



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 20th May, 2021**, This will be a virtual meeting.

Members Present: Councillors Jim Glen (Chairman), Barbara Arzymanow and Aziz Toki

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

3. 407 OXFORD STREET, LONDON W1C 2PA

WCC LICENSING SUB-COMMITTEE NO. 3

Thursday 20th May 2021

Membership: Councillor Jim Glen (Chair), Councillor Barbara Arzymanow and Councillor Aziz Toki

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Aaron Hardy
Committee Officer: Tristan Fieldsend
Presenting Officer: Karyn Abbot

Application for a New Premises Licence 21/00020/LIPN

Full Decision

Premises

407 Oxford Street
London
W1C 2PA

Applicant

Freaknaughty Limited
Represented by Anthony Gregson (Licensing Agent - Hospitality Training Solutions)

Cumulative Impact Area?

Not in a Cumulative Impact Area

Ward

West End

Summary of Application

The Premises intended to operate as an open plan convenience store selling everyday items such including cigarettes and alcohol.

Proposed Activities and Hours

[Retail Sale of Alcohol \[Off Sales\]](#)

Monday to Saturday 08.00 to 22.30
Sunday 09:00 to 22:30

[Hours premises are open to the public](#)

Monday to Sunday 07.00 to 22.30

Representations Received

- Metropolitan Police (PC Reaz Guerra) – Now withdrawn
- Environmental Health (“EH”) (Maxwell Koduah)
- Eleven local residents objecting to the application

Summary of issues raised by objectors

- The application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
- The Premises was located close to residential blocks and the granting of the license had the potential to increase noise and disturbance to residents.
- The locality already suffered from high levels of street drinking and instances of pre-loading and the granting of this licence would only exacerbate the issues experienced locally.

Policy Position

Under policy HRS1 applications for hours within the Council's core hours policy would generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

DECISION

Having considered all the submissions made by all parties, the Licensing Sub-Committee decided to grant the application subject to additional conditions.

The Licensing Officer introduced the application and confirmed that the Police had withdrawn their representation following the agreement of conditions with the applicant.

Mr Gregson, representing the applicant, introduced the application and provided an overview of the style of operation proposed. The Sub-Committee was advised that the extensive conditions, agreed with the responsible authorities, and the detailed operation plan to be implemented would ensure the Licensing Objectives were promoted. The Premises wanted to become a valuable member of the community and aimed to provide a service to local residents, shoppers and visitors to the area. It was acknowledged that concerns had been raised over street drinking and pre-loading in the area, however these concerns had been discussed with EH and the Police and the conditions agreed had been tailored to ensure this Premises did not contribute to these issues. These included ensuring all staff were trained and provided with ongoing training, no super strength beers or ciders would be sold, no more than 15% of the Premises sales area would be allocated to alcohol and a direct telephone number to the manager would be available to local residents. Following these discussions, the Police had withdrawn their representation.

Following questions from the Sub-Committee Mr Gregson confirmed that the current signage on the Premises would be removed as the Premises would only operate to 22:30 hours, the initial hours applied for had been reduced following conversations with the responsible authorities.

Mr Koduah, representing Environmental Health, confirmed that residents were located in the area and following discussions the applicant had reduced the trading hours originally applied for. It was noted that four Temporary Event Notices had been granted between January and February 2021 with a terminal hour of 22:30 hours and there were no records of any complaints having been submitted over the operation of these. The applicant had accepted EH's proposed conditions including one requiring any waste to not be presented for collection until 15 minutes before the scheduled collection time. Taking into account the extensive conditions agreed with the applicant and the fact no complaints had been submitted during the operation of the TENs Mr Koduah was satisfied that the Premises would promote the licensing objectives.

Mr MD, a local resident, queried the anticipated customer base of the Premises and whether local workers or shoppers were likely to buy alcohol from it. The Sub-Committee was advised that off sales of alcohol were likely to encourage more street drinking in the area resulting in an increase in further public nuisance. Mr MD was aware that TENs had been in operation earlier in the year but queried if no complaints had been submitted because they had been in operation during a Covid-19 lockdown period.

Richard Brown of the Citizens Advice Westminster Licensing Service, representing two local residents, recognised that some of the conditions agreed with the applicant would assist local residents, however it was felt some of them were not restrictive enough to mitigate the concerns raised. The residents main concern was the location of the Premises which had residential properties in close proximity to it. It was felt that the impact of off sales in this area would exacerbate issues of street drinking and pre-loading in the area and attract even more visitors into the area seeking alcohol. As such residents hoped that the application would be refused but if the Sub-Committee was minded to grant it was requested the following additional conditions be added to the licence:

- No sales of single cans in order to mitigate street drinking and pre-loading;
- An earlier terminal hour be implemented; and
- More restrictive servicing conditions be enforced in order to ensure residents weren't disturbed late at night through the collection of waste.

Mr Brown acknowledged that no complaints had been submitted during the operation of the TENs but only four had been granted and these were during a Covid-19 lockdown period, therefore only constituting a very small sample size that did not reflect the normal nature of the area.

In response Mr Gregson advised that the area in question was very busy and the customer base was likely to consist of office workers, residents and shoppers. All the conditions agreed with the responsible authorities would be abided by and these would ensure the Licensing Objectives were promoted. Mr Gregson confirmed that the applicant was content for a condition to be placed on the licence preventing sales of single cans of beer and would also accept a condition preventing any waste or recycling to be collected between the hours of 20:00 and 08:00.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area or a Special

Consideration Zone and therefore it had to be considered on its individual merits. The extensive conditions agreed with the Responsible Authorities were considered appropriate and proportionate and these included ongoing mandatory training for staff, prohibiting sales of super-strength beer and restricting the sales area for alcohol. Following the agreement of these conditions it was noted that the Police had withdrawn their representation and EH was satisfied the Licensing Objectives would be promoted. Further conditions had also been agreed to help mitigate residents' concerns of public nuisance and these included preventing waste collection between the hours of 20:00 and 08:00 hours and also prohibiting any sales of single cans or bottles of alcohol in order to prevent any street drinking occurring from the Premises. The resident's suggestion of restricting further the terminal hour of the Premises was considered but the proposed time of 22:30 was considered appropriate. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate, with the conditions proposed proportionate enough to ensure that the licensing objectives were promoted and mitigated the concerns raised by local residents. The Sub-Committee therefore granted the application accordingly.

The application is granted as follows:

Retail Sale of Alcohol (On and Off Sales:

Monday to Saturday: 08:00 to 22:30 hours
Sunday: 09:00 to 22:30 hours

Opening Hours:

Monday to Sunday: 07:00 to 22:30 hours

The application is granted subject to the following conditions in addition to the Mandatory conditions applicable to this type of application:

Conditions consistent with the operating schedule

5. 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 are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
8. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the 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.
9. 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.
10. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) 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.
11. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
12. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a Police officer or relevant officer of a responsible authority.
13. On the Day of London Pride: -
 - i. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
 - ii. The premises will not externally advertise local promotions of alcohol.
 - iii. No sales of alcohol in bottles or glass containers are made during this period.
 - iv. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.

14. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
15. 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.
16. 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.
17. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
18. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises. For the avoidance of doubt this Condition shall not prevent the sales of individual cans or bottles of different types when sold together.
19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
23. All waste and recyclable materials shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times and not between 20:00 and 08:00 hours in any case.
24. 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.
25. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

The Meeting ended at 3.47 pm

CHAIRMAN: _____

DATE _____