31, when Toulson LJ observed [at 42]:

***“Licensing decisions often involve weighing a variety of competing considerations: benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”***

16. For these reasons, the sub-committee is invited to grant the Premises Licence, as amended with the Conditions agreed with the authorities.

**STEWART GIBSON**

**Premises History****Appendix 4**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
08/06476/LIPN	New premises licence	09.10.2008	Refused by Licensing Sub-Committee

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

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Conditions consistent with the operating schedule**

None

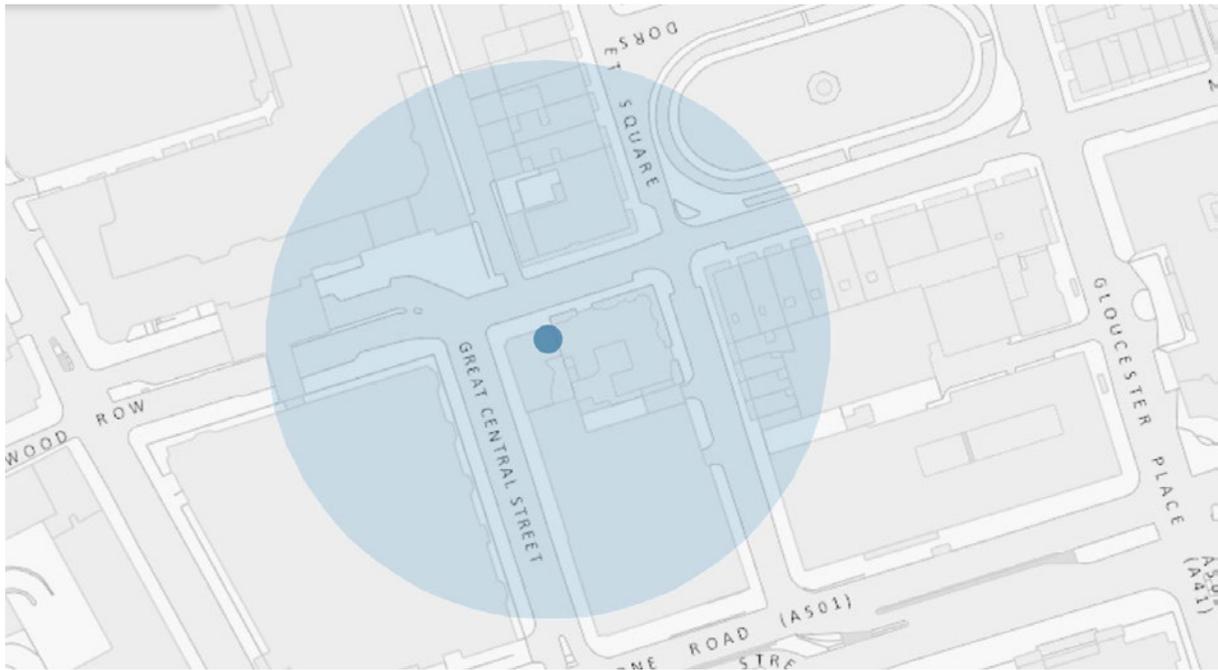
**Conditions proposed by the Environmental Health and agreed with the applicant so as to form part of the operating schedule.**

9. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
10. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
11. A Challenge 21 or 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.
12. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
14. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
15. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. 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.
18. 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 licensable activities are provided. 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.
19. 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.

20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. No waste or recyclable materials shall be moved, removed from or placed outside the premises between 23.00 hours and 08.00 hours on the following day.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
25. No deliveries to the premises shall take place between 23.00 hours and 07.00 hours on the following day.

**Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.**

26. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.



**Resident Count: 112**

<b>Licensed premises within 75 Metres of Basement And Ground Floor, 3 Melcombe Place, London, NW1 6JE</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
15/01903/LIPV	Landmark London Hotel	222 Marylebone Road London NW1 6JQ	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00

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