



City of Westminster

Committee Agenda

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

Meeting Date: **Wednesday 20 July 2022**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Aziz Toki (Chair)
Caroline Sargent
TBC

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.00am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 07790980186
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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. 109 WESTBOURNE PARK ROAD, W2 5QL

(Pages 1 - 26)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Bayswater * None ** None	109 Westbourne Park Road W2 5QL	New Premises Licence	22/03062/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

2. 15 LONDON STREET, W2 1HL

(Pages 27 - 60)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Hyde Park * None ** None	15 London Street W2 1HL	New Premises Licence	22/03874/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. W H SMITH RETAIL UNIT, MARYLEBONE STATION,
MELCOMBE PLACE, NW1 6JJ**

(Pages 61 - 90)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Regent's Park * None ** None	W H Smith Retail Unit Marylebone Station Melcombe Place NW1 6JJ	Premises Licence Variation	22/03479/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

4. W H SMITH, PADDINGTON STATION, PRAED STREET, W2 1HB

**(Pages 91 -
128)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Hyde Park * None ** None	W H Smith Paddington Station Praed Street W2 1HB	Premises Licence Variation	22/03481/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
11 July 2022**

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 January 2021.

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

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

6. Pubs and bars, Fast Food and Music and Dance venues

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

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	20 July 2022
Licensing Ref No:	22/03062/LIPN - New Premises Licence
Title of Report:	109 Westbourne Park Road London W2 5QL
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 March 2022		
Applicant:	Curve And Edges Ltd		
Premises:	None		
Premises address:	109 Westbourne Park Road London W2 5QL	Ward:	Bayswater
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a restaurant on the ground floor and basement of the premises. There is a bar located within the basement.		
Premises licence history:	The premises previously had the benefit of a premises licence (15/02419/LIPT) which was granted in October 2011 and lapsed in June 2017, details can be found at Appendix 3 .		
Applicant submissions:	<p>On original submission of the application, the applicant applied for the following.</p> <p>Live and Recorded Music Monday to Thursday 09:00 and 23:00 Friday to Sunday 09:00 to 01:00</p> <p>Late Night Refreshment Friday to Sunday 23:00 to 01:00</p> <p>Retail Sale of Alcohol Monday to Thursday 09:00 and 23:00 Friday to Sunday 09:00 to 01:00</p> <p>Opening Hours Monday to Thursday 09:00 and 23:00 Friday to Sunday 09:00 to 01:00</p>		
Applicant amendments:	<p>During the consultation period and after discussions with the interested parties the applicant removed Live, Recorded Music and Late Night Refreshment.</p> <p>Furthermore, the hours for the Retail Sale of Alcohol and Opening times have since been amended and are reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	5 April 2022 (Withdrawn 27th May 2022)
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Prevention of Crime and Protection of Children from Harm licensing objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p> <p>Amended conditions have been agreed between the applicant and the Metropolitan Police. These conditions can be found at Appendix 4.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	22 April 2022 (Withdrawn 1 June 2022)
<p>109 Westbourne Park Road, London, W2 5QL</p> <p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p>	

The applicant is seeking to

1. Perform live music indoors Sunday to Thursday 09:00 – 23:00 hours and Friday – Saturday 09:00 – 01:00 hours
2. Play recorded music indoors Monday to Thursday 09:00 – 23:00 hours and Friday – Sunday 09:00 – 01:00 hours
3. Supply alcohol for consumption on the premises Monday to Thursday 09:00 – 23:00 hours and Friday – Sunday 09:00 – 01:00 hours

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:

1. The hours requested to perform live music may have the likely effect of causing an increase in Public Nuisance within the area
2. The hours requested to play recorded music may have the likely effect of causing an increase in Public Nuisance within the area
3. The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Though represented as a restaurant, no application has been made for late night refreshment. Applicant will be required to demonstrate how hot food & hot drinks will be offered beyond 23:00 hours. If applicant intends to continue as a restaurant beyond 23:00 hours, then there is a need to make an application for late night refreshment. This will be discussed further with applicant.

It is not clear why a restaurant proposes to perform live music and play recorded music. These activities have a high risk of causing public nuisance. This would be discussed further but if applicant considers them to be essential and relevant to the proposed operations, then a noise limiter condition will be proposed to mitigate any public nuisance risks.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Conditions to form part of the operating schedule have been proposed below to support the licensing objectives of Prevention of Public Nuisance and Public Safety. Applicant is advised to study these conditions for further discussion during an agreed site visit.

Proposed Environmental Health conditions to form part of the operating schedule

1. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
 - (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
 - (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
 - (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
 - (e) No additional sound generating equipment shall be used on the premises without

being routed through the sound limiter device.

2. 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
3. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
5. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
9. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
10. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

11. 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
12. The supply of alcohol shall be by waiter or waitress service only
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them

16. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day
17. 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
18. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
19. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
22. No licensable activities shall take place at the premises until the premises has 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
23. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

Please contact me if you are minded discussing any of the matters above.

Amended conditions have been agreed between the applicant and Environmental Health. These conditions can be found at Appendix 4.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ████████████████████████████████████████ ██████████
Received:	4 May 2022

Dear Licensing team,

I refer to the letter I have received (attached), which I have just opened as I am back from holidays for the Easter break.

As a ██████████ of 109, I would like to oppose firmly to the proposed license application 22/03062/LIPN. Changing what was a quiet family restaurant for a live music late night dining and drinking venue will have a great negative affect on the residents nearby. The noise nuisance in the area (please refer to issues with the pubs nearby The Cow and The Westbourne) is a real issue. Customers of these venues have been creating noise nuisance for westbourne park road residents and also attracting heavy drinking and drugs usage.

This section of the street comprises family households. It is important to preserve this area for families, otherwise it will become an area just for young adults partying on weekends, which is not an even mix of residents and unfriendly for families, who end up leaving.

Please refer to the noise nuisance raised a few years about from a number of families, as well as direct legal action from Westminster council taken at the time. Both are families and one has left the neighbourhood with their baby because of the noise nuisance and repeated anti social behaviours in the street.

More specifically in the area where the music would be played, the party wall is opposite sleeping areas. There is very poor soundproofing on that party wall. Any music or loud noise after 9pm would result in issues for the residents sleeping and living at the property. This raises serious concerns, especially given the late opening hours requested.

I confirm herein that I oppose to the proposed application. I have not taken legal advice to defend our family rights but will consider doing so if necessary.

I oppose to opening times beyond 11pm and the provision of the below after 9pm to protect families

- live music
- recorded music (beyond typically restaurant ambience music)
- the use of a terrace outside or any other source of noise nuisance

The wall insulation are very bad and the noise can be heard in the buildings next to 109, even with closed doors. Even music after 7pm loud music would be a nuisance for children sleeping.

Many thanks for your consideration and please do not hesitate to contact me if you have any questions

Ps: Please note also that the notice is not very easy to spot due to its location, I certainly didnt even see it, just the hiring notes, which are much more clear

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████
Received:	5 May 2022

I have been informed by our former neighbours at ██████████ that a new establishment with alcohol and late night music provision is being considered at 109. I just wanted to emphasize that I understand their objection to and serious concerns over this and wanted to highlight my own experience in the neighbourhood. Whilst living at 113 (Lower Ground) with a young child, I have had first-hand experience dealing with the very loud young occupiers next door (111) who often played music late into the night and had drunken episodes which resulted in multiple police out callings, counsel complaints, disturbed nights and stress for myself and my family. Ultimately, our ongoing battle and difficult experience informed our decision to leave the neighbourhood altogether. It is likely that an establishment of the sort planned would unfortunately result in a repeat of this for existing residents on the street, many of whom are young families. I hope my personal experience here will lend itself to your evaluation of this license request.

Name:	██████████
Address and/or Residents Association:	██████████ ████████████████████████████████████████ ██████████ ██████████

Received:	19 April 2022
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The South East Bayswater Residents' Association (SEBRA) wishes to object to this application on grounds of potential nuisance, noise etc (along with potential crime & disorder) to the area and to neighbours above or adjacent along with those living in the large block of flats immediately opposite.

We note hours applied for on Friday, Saturday and Sunday are to open till 1am, which we consider to be very excessive for the residential area and the hours sought are more than Westminster's policy.

The hours sought should be cut back to no later than midnight on Friday & Saturday, Sundays to 22.30 in accordance with Westminster's Core Hours Policy.

We note the application for late hours for Live and Recorded Music and we totally object as consider premises and their location to be totally inappropriate.

We note from plans there is small outside 'terrace' area in front of ground floor of the premises and a 'patio' in front basement area and we wish these two areas to be conditioned so as not be used after 23.00 (22.30 Sunday).

We note premises are to continue trading as a restaurant and we therefore would want standard restaurant condition along with other standard conditions such as for CCTV, notices to leave quietly, doors and windows to be in closed position after 21.00, patrons temporarily shall not be permitted to take drinks outside with them, no odours or noise from the premises etc.

We would suggest deliveries to premises and refuse & recycling collections not to take place between 20.00 & 08.00.

As always, SEBRA is content for our contact details to be sent to applicant and their agents. Also, we are happy to engage with the applicant and their agent to discuss our concerns.

Name:	████████████████████
Address and/or Residents Association:	████████████████████████████████████████ ██████████ ██████████

Received:	8 April 2022
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This is a residential street. 1am closure time being proposed Friday to Sunday is unacceptable. As an example the Oak at the corner of the street has the latest opening hours only on Sat and Sun (up to 12am) and is closed one day per week. Please consider a similar plan. The live music/recorded music needs to be in the basement or any other sound proofed room only.

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	3 May 2022

We have just received the letter for Licensing on 109 Westbourne Park Road (ref 22/03062/LIPN) only now as we currently live abroad and have just been alerted to this by our neighbours. We would like to object to the granting of this licence in the strongest terms and would like to appeal to you directly to explain why.

We recently acquired the ██████████ in anticipation of moving back to London with our two young children. We are very concerned about the prospect of the noise and disturbance a late-night drinking establishment would attract and we join our neighbours in the Upper Flat at 113 Westbourne Park Road and 111 Westbourne Park Road in vigorously opposing this proposal. This noise and disturbance is exactly what incentivised us to move away from our former home in Hackney and consider moving to a quieter family neighbourhood in Westbourne Park Road.

I hope you will take this plea into consideration given that our sole motivation is to provide our children with a safe and quiet environment in which to grow up.

Thank you for your consideration and please feel free to contact me should you have any questions.

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████
Received:	4 May 2022 (Withdrawn 21 June 2022)

I would like to echo my wife ██████████ who emailed you yesterday and strongly oppose to this late night music and refreshments licence application.

Whilst we have never had any objection in having a nice quiet local restaurant at 109 Westbourne Park Road (with ambient music), the opening of a late night music bar is drastically different and would very much ruin what is today a pleasant family neighbourhood.

We are very concerned by the crowd that it would attract (and potential increase in insecurity, public disorder and drug abuse) but also by the noise pollution that it would undoubtedly create.

The area is above all residential with families, kids and schools all around and certainly not designed or appropriate for late night bars.

None of the old buildings that we live in are famous for their noise insulation and we would certainly not be able to enjoy any quiet evening or good night sleep as long as the bar is open (which we understand is proposed to be until 1.00 am over the weekend including on Sundays!). This would definitely have a negative impact on our lives, that of our children but also health and potentially career. This is even before taking into consideration the [drunken] crowd that will likely hang out outside of the bar and in the street until the early morning hours.

As mentioned by my wife ██████████, we have unfortunately already encountered this issue in the past and would certainly not want to live this nightmare again.

We are therefore strongly opposing this application for a late night music and refreshments licence and do hope that you will take the well-being, family spirit and safety of the

neighbourhood into consideration.

After the agreement to the reductions in hours and conditions from the Police and Environmental Health, the Interested Party withdrew on the 1st June 2022.

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	9 April 2022 (Withdrawn 1 June 2022)

I object to this licence being granted. This is a densely populated residential area, with many families and children living here. I believe not only the noise from the premises but people under the influence will be a nuisance and be a safety concern to local residents and neighbours. The localised area is already served very well with 4 pubs in a very close distance, and a restaurant. A late night bar open until 1am would be a public nuisance and not fit in in this area. This type of license/bar is better placed in a less populated area with other similar types of venues. I strongly object to a licence until 1am, where music can be played, I stress again that these premises are surrounded by residential addresses, opposite, above, next door, behind. I would be very interested to know how this licence would complement the existing residents and not cause disruption to the lives of so many.

After the agreement to the reductions in hours and conditions from the Police and Environmental Health, the Interested Party withdrew on the 1st June 2022.

Name:	██████████
Address and/or Residents Association:	██████████ ████████████████████ ██████████
Received:	3 May 2022 (Withdrawn 21 June 2022)

We have just received the letter for Licensing on 109 Westbourne Park Road (ref 22/03062/LIPN) only now given the holidays however we strongly oppose this license and just wanted to write to you personally on this topic

We own ██████████ and have a young family that we definitely do not want to expose to late night music, disturbance and the crowd that a late night drinking establishment will no doubt attract. Our neighbors ██████████ I understand have already opposed this too and so will our neighbors ██████████. We have recent past experience with a young, loud and drinking crowd in the neighborhood and definitely do not want to create a repeat of this which was a long and arduous journey to solve

We please urge you to take this plea into consideration. Ours is a quiet family street, the Westbourne and Cow are further down. We really hope this license will not be taken forward

After the agreement to the reductions in hours and conditions from the Police and Environmental Health, the Interested Party withdrew on the 1st June 2022.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<p>Policy HRS1 applies</p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation
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	<p>applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RNT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be

	in a bar area but must also be ancillary to the taking of such meal.
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

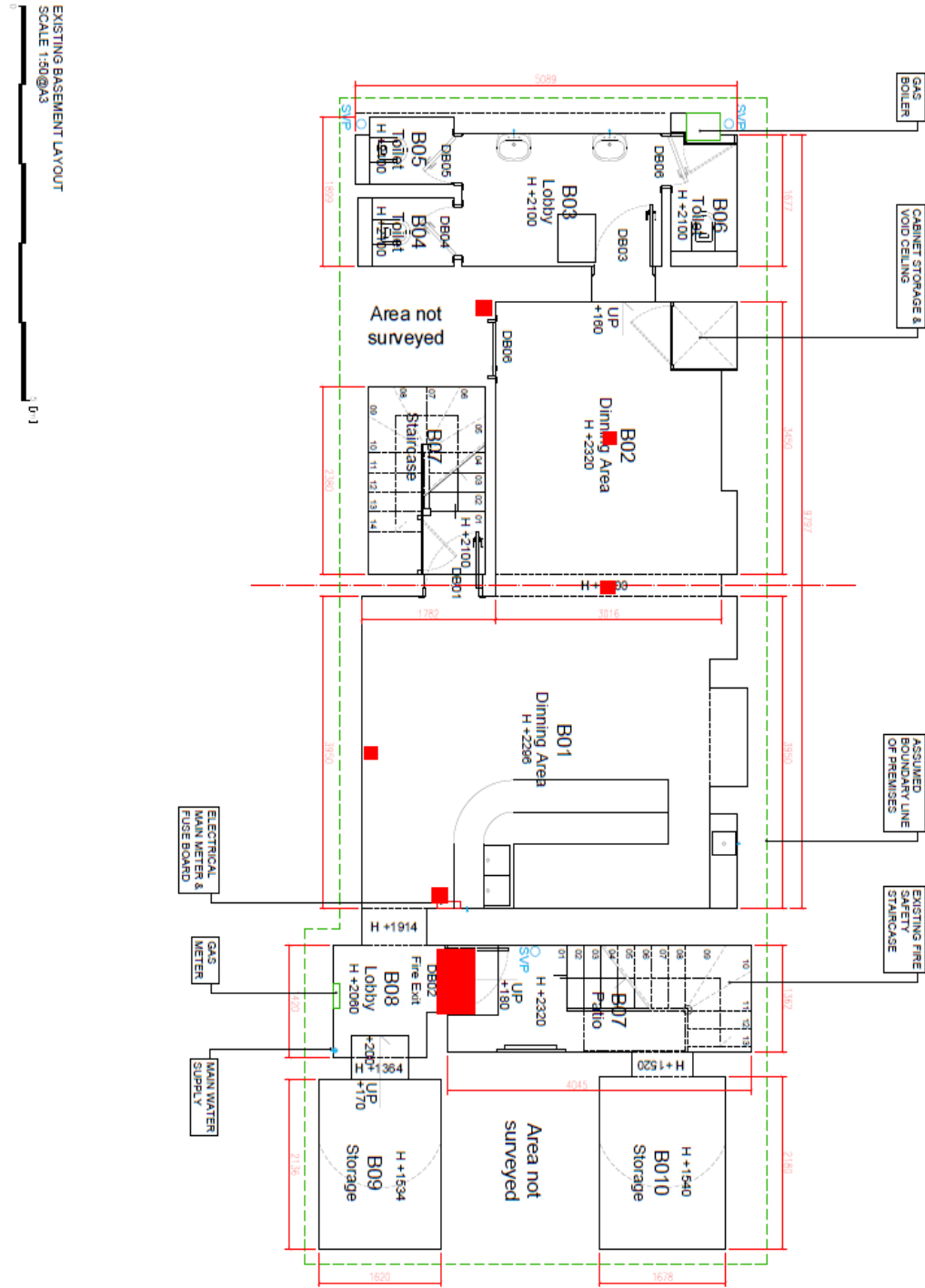
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service (Withdrawn 27 May 2022)	5 April 2022
5	Environmental Health Service (Withdrawn 1 June 2022)	22 April 2022
6	Representation 1	4 May 2022
7	Representation 2	5 May 2022
8	Representation 3	19 April 2022
9	Representation 6	8 April 2022
10	Representation 7	3 May 2022
11	Representation 8 (Withdrawn 21 June 2022)	4 May 2022
12	Representation 4 (Withdrawn 1 June 2022)	9 April 2022
13	Representation 5 (Withdrawn 21 June 2022)	3 May 2022



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<p>Revision</p>	
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<p>Client: Sustain partners Limited Manor House, Flat 2 250 Marylebone Road London, NW1 5NP</p>	
<p>Project: CHANGE OF USE Shape Phase EXISTING SURVEY</p>	
<p>Drawing Title: EXISTING BASEMENT LAYOUT 48.3 90M \$19.90 SOFT TOT. GF-BASEMENT 99.2 90M 1057.79 SOFT</p>	
<p>Scale/Footer Size Date Drawn 1:50@A3 30-11-20 AC</p>	
<p>Job No. Drawing No. Revision COSI0720 S102</p>	

Applicant Supporting Documents

Appendix 2

None

Licensing Act 2003

Application	Details of Application	Date Determined	Decision
11/09019/LIPN	New Premises Licence Application Late Night Refreshment Monday to Saturday 23:00 to 00:30 Sunday 23:00 to 00:00 Sale by Retail of Alcohol Monday to Saturday 10:00 to 00:00 Sunday 12:00 to 23:30	27 October 2011	Granted by Licensing Sub-Committee
15/02419/LIPT	Transfer of Premises Licence Holder from Fuori Orario Limited to Da Vito Imports Ltd	4 September 2015	Granted under Delegated Authority

There is no appeal history for the premises.

**** Licence Lapsed due to Licence Holder dissolving in June 2017****

There is no Temporary Event Notice history for this premises.

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

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

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

9. There shall be no consumption of alcohol outside the premises building.

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

10. 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
11. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
17. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
19. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
20. 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
21. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
22. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
23. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means

24. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
25. No licensable activities shall take place at the premises until the premises has 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
26. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The capacity so determined shall not exceed 40 persons on the ground floor and 25 persons in the basement.

Conditions proposed by the Police and agreed by the applicant to form part of the operating schedule.

27.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
28. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
29. 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
30. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them
31. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
32. 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

33. The premises shall only operate as a restaurant,
- (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Conditions proposed by Interested Parties and agreed by the applicant to form part of the operating schedule.

33. No deliveries from the premises, either by the licensee or a third party shall take place between 20:00 and 08:00 hours on the following day.

Conditions proposed by Interested Parties and yet to be agreed by the applicant.

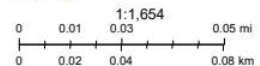
34. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to (5) persons at any one time.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

109 Westbourne Park Road, London



06/07/2022, 12:39:40

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count = 289

Licensed premises within 75 metres of 109 Westbourne Park Road, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
13/07716/LIPT	Nogs Supermarket	110 Chepstow Road London W2 5QS	Shop	Sunday; 10:00 - 22:30 Monday to Friday; 08:00 - 23:00
13/08362/LIPDPS	Khao San Thai Restaurant	Basement And Ground Floor 108 Chepstow Road London W2 5QS	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/03370/LIPVM	Marianne	104 Chepstow Road London W2 5QS	Restaurant	Monday to Sunday; 10:00 - 00:00
19/03135/LIPT	Marianne	104 Chepstow Road London W2 5QS	Restaurant	Monday to Sunday; 10:00 - 00:00
09/10275/LIPD	Lucky 7	Basement And Ground Floor 127 Westbourne Park Road London W2 5QL	Restaurant	Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30
09/04365/LIPRW	Londis	133 Westbourne	Shop	Monday to Sunday;

		Park Road London W2 5QL		06:00 - 22:00
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City of Westminster

Agenda Item 2. Licensing Sub-Committee Report

Item No:	
Date:	20 July 2022
Licensing Ref No:	22/03874/LIPN - New Premises Licence
Title of Report:	15 London Street London W2 1HL
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:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	8 April 2022		
Applicant:	Mr Patel Hemang		
Premises:	N/A		
Premises address:	15 London Street London W2 1HL	Ward:	Hyde Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises intends to operate as a shop.		
Premises licence history:	The premises had the benefit of a premises licence from 2005 until January 2021 in which the licence lapsed (13/03165/LIPVM). A copy of the lapsed licence and the premises history can be found at Appendix 4 of this report.		
Applicant submissions:	<p>The applicant provided the following submissions within the application form:</p> <p>This has been a licensed premises. And it has been a family run chain of shops in the city. This is one of the surviving shop. Unfortunately, one of the Family who hold the licence passed away during covid 19. Licence has lapsed.</p> <p>This application is to reinstate the existing licence and the store has been opening 24 hours and store would like to sell alcohol during that Time.</p> <p>And previously it has licence up to 23.00 and at weekends until 00.30 hours.</p> <p>Existing conditions has been incorporated with an update. This application is now made by the family member, brother of the deceased.</p>		
Applicant amendments:	During consultation, the applicant amended the timings for the Sale by Retail of Alcohol from 00:00 to 00:00 Monday to Sunday and Late Night Refreshment from 23:00 to 05:00 to the timings stated at 1-B .		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Outdoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	N/A	N/A	N/A	N/A	23:00	23:00	N/A
End:	N/A	N/A	N/A	N/A	00:30	00:30	N/A
Seasonal variations/ Non-standard timings:			N/A				

Sale by retail of alcohol				On or off sales or both:			Off sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:00	07:00	09:00
End:	23:00	23:00	23:00	23:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:			N/A				

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

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	25 April 2022

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.

The applicant is seeking the following

1. Provision of late-night refreshment outdoors Monday to Sunday from 23:00 – 05:00 hours
2. Supply of alcohol for consumption off the premises Monday to Sunday 24 hours

Proposed Environmental Health conditions in addition to those contained within the operating schedule

1. The hours requested to provide late night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area
2. The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

The hours requested are substantially longer than both the council's core hours and the hours in the lapsed lic ref. 13/03165/LIPVM.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Conditions to form part of the operating schedule have been proposed below to support the licensing objectives of Prevention of Public Nuisance and Public Safety. Applicant is advised to study these conditions for further discussion during an agreed site visit.

Proposed Environmental Health conditions to form part of the operating schedule

1. 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
2. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of person
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly

4. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
5. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day
7. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
8. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
10. 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
11. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Please contact me if you are minded discussing any of the matters above.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	01 May 2022

Police object to this new premises licence application, sought under the 2003 Licensing Act, as it will not promote the licensing objectives contained within the Act, namely the prevention of crime and disorder. Police object to this application for the following reasons:

- The applicant is seeking to sell alcohol 24 hours day, which substantially adds to the risk of increased crime and disorder in the area. Please see the police statement provided by the local Safer Neighbourhood Sergeant underlining this risk.
- Also, it is not stated in the application whether there is an intention to deliver alcohol, which would require additional specific conditions.

Please see a witness statement from PC M Moon on behalf of the Metropolitan Police Service at Appendix 1.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	16 April 2022		
<p>Do we not have enough licensed premises on this extremely small road. We have 3 pubs- 2 of which cause extremely antisocial behaviour, particularly the Sussex Arms sports pub. Customers often start drinking alcohol at 10am in the morning, especially when there is a sports event.</p> <p>There are residential buildings [REDACTED] - most of the residents being nurses, doctors and other public service workers. As you may be aware, or perhaps not, these residents work night duty, and are consistently woken up during the daytime hours. I don't expect my comments will make any difference to the decision - you will probably give the licence, as money means more to you people than the needs of concerned citizens.</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	19 April 2022		
<p>Concerns over noise. Have had issues in past with cars and groups of people congregating outside shops at all hours. Music being played loud outside the premises from cars and groups singing and dancing. Very worried this will worsen with extension of alcohol licence. Have no problems with shop being open 24hr, although as stated above it can be noisy. More concerned with alcohol sales after 12pm 7 days a week. Premises across the road is residential for key workers.</p>			
Name:		[REDACTED] [REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	05 May 2022		
<p>[REDACTED] wishes to lodge a very strong objection to above Premises Licence application for 'Off Sales'</p> <p>Our concern is that unless the hours are reduced to WCC Core Hours and additional conditions are placed on the proposed Licence, there is potential for noise, litter, nuisance etc as well as potential crime and disorder in the surrounding area.</p> <p>A premises selling alcohol after 23.00 (Sunday 22.30) would become a target for 'street drinkers' in and around Paddington to buy alcohol and drink nearby, especially on the steps of premises opposite in Norfolk Square or even in Norfolk Square Gardens.</p> <p>Also, [REDACTED] is not aware of any similar premises in the surrounding area that sell 'off sales' of alcohol passed 23.00 (22.30 Sundays) and if allowed the shop would become a magnet for people to purchase alcohol after standard hours, particularly for persons seeking alcohol after the pubs in the area have closed - London Street alone has three public houses.</p> <p>We also, for some reasons object to any Late Night Refreshment licence being granted.</p>			

We are not clear why it is needed as we certainly do not want premises operating a 'hot food takeaway' operation which undoubtedly would cause substantial nuisance, noise and littering etc in the surrounding area.

As well as standard conditions for CCTV, notices to leave quietly and no underage sales of alcohol etc we require following conditions;

No sales of 'miniatures' for whisky, vodka etc.

No deliveries to premises to take place between 20.00 and 08.00.

Likewise no collection of refuse and recycling from premises between 20.00 and 08.00.

We also have concern as to sales by the likes of Deliveroo etc regarding no food with delivery of alcohol and proof of age on delivery etc.

As always, [REDACTED] is content for our representation and contact details to be forwarded immediately to the applicant or agent.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy SHP1 applies</p>	<p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p>

	<ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Metropolitan Police Service's Witness Statement
Appendix 2	Premises plans
Appendix 3	Applicant supporting documents
Appendix 4	Lapsed licence and premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Jessica Donovan Senior Licensing Officer
Contact:	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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service representation	25 April 2022
5	Metropolitan Police Service representation	01 May 2022
6	Interested party 1 representation	16 April 2022
7	Interested party 2 representation	19 April 2022
8	Interested party 3 representation	05 May 2022

RESTRICTED (when complete)

MG11


STATEMENT OF WITNESS
(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN

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Statement of: Sergeant Martin Noon
Age if under 18: Over 18
Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 
Date: 16 Apr 2022

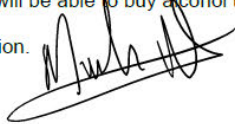
I am a police Sergeant currently working with-in Hyde Park Ward. I have been a police officer for 18 years, six of them as a Sergeant with-in Westminster.


I have been asked to provide a statement by the Licensing Team, just to give an overview of crime in the area, and an opinion on the proposed license extension applied for by Portland Food and Wine, at 15 London Street Paddington. The proposal is to extend the selling of alcohol in this area to 24 hours. The location of Portland News and Wine is in close proximity to Paddington Train Station, St Mary's Hospital and Praed Street. This is a hot spot for vulnerable people to congregate, ie: Rough sleeping, Beggars and people seeking medical attention for mental health issues from St Marys. I am concerned that if the license extension is authorised, the current levels of ASB and violence in the area would only increase, as it will attract more vulnerable adults to the area, once word has spread that alcohol is served all night.

Hyde Park has seen a steady increase in violent crime over the last few months, due to London opening back up to tourists and commuters. Looking at March crime figures, we recorded 250 total crime offences for this period, which is the highest outside of the West End. We are unfortunately top of knife crime offences with 9 reported incidents, we are the 5th highest ward for reported violence with injury offences, showing 65 incidents reported for March, only being beaten by wards that cover the West End, which has a far busier night time economy. We are also seeing increases in ASB during this period, we recorded 93 ASB offences for March, most of which were alcohol related offences. including public urination, minor criminal damage and public disorder. This was only beaten by Whitehall and The Strand ward.

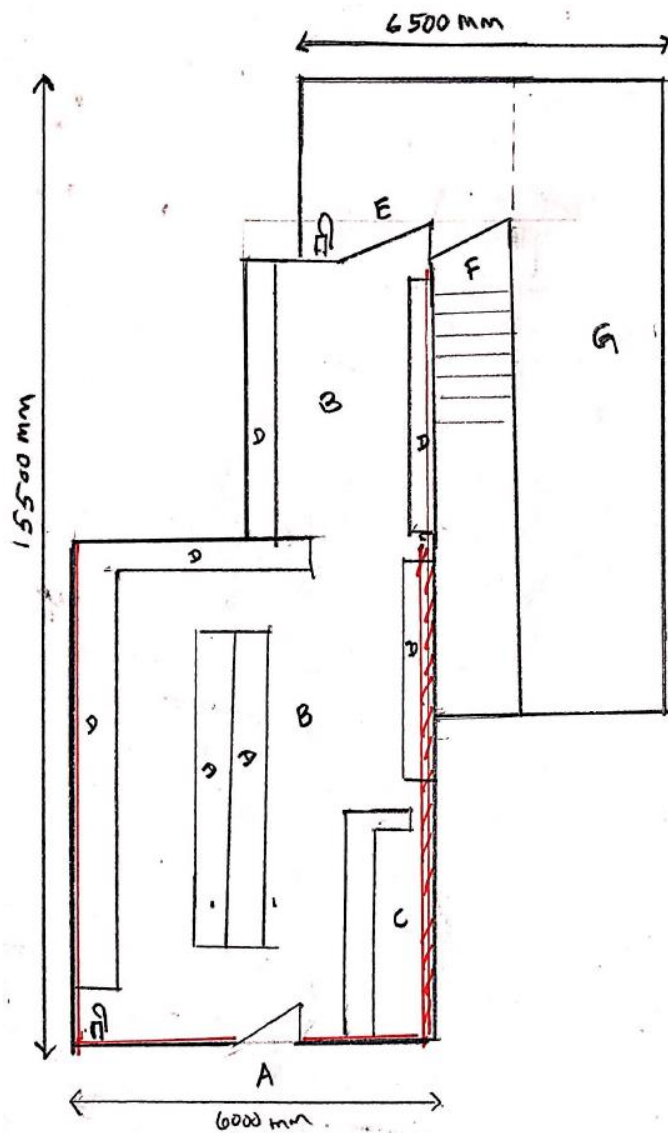
Also if this extension is authorised this will have a knock on effect to the public transport system, as commuters will be able to buy alcohol later to take on trains to drink whilst travelling, this will also have a big effect on football match days, as away fans travelling to and from Paddington will be able to buy alcohol to take on trains, which I believe would cause issues, and an increase in violence.




I respectfully submit my statement in relation to the licensing application.



Signature: 
Signature Witnessed by:

RESTRICTED (when complete)



PORTLAND FOOD & WINE 15 LONDON STREET LONDON W2 1HL
SCALE 1:100
A: MAIN ENTRANCE
B: RETAIL FLOOR.
C: SALES COUNTER
D: FRIDGE / FREEZERS / SHELVES
E: ENTRANCE DOOR
F: ACCESS TO BASEMENT
F: DOOR TO STORE ROOMS
G: STORE ROOM.
BASEMENT: OTHER ROOMS
 FIRE EXTINGUISHERS
 LICENSABLE AREA
 ALCOHOL DISPLAY

Applicant Supporting Documents

Appendix 3

There are no supporting documents from the applicant.



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

Schedule 12
Part A

WARD: Hyde Park
UPRN: 100023477632

Premises licence

Regulation 33, 34

Premises licence
number:

13/03165/LIPVM

Original Reference:

05/06076/LIPCV

Part 1 – Premises details

Postal address of premises:

Portland Food & Wine
15 London Street
London
W2 1HL

Telephone Number: 0870 458 4600

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music Unrestricted

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

Sale by Retail of Alcohol

Monday to Thursday: 07:30 to 23:00
Friday to Saturday: 07:30 to 00:30
Sunday: 09:00 to 23:00

For times authorised for Christmas and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Sunday: 00:00 to 00:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Mr Rahul Patel
Fox Gloves
Rickmansworth Road
Chorleywood
Rickmansworth
WD3 5SB

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: Rahul Rahul Patel

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: 50
Licensing Authority: Three Rivers District Council

Date: 28th August 2013

Signed: pp



Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder 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.

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

Conditions for Sale of Alcohol

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

Annex 2 – Conditions consistent with the operating Schedule

6. 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.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
10. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
11. There shall be no self service of spirits (except spirit mixers) on the premises.
12. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
13. All cashiers will receive refresher training on relevant alcohol laws and the licence holders policy on challenging for ID. Such training to take place at least twice a year. Records will 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 a relevant office of a responsible authority.
14. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. The evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
15. There shall be an electronic till prompt when alcohol is scanned through the tills, to remind staff at point of sale of alcohol to ensure purchaser is over the age of 18.
16. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

17. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
18. 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.

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

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

In this condition, permitted hours means:

- (a) On Mondays to Thursdays, other than Christmas Day, 07:30 to 23:00;
- (b) On Fridays and Saturdays, other than Christmas Day, 07:30 to 00:30;
- (c) On Sundays, other than Christmas Day, 09:00 to 23:00;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (e) On Good Friday, 08:00 to 22:30;

NOTE - The above restrictions do not prohibit:

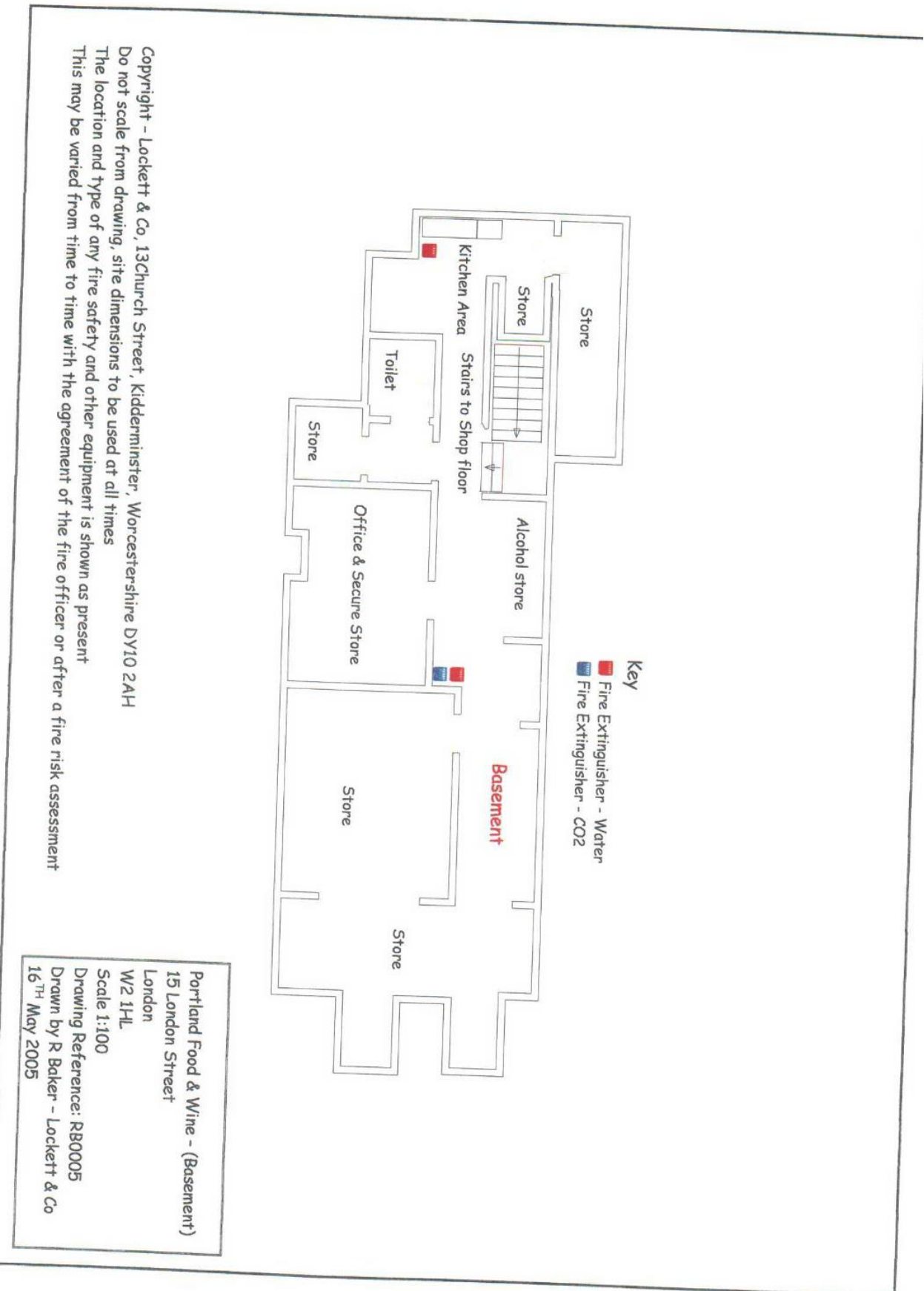
- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

20. CCTV to be installed, maintained and operated in accordance with Westminster City Guidelines and in agreement with the Metropolitan Police Service.

21. No super-strength (5.5% ABV or above) beer, lagers or ciders to be sold.

22. The applicant will at all times maintain adequate levels of staff, such staff levels to be disclosed, on request, to the Licensing Authority and the police.

Annex 4 – Plans



Copyright - Lockett & Co, 13Church Street, Kidderminster, Worcestershire DY10 2AH
 Do not scale from drawing, site dimensions to be used at all times
 The location and type of any fire safety and other equipment is shown as present
 This may be varied from time to time with the agreement of the fire officer or after a fire risk assessment

Portland Food & Wine - (Basement)
 15 London Street
 London
 W2 1HL
 Scale 1:100
 Drawing Reference: RB0005
 Drawn by R Baker - Lockett & Co
 16TH May 2005

The opening hours of the premises:

Monday to Sunday: 00:00 to 00:00

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

Alcohol is supplied for consumption off the Premises.

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

Mr Rahul Patel
Fox Gloves
Rickmansworth Road
Chorleywood
Rickmansworth
WD3 5SB

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: Rahul Rahul Patel

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

N/A

Date: 28th August 2013

Signed: pp



Operational Director - Premises Management

Premises History

Application	Details of Application	Date Determined	Decision
05/06076/LIPCV	<p>Conversion Licence</p> <p>Sale by Retail of Alcohol (Off sales):</p> <p>Monday to Saturday 08:00 to 23:00 Sunday 10:00 to 22:30</p> <p>Late Night Refreshment:</p> <p>Sunday to Saturday 23:00 to 02:00</p> <p>Opening hours:</p> <p>Monday to Thursday 07:30 to 23:00 Friday to Saturdays 08:00 to 23:00 Sundays 09:00 to 23:00</p>	07.09.2005	Granted by Licensing Sub-Committee
06/10758/WCCMAP	<p>Master Licence</p> <p>Playing of Recorded Music: Unrestricted</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration with a view to profit: Unrestricted</p> <p>Sale by Retail of Alcohol:</p> <p>Monday to Thursday 07:30 to 23:00 Friday to Saturday 07:30 to 00:30 Sunday 09:00 to 23:00</p> <p>Opening hours:</p> <p>Monday to Sunday 00:00 to 00:00</p>	19.10.2006	Granted by Licensing Sub-Committee

	Minor Variation To update conditions attached to the licence	23.05.2013	Granted under Delegated Authority Lapsed 13.01.2021
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Temporary Event Notices

Application	Details of Application	Date Determined	Decision
22/03906/LITENP	Temporary Event Notice	14.04.2022	Event allowed to proceed
22/03915/LITENP	Temporary Event Notice	19.04.2022	Event allowed to proceed
22/03926/LITENP	Temporary Event Notice	19.04.2022	Event allowed to proceed

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

1979;

- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

6. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
- (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
- (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (e) Viewing of recordings shall be made available immediately upon the request of

Police or authorised officer throughout the entire 31-day period.

7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. The licence holder shall ensure that all alcohol within the premises are kept behind the counter, is secured behind closed doors so as they are not exposed to public, available on request by customers.
10. 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 and cans.
11. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
12. 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.
13. 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.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

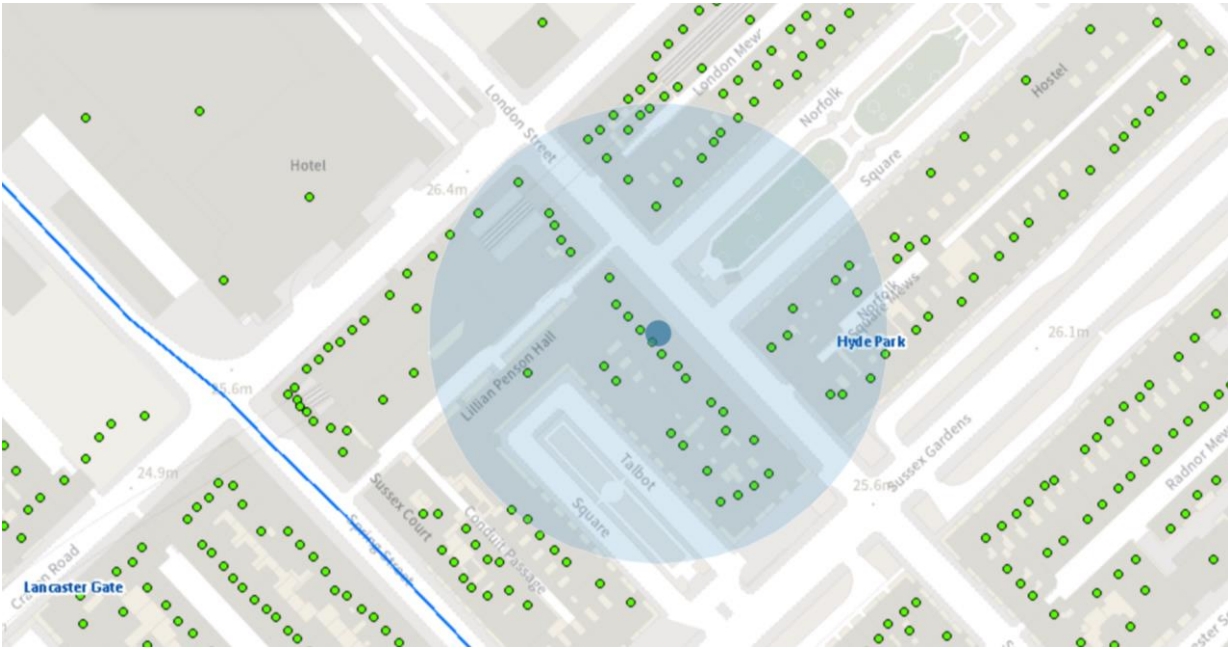
Conditions proposed by the Environmental Health and agreed with the applicant so as to form part of the operating schedule.

16. 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
17. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of person.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day
22. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
23. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
25. 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
26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Conditions proposed by the Metropolitan Police Service

None



Resident Count: 97

Licensed premises within 75 Metres of 15 London Street, London, W2 1HL				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/02484/LIPDPS	Kolossi Taverna	12 London Street London W2 1HL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
09/04987/LIPDPS	Thresher Wine Shop	14 London Street London W2 1HL	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
10/01544/LIPDPS	The Mughal's	Basement And Ground Floor 11 London Street London W2 1HL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/04116/LIPN	San Marco	10 London Street London W2 1HL	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
22/01531/LIPCH	San Marco	10 London Street London W2 1HL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/11340/LIPVM	Sawyers Arms Public House	8-9 London Street London W2 1HL	Pub or pub restaurant with lodge	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 23:30
21/10303/LIPDPS	Hotel Indigo	Front Left 16 - 17 London Street London W2 1HL	Hotel, 4+ star or major chain	Monday to Sunday; 07:30 - 23:00
21/09130/LIPDPS	Mercure Hotel Hyde Park	8-14 Talbot Square London W2 1TS	Hotel, 3 star or under	Sunday; 12:00 - 00:00 Monday to Saturday;

				10:00 - 00:30 Monday to Sunday; 00:00 - 00:00
06/10919/WCCMAP	Mimos Cafe Bar	19 London Street London W2 1HL	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
20/10970/LIPV	Sussex Fish Bar	Ground Front 20 London Street London W2 1HL	Restaurant	Monday; 11:00 - 04:00 Tuesday; 11:00 - 04:00 Wednesday; 11:00 - 04:00 Thursday; 11:00 - 04:00 Friday; 11:00 - 04:00 Saturday; 11:00 - 04:00 Sunday; 11:00 - 04:00
11/09256/LIPN	Lite Bite	Basement Front And Ground Floor 7 London Street London W2 1HL	Restaurant	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
10/06958/LIPVM	Sussex Arms Public House	Ground Front 21 London Street London W2 1HL	Public house or pub restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30
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
18/04895/LIPDPS	Dickens Tavern	Basement 25 London Street London W2	Pub or pub restaurant with lodge	Sunday; 07:00 - 22:30 Monday to Thursday;

		1HH		07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
22/05988/LIPVM	Olivers Steakhouse	Basement 25 London Street London W2 1HH	Public house or pub restaurant	Monday; 08:00 - 23:30 Tuesday; 08:00 - 23:30 Wednesday; 08:00 - 23:30 Thursday; 08:00 - 23:30 Friday; 08:00 - 23:30 Saturday; 08:00 - 23:30 Sunday; 08:00 - 23:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
09/10340/LIPVM	Westpoint - Abbey Court Hotel	174 Sussex Gardens London W2 1TP	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
16/07456/LIPN	Patsons News	3 - 4 London Street London W2 1HL	Shop	Monday to Sunday; 08:00 - 23:00
20/07076/LIPV	Yahala	26 London Street London W2 1HH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
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	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/07202/LIPN	McDonald's	161 Praed Street London W2 1RL	Restaurant	Monday to Sunday; 06:00 - 00:00
19/16871/LIPDPS	Budgens	171-173 Praed Street London W2 1RH	Shop	Sunday; 10:00 - 05:00 Monday to Saturday; 08:00 - 05:00

13/02856/LIPN	Tavolina	Basement And Ground Floor 159 Praed Street London W2 1RL	Cafe	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:30
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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	20 July 2022
Licensing Ref No:	22/03479/LIPV – Premises Licence Variation
Title of Report:	WH Smith Retail Unit Marylebone Station Melcombe Place London NW1 6JJ
Report of:	Director of Public Protection and Licensing
Wards involved:	Regents Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	30 March 2022		
Applicant:	WH Smith Travel Holdings Limited		
Premises:	WH Smith Retail Unit		
Premises address:	Marylebone Station Melcombe Place London NW1 6JJ	Ward:	Regents Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	A newsagent and shop unit operating within London Marylebone train station.		
Variation description:	<p>This application seeks the following:</p> <p>1) To replace condition 15 at Annex 2 which states: <i>“There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV”</i> so that it reads as follows: <i>“Save for spirit mixers, there shall be no self-service of spirits on the premises.”</i></p> <p>2) To vary the opening hours as follows: Monday to Friday 0700 to 0000 (currently 0800 to 2000) Saturday and Sunday 0700 to 2300 (currently 0930 to 2000)</p> <p>3) To vary the hours for the sale of alcohol Monday to Friday 0800 to 2300 (currently 0800 to 2000) Saturday 0800 to 2300 (currently 0930 to 2000) Sunday 0900 to 2230 (0930 to 2000)</p>		
Premises licence history:	The premises has had the benefit of a premises licence since 2021. The current premises licence (21/00380/LIPN) can be viewed at Appendix 3 of this report along with the premises history.		
Applicant submissions:	<p>Following the submission of the representation from the Metropolitan Police Service, the applicant has contacted the Police advising of the following in respect of the Removal of ABV restriction on spirit mixers:-</p> <p>“An application was submitted by the applicant to remove a similar condition for their premises at Victoria Station. This was granted in the absence of any representations. The applicant is simply seeking to make the same adjustment to the licences for Marylebone and Paddington to bring these sites in line with not only Victoria but their other premises across the capital (and further afield) where we have made a succession of applications to remove the same condition. All have been granted thus far and those premises where the restriction has been removed continue to operate without issue.</p>		

	<p>The applicant offers a very limited range of alcohol (including a small range of spirit mixers) within their premises (the premises licences for Paddington and Marylebone both restrict the sales area for alcohol to no more than 15% of the total sales area in the premises and each licence is subject to, amongst other things, a condition restricting sales of super strength beers, lagers and ciders). Save for spirit mixers all other spirits will continue to be offered for sale from behind the counter”</p> <p>The applicant has also written a letter of mediation to resident objectors which can be seen at Appendix 2.</p>
Applicant amendments:	None

1-B	Current and proposed licensable activities, areas and hours
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Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	20:00	08:00	23:00	See plans at appendix 1.	No changes are being sought to the licensable area.
Tuesday	08:00	20:00	08:00	23:00		
Wednesday	08:00	20:00	08:00	23:00		
Thursday	08:00	20:00	08:00	23:00		
Friday	08:00	20:00	08:00	23:00		
Saturday	09:30	20:00	08:00	23:00		
Sunday	09:30	20:00	09:00	22:30		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			None		None	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	20:00	07:00	00:00	See plans at appendix 1.	No changes are being sought to the premises area.
Tuesday	08:00	20:00	07:00	00:00		
Wednesday	08:00	20:00	07:00	00:00		
Thursday	08:00	20:00	07:00	00:00		
Friday	08:00	20:00	07:00	00:00		
Saturday	09:30	20:00	07:00	23:00		
Sunday	09:30	20:00	07:00	23:00		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			None		None.	

1-C	Layout alteration
No changes are being sought to the layout of the premises.	

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
Condition 15: There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.	New Condition 15: Save for spirit mixers, there shall be no self-service of spirits on the premises.	
Adult entertainment:	Current position:	Proposed position:
	None.	None.

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	04 May 2022
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Prevention of Crime and Protection of Children from Harm licensing objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p>	
Responsible Authority:	Environmental Health Service (Withdrawn 31 May 2022)
Representative:	Maxwell Koduah
Received:	22 April 2022
<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 application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking the following variations:</p> <p>Extend the hours for the supply of alcohol be for consumption off the premises to the following times: Monday to Saturday 08:00 – 23:00 hours and Sunday 09:00 – 22:30 hours Replace condition 15 which reads: <i>There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.</i> With <i>Save for spirit mixers, there shall be no self-service of spirits on the premises</i></p> <p>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 representation:</p> <p>The proposed extension in the hours of alcohol supply may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area The proposed changes in conditions safeguarding the supply of alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area 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>Please contact me if you wish to discuss this further.</p> <p>Following agreement of conditions with the applicant, The Environmental Health Service withdrew their representation on 31 May 2022.</p>	

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	6 April 2022 (<i>withdrawn 27th May 2022</i>)		
<p>The ability to purchase alcohol just before midnight could lead to an array of anti-social behavior in the immediate area. The immediate area already has several regular abusers of alcohol/drugs who hang around the Marylebone Station and the ability to get alcohol at 7am and up to midnight would attract more.</p> <p>The extended timing could lead to further antisocial behavior and attract vulnerable people that are addicted to alcohol as they would know that they can easily purchase take away alcohol form Marylebone Station from 7am until midnight.</p> <p>Marylebone Station and their retail units should really serve the station users and not attract people because of its attractive off license hours. There is no proven or real demand to have yet another place to purchase alcohol, not alone from 7am until midnight. All small independent newsagents, small supermarkets, and public houses, in the immediate area serve alcohol already.</p> <p>WH Smith is essentially a newsagent, and their staff may not be trained, and may not want to, to deal with the variety of anti-social issues that may arise because of having, essentially an off license operating from 7am until midnight.</p> <p>A precedent set by the refusal of an extended license on 3 Melcombe Place</p> <p>Following mediation with the applicant the objection was withdrawn on 27 May 2022</p>			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	20 April 2022 (<i>withdrawn 17th May 2022</i>)		
<p>There is no need for an additional licence in the station. There are a variety of places around which sell alcohol - M and S in the station; a shop in nearby Melcombe Place, and a couple of places down the road in Melcombe Street as well as a variety of pubs. WHSmith should stick to its core business</p> <p>Following mediation with the applicant the objection was withdrawn on 17 May 2022</p>			

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Hours Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications. <p>C. For the purpose of Clauses A and B above, the Core Hours for</p>

applications for each premises use type as defined within this policy are:

1. Casinos

Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 9am to Midnight.

3. Delivery Centres

Monday to Saturday: 8am to 11pm.

Sunday: 9am to 10.30pm.

4. Hotels

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

For the sale of alcohol to guests for consumption in hotel/guest rooms only:

Anytime up to 24 hours.

5. Outdoor Spaces

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

7. Qualifying Clubs

Monday to Thursday 9am to 11.30pm

Friday and Saturday 9am to Midnight

Sunday: 9am to 10.30pm

Sunday immediately prior to a bank holiday: 9am to Midnight.

8. Restaurants

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

11a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

	<p>11b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Shops Policy SHP1 applies</p>	<p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late-night Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

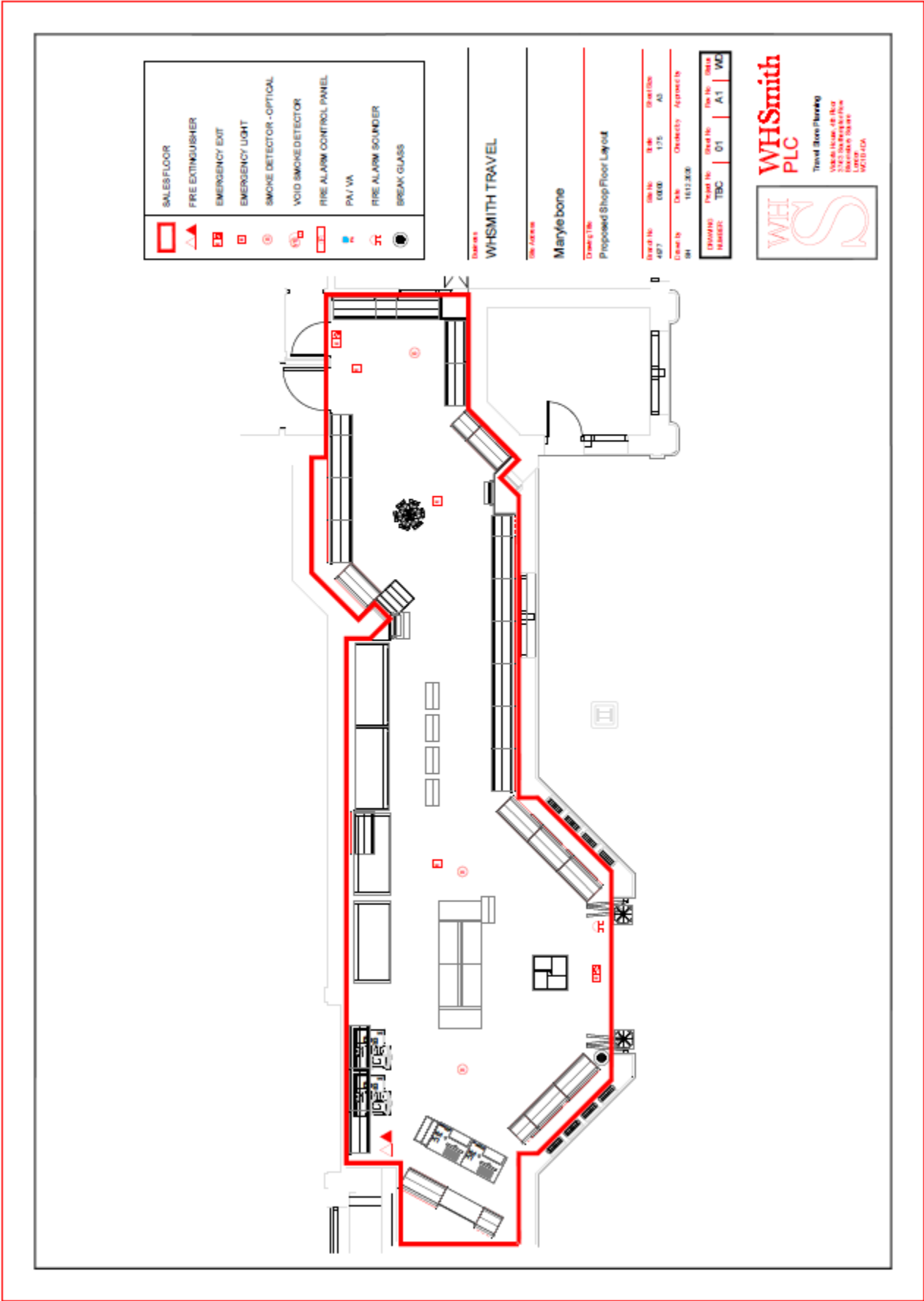
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	1 st October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service Representation	04 May 2022
5	Environmental Health Service Representation	22 April 2022 (withdrawn 31 May 2022)
6	Interested party 1	6 April 2022 (withdrawn 27th May 2022)
7	Interested party 2	20 April 2022 (withdrawn 17th May 2022)



Mediation Letter sent to residents

Dear...

I am instructed by WH Smith (**WHS**) in relation to an application for variation of their premises licence at the above unit.

I have been sent a copy of your representation.

WCC encourage applicants to engage with those parties who have made representations to applications under the Licensing Act 2003. The purpose of this email is to set out my clients position in so far as your representation is concerned, as there may be some misunderstanding about the nature of the application.

For the sake of clarification, this is NOT an application for a new licence. These premises are already licensed for the sale of alcohol (the licence having been granted last year). What my clients are seeking to do is to make changes to the existing permission.

So that you are aware, the existing licence is subject to a number of conditions which include, amongst others, the following:

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team
- The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises
- All recordings shall be stored for a minimum period of 31 days with date and time stamping
- Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period
- 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
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
- No sales of beers, lagers or ciders of 6% ABV (alcohol by volume) or above shall be sold from the premises
- 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
- All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale

The current application seeks to make the following changes to the licence

- (i) Variation of opening hours
 - Monday to Friday 0700 to 0000 (currently 0800 to 2000)
 - Saturday and Sunday 0700 to 2300 (currently 0930 to 2000)

(ii) Variation to the hours permitted for the sale of alcohol

- o Monday to Friday 0800 to 2300 (currently 0800 to 2000)
- o Saturday 0800 to 2300 (currently 0930 to 2000)
- o Sunday 0900 to 2230 (currently 0930 to 2000)

The proposed hours for the sale of alcohol are restricted to those set out above and are in line with the Westminster City Council Licensing Policy Core hours.

Given that the proposed opening hours are more extensive than the hours proposed for the sale of alcohol the police have requested that the following condition be attached to the licence

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.

This condition is consistent with a condition that attaches to our clients premises in other parts of the country.

When the premises are open outwith the permitted hours for the sale of alcohol the cabinets that contain alcohol will be locked shut so as to prevent access to both customers and staff

(iii) Change to conditions

As part of their limited range of alcohol my clients offer a small range of spirit mixers for sale (Gin and Tonics for example).

In keeping with all alcohol in WHS premises these are branded products (there are no "own label" products on sale which you might have seen in off licence retailers).

The current licence is subject to the following condition

"There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV"

My client now wishes to vary this condition so that it reads as follows:

"Save for spirit mixers, there shall be no self service of spirits on the premises"

There are no other changes being sought to the terms of the licence.

Given all of the above are you able to confirm that you are in a position to withdraw your representation to the application.

If you feel you are in a position to withdraw your representation, can I ask that you email the following people quoting the above reference

- [REDACTED]
- [REDACTED]
- [REDACTED]

I you require any further information then please do not hesitate to contact me

I look forward to hearing from you.

With best wishes

Current Premises Licence



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

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 100023071663

Premises licence

Regulation 33, 34

Premises licence number:

21/00380/LIPN

Original Reference:

21/00380/LIPN

Part 1 – Premises details

Postal address of premises:

WH Smith Retail Unit
Marylebone Station
Melcombe Place
London
NW1 6JJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol
Saturday to Sunday: 09:30 to 20:00
Monday to Friday: 08:00 to 20:00

The opening hours of the premises:

Monday to Friday: 08:00 to 20:00
Saturday to Sunday: 09:30 to 20:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

WH Smith Travel Holdings Limited
Greenbridge Road
Swindon
Wiltshire
SN3 3RX
Electronic Mail : Ellie-Nicole.Davis@TLTSolicitors.com

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

05681969

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

Name: Mr Abu Thair Md Qadir

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: 21/01503/LIPERS
Licensing Authority: City of Westminster

Date: 10 March 2021

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

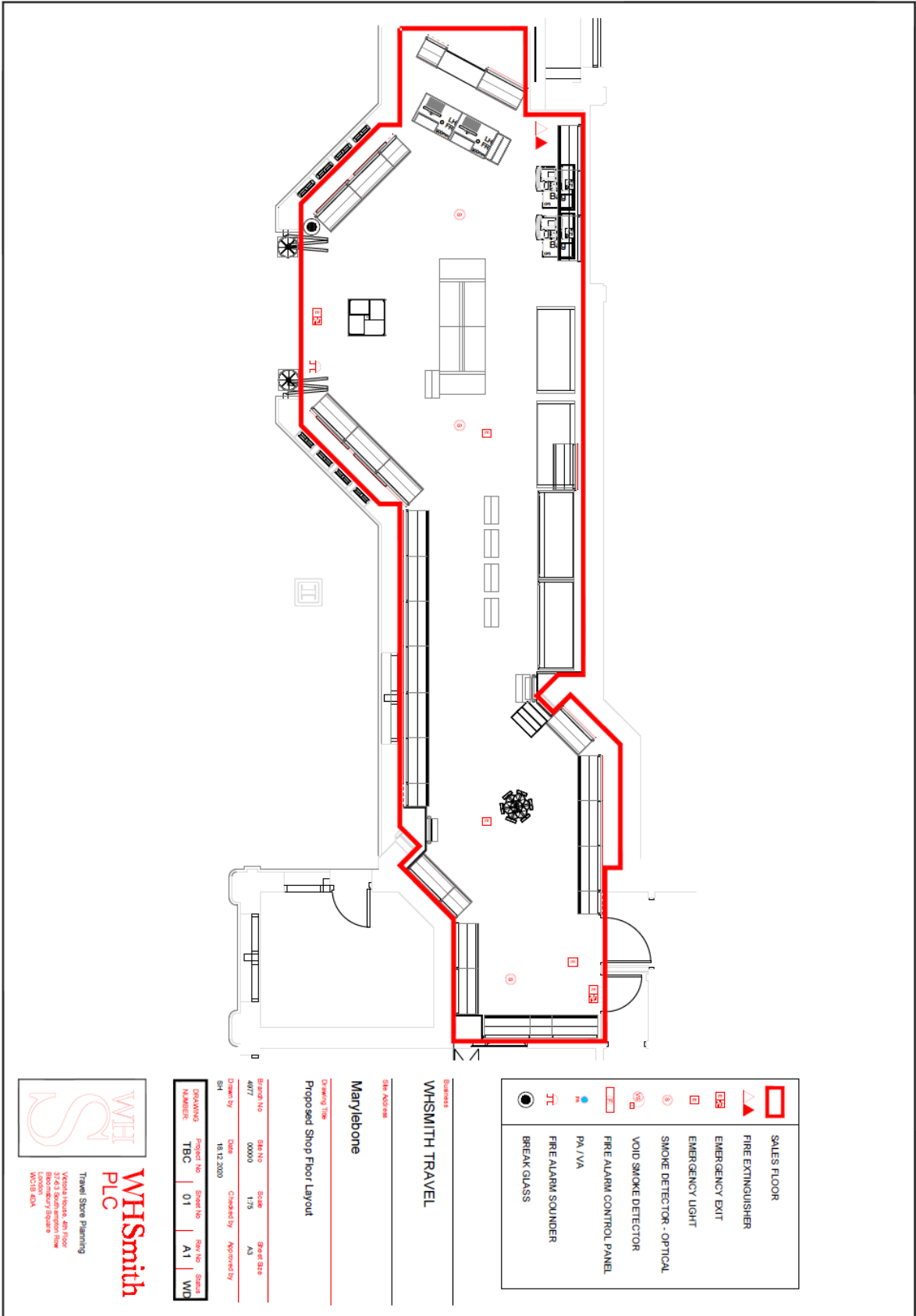
Annex 2 – Conditions consistent with the operating Schedule

6. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
7. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
9. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
10. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
11. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
12. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale of display of alcohol
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. There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.
16. No sales of beers, lagers or ciders of 6% ABV (alcohol by volume) or above shall be sold from the premises
17. 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
18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale
19. A record shall be kept detailing all refused sales of alcohol. The record should include:
 - a. the date and time of the refused sale and the name of the member of staff who refused the sale.
20. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
22. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
23. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
24. This training shall be refreshed on an annual basis with copies of training records being made available to the relevant officer of the responsible authority, and/or the police, on request
25. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.

26. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
27. Prominent notices shall be displayed on the premises advising customers of the permitted hours for the sale of alcohol.
28. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

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

None





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

Schedule 12
Part B

WARD: Bryanston And
Dorset Square
UPRN: 100023071663

Premises licence
summary

Regulation 33, 34

Premises licence number:

21/00380/LIPN

Part 1 – Premises details

Postal address of premises:

WH Smith Retail Unit
Marylebone Station
Melcombe Place
London
NW1 6JJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Friday: 08:00 to 20:00
Saturday to Sunday: 09:30 to 20:00

The opening hours of the premises:

Monday to Friday: 08:00 to 20:00
Saturday to Sunday: 09:30 to 20:00

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

Alcohol is supplied for consumption off the Premises.

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

WH Smith Travel Holdings Limited
Greenbridge Road
Swindon
Wiltshire
SN3 3RX

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

05681969

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

Name: Mr Abu Thair Md Qadir

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

Restricted

Date: 10 March 2021

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
21/00380/LIPN	New premises licence application	16.02.2021	Granted Under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

$$P = D + (D \times V)$$
 Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

6. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
7. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
9. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
10. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
11. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
12. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Condition 15 is proposed to be removed by the applicant.

15. **There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.**

To be replaced with:

- 15. Save for spirit mixers, there shall be no self-service of spirits on the premises.**

16. No sales of beers, lagers or ciders of 6% ABV (alcohol by volume) or above shall be sold from the premises
17. 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
18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale

19. A record shall be kept detailing all refused sales of alcohol. The record should include:
 - a. the date and time of the refused sale and the name of the member of staff who refused the sale.
20. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
22. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
23. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
24. This training shall be refreshed on an annual basis with copies of training records being made available to the relevant officer of the responsible authority, and/or the police, on request
25. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.
26. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
27. Prominent notices shall be displayed on the premises advising customers of the permitted hours for the sale of alcohol.
28. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

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

None.

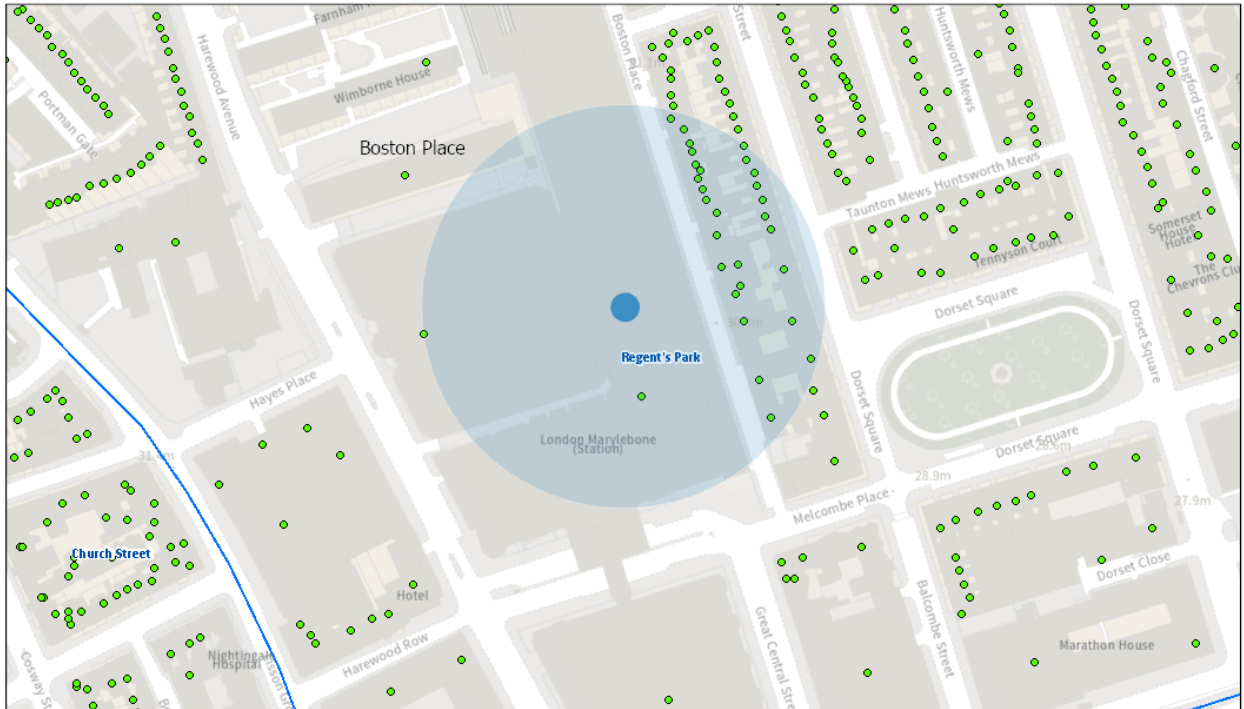
Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.

29. 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.

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

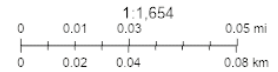
None.

Marylebone Station Melcombe Place London NW1 6JJ



05/07/2022, 18:51:44

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count: 98

Licensed premises within 75 Metres of Marylebone Station, Melcombe Place, London NW1 6JJ				
Licence Number	Trading Name	Address	Premises Type	Time Period
14/04678/LIPV	AMT Coffee	Mobile Unit Marylebone Station Melcombe Place London NW1 6JJ	Restaurant	Saturday; 06:00 - 00:00 Sunday; 07:00 - 23:30 Monday to Friday; 05:15 - 00:30
19/11403/LIPDPS	Hotel Chocolat	Unit 1 Marylebone Station Melcombe Place London NW1 6JJ	Shop	Monday to Sunday; 08:00 - 23:00

21/14714/LIPDPS	Sports Bar and Grill	Unit 14 Marylebone Station Melcombe Place London NW1 6JJ	Public house or pub restaurant	Sunday; 07:00 - 00:00 Monday to Saturday; 07:00 - 00:30
20/04023/LIPCH	Marks & Spencer - Simply Food	Unit 10 Marylebone Station Melcombe Place London NW1 6JJ	Restaurant	Monday; 07:00 - 00:00 Tuesday; 07:00 - 00:00 Wednesday; 07:00 - 00:00 Thursday; 07:00 - 00:00 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00
21/00380/LIPN	WH Smith Retail Unit	Marylebone Station Melcombe Place London NW1 6JJ	Sales kiosk	Monday to Friday; 08:00 - 20:00 Saturday to Sunday; 09:30 - 20:00
06/12055/WCCMAP	International Cheese Centre	Unit 5 Marylebone Station Melcombe Place London NW1 6JJ	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/10481/LIPDPS	Victoria & Albert Bar	Unit 11 Marylebone Station Melcombe Place London NW1 6JJ	Public house or pub restaurant	Monday to Sunday; 10:00 - 00:00
17/12858/LIPCH	Sports Bar & Grill	Unit 14 Marylebone Station Melcombe Place London NW1 6JJ	Not Recorded	

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	20 July 2022
Licensing Ref No:	22/03481/LIPV - Premises Licence Variation
Title of Report:	W H Smith Paddington Station Praed Street London W2 1HB
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	30 March 2022		
Applicant:	Wh Smith Travel Holdings Limited		
Premises:	W H Smith		
Premises address:	Paddington Station Praed Street London W2 1HB	Ward:	Hyde Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises are a WH Smith Retail Unit inside London Paddington Station.		
Variation description:	<p>To replace condition 15 at Annex 2 which reads as follows “There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV” so that it reads as follows: “Save for spirit mixers, there shall be no self service of spirits on the premises”</p> <p>To vary the opening hours as follows Monday to Friday 05:30 to 22:30 (currently 06:30 to 21:00) Saturday 06:00 to 22:30 (currently 08:00 to 19:00) Sunday 07:00 to 22:30 (currently 08:00 to 19:00)</p> <p>To vary the hours for the sale of alcohol Monday to Friday 08:00 to 22:30 (currently 08:00 to 21:00) Saturday 08:00 to 22:30 (currently 08:00 to 19:00) Sunday 09:00 to 22:30 (currently 09:00 to 19:00)</p>		
Premises licence history:	<p>The premises has had the benefit of a premises licence since February 2021. The current premises licence reference is 21/01315/LIPDPS, a copy of which is attached as Appendix 1 of this report.</p> <p>Please see Appendix 4 of the report for a full licence history</p>		
Applicant submissions:	<p>Following the submission of the representation from the Metropolitan Police Service, the applicant has contacted the Police advising of the following in respect of the Removal of ABV restriction on spirit mixers:-</p> <p>“An application was submitted by the applicant to remove a similar condition for their premises at Victoria Station. This was granted in the absence of any representations.</p> <p>The applicant is simply seeking to make the same adjustment to the licences for Marylebone and Paddington to bring these sites in line with not only Victoria but their other premises across the capital (and further afield) where we have made a</p>		

	<p>succession of applications to remove the same condition. All have been granted thus far and those premises where the restriction has been removed continue to operate without issue.</p> <p>The applicant offers a very limited range of alcohol (including a small range of spirit mixers) within their premises (the premises licences for Paddington and Marylebone both restrict the sales area for alcohol to no more than 15% of the total sales area in the premises and each licence is subject to, amongst other things, a condition restricting sales of super strength beers, lagers and ciders). Save for spirit mixers all other spirits will continue to be offered for sale form behind the counter”</p>
Applicant amendments:	None

1-B	Current and proposed licensable activities, areas and hours					
Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	21:00	08:00	22:30	Retail unit	No change
Tuesday	08:00	21:00	08:00	22:30		
Wednesday	08:00	21:00	08:00	22:30		
Thursday	08:00	21:00	08:00	22:30		
Friday	08:00	21:00	08:00	22:30		
Saturday	08:00	19:00	08:00	22:30		
Sunday	09:00	19:00	09:00	22:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	06:30	21:00	05:30	22:30	Retail unit	No change
Tuesday	06:30	21:00	05:30	22:30		
Wednesday	06:30	21:00	05:30	22:30		
Thursday	06:30	21:00	05:30	22:30		
Friday	06:30	21:00	05:30	22:30		
Saturday	08:00	19:00	06:00	22:30		
Sunday	08:00	19:00	07:00	22:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

1-C	Layout alteration
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No change of layout is proposed

1-D	Conditions being varied, added or removed	
Condition 15	Proposed variation	
There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV	Save for spirit mixers, there shall be no self service of spirits on the premises”	
Adult entertainment:	Current position:	Proposed position:
	None	No change

2.	Representations	
2-A	Responsible Authorities	
Responsible Authority:	Metropolitan Police Service	
Representative:	Reaz Guerra	
Received:	05 April 2022	
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Prevention of Crime and Protection of Children from Harm licensing objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p>		

3.	Policy & Guidance	
The following policies within the City Of Westminster Statement of Licensing Policy apply:		
Policy HSR1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 	

	<p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol) Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight. 10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy SHP1(A) applies	A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:

	<ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.	Appendices
Appendix 1	Premises Licence 21/01315/LIPDPS
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	05 April 2022



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

Schedule 12
Part A

WARD: Hyde Park
UPRN: 100023477448

Premises licence

Regulation 33, 34

Premises licence number:

21/01315/LIPDPS

Original Reference:

21/00258/LIPN

Part 1 – Premises details

Postal address of premises:

W H Smith
Paddington Station
Praed Street
London
W2 1HB

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Friday:	08:00 to 21:00
Saturday:	08:00 to 19:00
Sunday:	09:00 to 19:00

The opening hours of the premises:

Monday to Friday:	06:30 to 21:00
Saturday to Sunday:	08:00 to 19:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Wh Smith Travel Holdings Limited
Greenbridge Road
Swindon
Wiltshire
SN3 3RX

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

05681969

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

Name: Mr Rizwan Madhizai

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: PER/2021/0005
Licensing Authority: London Borough Of Hackney

Date: 16 March 2021

This licence has been authorised by Ola Ajose-Adeogun on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

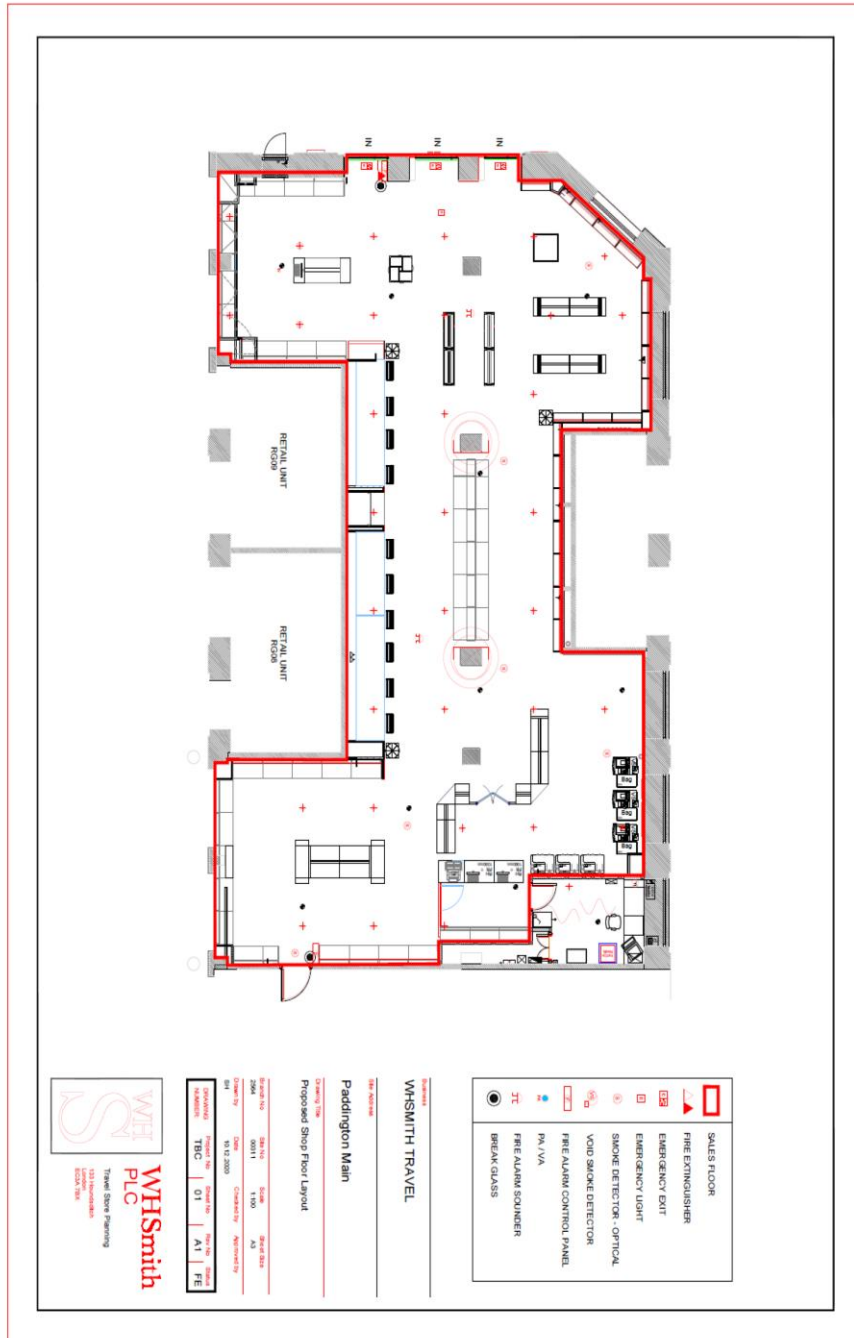
9. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as newsagents/convenience store.
10. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
11. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (b) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
15. There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.
16. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers, lagers or ciders, sold in glass bottles.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale
19. A record shall be kept detailing all refused sales of alcohol. The record should include:
 - (a) the date and time of the refused sale and the name of the member of staff who refused the sale.
 - (b) The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

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. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
22. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
23. This training shall be refreshed on an annual basis with copies of training records being made available to the relevant officer of the responsible authority, and/or the police, on request
24. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.
25. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
26. 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.
27. 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.
28. No miniature bottles of spirits of 20 cl or below shall be sold from the premises
29. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
30. 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.

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

None

Annex 4 – Plans





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

Schedule 12
Part B

WARD: Hyde Park
UPRN: 100023477448

Premises licence
summary

Regulation 33, 34

Premises licence number:

21/01315/LIPDPS

Part 1 – Premises details

Postal address of premises:
W H Smith Paddington Station Praed Street London W2 1HB
Telephone Number: Not supplied

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

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

The times the licence authorises the carrying out of licensable activities:
Sale by Retail of Alcohol
Monday to Friday: 08:00 to 21:00
Saturday: 08:00 to 19:00
Sunday: 09:00 to 19:00

The opening hours of the premises:
Monday to Friday: 06:30 to 21:00
Saturday to Sunday: 08:00 to 19:00

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

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

Wh Smith Travel Holdings Limited
Greenbridge Road
Swindon
Wiltshire
SN3 3RX

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

05681969

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

Name: Mr Rizwan Madhizai

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

Restricted

Date: 16 March 2021

This licence has been authorised by Ola Ajose-Adeogun on behalf of the Director - Public Protection and Licensing.

In the Matter of an application by WH Smith Travel Holdings Limited

For the Variation of a Premises Licence under the Licensing Act 2003

Case Number - 22/03481/LIPV - W H Smith, Paddington Station

SUBMISSIONS ON BEHALF OF THE APPLICANT

1. These submissions are presented to the Licensing Sub Committee of Westminster City Council in support of an application by WH Smith Travel Holdings Limited (**WHS**) to vary their existing premises licence at their outlet at Paddington Station.
2. The submissions are set out as follows:
 - The Applicant
 - WHS Travel
 - WHS Paddington – Premises licence
 - The Nature of the Application
 - Variation of the Spirit Mixer condition
 - WH Smith Victoria
 - Other premises within Paddington Station
 - Policy considerations
 - Representations
 - Conclusions

The Applicant

3. The Committee will be familiar with the WHS name and style of operation. WHS operates over 1,000 convenience stores in the UK, comprising circa 570 UK Travel units, and over 540 High Street stores. They operate 140 stores in 100 hospitals across the UK. They also operate over 590 International outlets

4. Each of their stores sell a range of products including newspapers, magazines, food and drink, health and beauty products and tech/electrical accessories. Where alcohol licences are held they stock a small range of alcohol. The alcohol range are all recognised household products (WHS do not have their own brand) and as a consequence is priced accordingly.
5. The WHS site operations are supported by a head office team that includes, as one would expect of an organisation of their size, HR, marketing, compliance, health and safety, security, buyers, store operations and management teams to facilitate training and maintenance of licences.
6. All staff receiving training in relation to the sale of alcohol, commensurate with their duties and the stores are covered by CCTV. The designated premises supervisor of the site is of course a personal licence holder.
7. None of their premises licences have ever been the subject of any regulatory enforcement action or subject to a licence review. This is perhaps unsurprising, and does not happen by accident, when one considers the nature of the operator and the nature of the premises.
8. WHS are, on any assessment, an experienced and competent operator who are aware, and conscious, of their obligations as holders of alcohol premises licences.

WHS Travel

9. WHS Travel has sites at a wide range of travel hubs across the country including at airports (29 UK airports) and train stations (over 120 rail locations).
10. In total WHS operate in excess of 40 licensed units at train stations across the country and have been operating licensed outlets at train stations for over 10 years...
11. The WHS offer has adapted over time as the expectations and needs of the traveler have changed. Customers need convenience and have less time to browse. They expect to be able to find the same offer in the travel hub as they might expect on the High Street. As these demands have changed so has the WHS offer providing a one-stop-shop solution.
12. This includes extending opening hours of premises where appropriate and providing the full range of goods that one might reasonable expect to find in a convenience store.
13. Within London, WHS operate licensed sites at the following train stations:
 - Euston
 - Waterloo

- London Bridge
- Kings Cross
- Clapham Junction

14. Within Westminster itself, in addition to Paddington station, WHS operate licensed premises at their sites at Victoria and Marylebone stations

WHS Paddington - Premises Licence

15. The premises licence for WHS Paddington was originally granted in 2012. This licence was subsequently surrendered in March 2018. A further application for a new licence was granted in 2021.

16. On each occasion the licence was granted by way of delegated powers and without the need for a hearing

17. The current licence is already subject to a number of conditions which include, but are not limited to, the following:

- The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as newsagents/convenience store
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team
 - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition
 - (b) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 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

- No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers, lagers or ciders, sold in glass bottles.
- 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.
- No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

18. The operation of the premises licences at the application site has never been a cause for regulatory concern.

The Nature of the Application

19. The application for variation is in three parts and is set out below:

- (i) Variation of opening hours
 - Monday to Friday 0530 to 2230 (currently 0630 to 2100)
 - Saturday 0600 to 2230 (currently 0800 to 1900)
 - Sunday 0700 to 2230 (currently 0800 to 1900)
- (ii) Variation of the hours for the sale of alcohol
 - Monday to Friday 0800 to 2230 (currently 0800 to 2100)
 - Saturday 0800 to 2230 (currently 0800 to 1900)
 - Sunday 0900 to 2230 (currently 0900 to 1900)
- (iii) Variation of Conditions

To replace condition 15 at Annex 2 which reads as follows:

“There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV”

so that it reads as follows

“Save for spirit mixers, there shall be no self-service of spirits on the premises”

Variation of the Spirit Mixer condition

20. WHS has, for many years, sold a range of spirit mixer products that include Gin and Tonic and Pimms
21. Over time the range of products being made available to WHS has expanded and now includes pre-packed cans of cocktails which include for example Mojitos, Margaritas and Espresso Martinis.
22. The ABV of these products currently ranges from 6.5% to 14.9%
23. The spirit mixers with an ABV above 5.5% are priced from £3.99 for a 250ml can of gin and tonic mixer, to £4.99 for a 125ml cocktail mixer can.
24. Products of this nature are readily available, for self-service (i.e. not displayed for sale from behind the counter) in other off licence retailers in the Paddington station concourse at a lower price point.
25. At the WHS licensed outlets across the country, where there was no similar spirit mixer condition to that currently attaching to the Paddington licence, WHS has been offering these products for sale since the early part of 2022 with no adverse impact on the licensing objectives.
26. A number of the WHS outlets across the country were subject to a similar condition to that which is found on the Paddington licence. Since the start of the year a series of applications have been made (including within Westminster itself) to vary this condition to enable all spirit mixers to be offered for sale from the shop floor.
27. Each of these applications has been granted (by the relevant licensing authority exercising their delegated authority and without the need for a hearing) and the variation of this condition at other WHS premises has not resulted in any adverse impact on the licensing objectives.
28. There is no reason to believe that, with the addition of these new spirit mixer products, the proposed variation of the condition on the licence at Paddington station will have a detrimental impact on the licensing objectives.

WH Smith Victoria

29. WHS operate a premise at Victoria Station.
30. These premises fall within the Victoria Special Consideration Zone (SCZ1 Statement of Licensing Policy p.59).

31. In February of this year an application to vary the licence was submitted. The nature of the variation application was as follows:

- To vary hours for sale of Alcohol on a Sunday to 0900 to 2230 (currently 1000 to 2230)
- To replace conditions 9 and 16 at Annex 2 which read "There shall be no self-service of spirits on the premises except for spirit mixers below 5.5% Alcohol by Volume" and "There shall be no self-service of spirits on the premises" with the following: "Save for spirit mixers, there shall be no self-service of spirits on the premises"

32. There were no representations to this application from any party (the police having emailed ourselves confirming that "the Metropolitan Police Service **do not** (police emphasis) object to this application"

33. The variation was granted by way of delegated authority and without the need for a hearing.

34. The operation of these premises since the variation has been granted has not had a detrimental impact on the licensing objectives.

Current Premises Licences at Paddington

35. We have carried out an online review of the Westminster City Council Licensing Register of existing off sales operations at Paddington which has revealed the following:

Name of Premises	Station	Opening hours	Hours for sale of alcohol	Condition restricting display of spirit mixers
Sainsbury's	Paddington	24 hours a day on each day of the week	Mon – Sat 0800 to 2300 Sunday 1000 to 2230	No
Marks & Spencer	Paddington	24 hours a day on each day of the week	Mon – Sat 0800 to 2300 Sun 1000 to 2230	No
Whistlestop	Paddington	0600 to 2300 one each day of the week	Mon – Sat 0800 to 2300 Sun 1000 to 2230	No

36. We can find no enforcement activity in relation to any of these premises

37. It is worthy of comment that the opening hours being applied for by WHS are within those currently approved for sites on the Paddington concourse. In addition, the terminal hour for the sale of alcohol on each Monday – Saturday at each of these sites is later than that being applied for by WHS

The Application and Policy Considerations

38. The application site does not sit within the West End Cumulative Impact Zone (CIP1 Statement of Licensing Policy 2021 p.44)

39. The application site does not sit within one of the Licensing Authority's Special Consideration Zone (SCZ1 Statement of Licensing Policy p.53).

40. In so far as the application to vary the opening hours and the hours for the sale of alcohol are concerned, the s.182 National Guidance states (at para 10.15) that *"Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours"*

41. WHS has not sought to align the hours for the sale of alcohol with the proposed opening hours, given that the proposed opening hours fall outwith the Council Core Hours Policy (HRS1). Instead, the application for the sale of alcohol is respectful of the Councils Core Hours Policy.

42. The proposed terminal hour for the sale of alcohol falls within the Councils Core Hours Policy as set out at para 10b at p.63 of the Statement of Licensing Policy 2021.

43. The Councils Core Hours Policy (HRS1) states, at p.62, that

"Core Hours Policy HRS1

A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy."

44. The Councils Licensing Core Hours Policy, at para 10b, on page 63 states as follows:

Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)

Monday to Saturday: 8am to 11pm

Sunday: 9am to 10.30pm.

45. When the premises are open outside of the permitted hours for the sale of alcohol, there is an existing condition on the licence that requires

"all alcohol within the premises (including alcohol behind the counter) [to be] 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."

46. In summary, there are no special policy considerations that impact on the application

Representations

47. The sole representation to the application comes from the Police
48. Since receipt of the representation, a succession of emails have been sent to, and we have engaged with, and provided, the Police with further information in relation to the proposed variation.
49. WHS is willing to continue to engage with the Police up to, and at, the hearing of the variation application.

Summary

50. There is only one question of significance here – are these applications, by this applicant, at these premises, likely to undermine the licensing objectives?
51. The National Guidance issued under s.182 of the Licensing Act 2003 states as follows

The Authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve

52. In this case, the application is for variation of an existing permission i.e. the premise is a known quantity. If the licensing authority takes the view that there is not already clear evidence of unacceptable impact from this premise, it may reasonably take the view that the variation sought will not add unacceptably to the impact.

53. As the national guidance states:

“14.36 ... If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.”

54. The Licensing Sub-Committee can only really make such a finding based on admissible material submitted to it. What the authority cannot be asked to do is speculate, as the High Court make clear in R (Daniel Thwaites) v Wirral Borough Magistrates Court [2008] EWHC 838 (Admin). It can, however, draw fair inferences from the material it does have.

55. It is submitted that, on the evidence presented, the Committee should grant the application because:

- (i) WHS is an experienced and competent operator of licensed premises in some of the busiest travel hubs across the UK
- (ii) Each premise is provided with head office support
- (iii) Their premises sell a wide range of convenience products and experience has shown that these premises will not (and, by virtue of a condition already attaching to the licence) and cannot, be “alcohol led”
- (iv) The existing licence is already subject to a significant schedule of conditions
- (v) The application site has never been subject to regulatory enforcement action
- (vi) The application site has never been subject to a licence review
- (vii) Since the start of the year WHS has made a series of applications to vary the “spirit mixer” condition on their licences in line with the current application. These applications have all been granted without representation
- (viii) The ongoing operation of these licences has had no adverse impact on the licensing objectives

- (ix) A similar application was submitted by WHS for their premises at Victoria which falls within a Special Consideration Zone. This application was granted in the absence of any representations, since when the operation of the licence has not had any adverse impact on the licensing objectives
- (x) The application is for opening hours more restrictive than those currently authorised for other retailers on the Paddington Station concourse
- (xi) The terminal hour for the sale of alcohol is earlier than that currently authorised for other retailers on the Paddington Station concourse
- (xii) The application site does not fall with a CIA
- (xiii) The application site does not fall within a Special Consideration zone
- (xiv) The application to vary the hours for the sale of alcohol is within the Councils Core Hours Policy
- (xv) There are no special policy considerations that impact on the applications

56. In all the circumstances, the granting of this variation, to this applicant, at these premises is unlikely to undermine the licensing objectives, and in the circumstances the variation should be granted as requested.

Ewen Macgregor
Partner
TLT

Dated 7 July 2022

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
21/00258/LIPN	New premises licence	11.02.2021	Granted under delegated authority
21/01315/LIPDPS	Variation of DPS	10.03.2021	Granted under delegated authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as newsagents/convenience store.
10. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time
11. Locations of fire safety equipment and other safety equipment subject to change in accordance with the requirements of the Responsible Authorities or following a risk assessment.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (b) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale of display of alcohol
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. There shall be no self-service of spirits on the premises, save for spirit mixers of less than 5.5% ABV.

The applicant is seeking to vary condition 15 to read as follows:

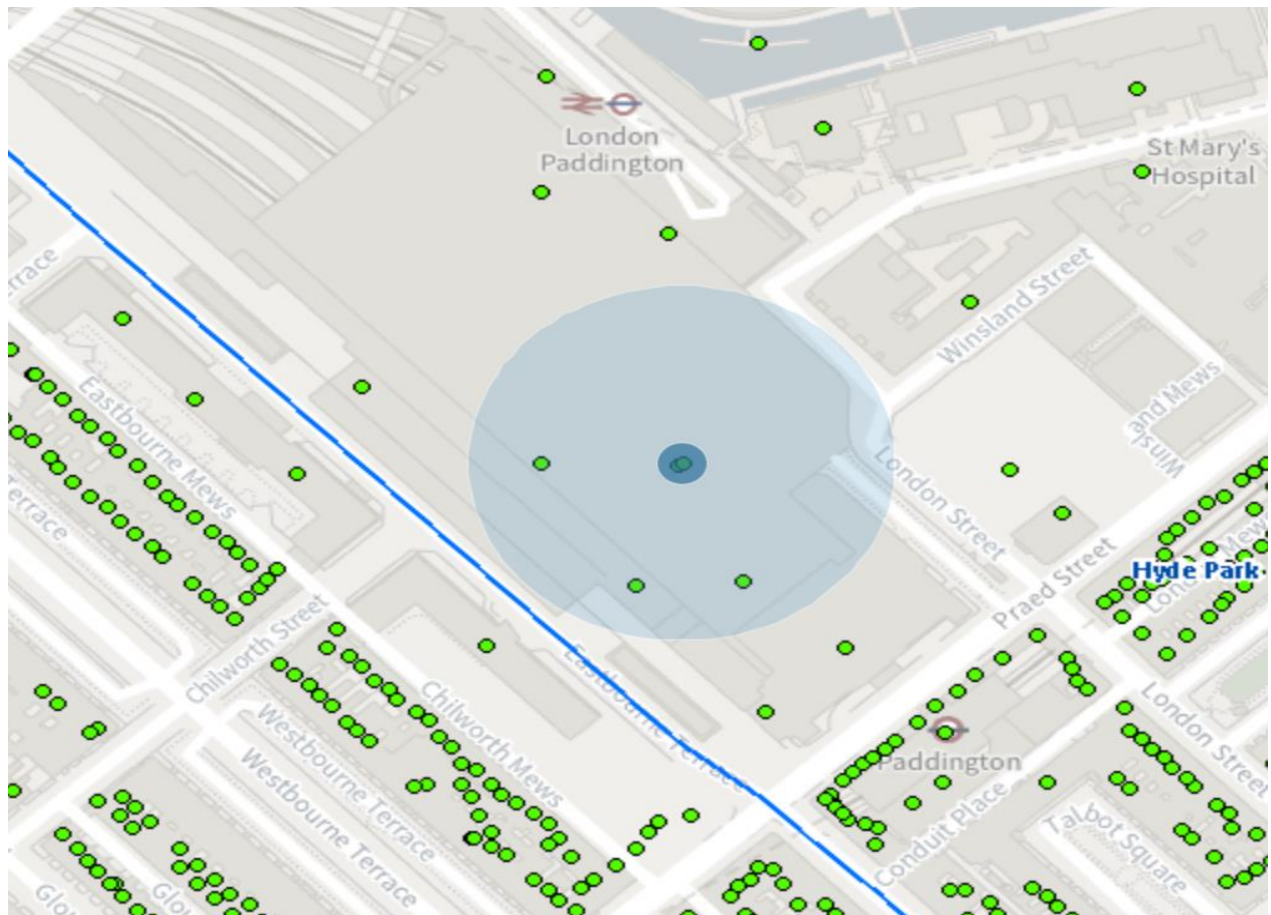
Save for spirit mixers, there shall be no self service of spirits on the premises

16. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers, lagers or ciders, sold in glass bottles.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale
19. A record shall be kept detailing all refused sales of alcohol. The record should include:
 - (a) the date and time of the refused sale and the name of the member of staff who refused the sale.
 - (b) The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

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. Measures will be in place for the safe evacuation of persons with disabilities in case of fire or emergency
22. Staff are trained to ensure that in case of any doubt whether a purchaser is over the age of 18 that they must refuse a sale of alcohol unless valid identification is produced.
23. This training shall be refreshed on an annual basis with copies of training records being made available to the relevant officer of the responsible authority, and/or the police, on request
24. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.
25. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
26. 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.
27. 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.
28. No miniature bottles of spirits of 20 cl or below shall be sold from the premises
29. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
30. 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.

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

None



Resident count: 0

Licensed premises with 75m of WH Smith, Paddington Station, Praed Street, London, W2 1HB				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/03898/LIPCH	Delice De France	Unit 19a Paddington Station Praed Street London W2 1HB	Shop	Monday to Sunday; 23:00 - 01:00
21/09318/LIPDPS	Sainsburys	Unit R17 Paddington Station Praed Street London W2 1HB	Shop	Monday to Sunday; 00:00 - 00:00
22/00443/LIPDPS	Mad Bishop & Bear	Unit 32 Paddington Station Praed Street London W2 1HA	Pub or pub restaurant with lodge	Sunday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:00
08/07361/LIPD	Costa Coffee	Unit R27 Paddington Station Praed Street London W2 1HB	Shop	Monday to Sunday; 00:00 - 00:00
20/05751/LIPCH	Crussh	Unit 41 Paddington Station Praed Street London W2 1HB	Shop	Not Recorded; XXXX - XXXX
13/00723/LIPN	The Savanna	Unit R01 Paddington Station Praed Street	Shop	Monday to Friday; 06:00 -

		London W2 1HB		21:00 Saturday to Sunday; 09:00 - 20:00
21/05062/LIPDPS	The Beer House	Unit R36 Paddington Station Praed Street London W2 1HB	Pub or pub restaurant with lodge	Monday to Sunday; 06:30 - 00:30
13/00246/LIPDPS	WH Smith	Ground Floor Shop Paddington Station Praed Street London W2 1RH	Shop	Monday to Sunday; 07:00 - 22:00
20/03836/LIPCH	Upper Crust	Unit 19 Paddington Station Praed Street London W2 1HB	Takeaway food outlet	Monday to Sunday; 00:00 - 00:00
20/03829/LIPCH	Marks & Spencer - Simply Food	Ground Floor Unit 1 Paddington Station Praed Street London W2 1AE	Shop	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
21/05065/LIPDPS	The Cabin	Unit R30 Paddington Station Praed Street London W2 1RH	Public house or pub restaurant	Sunday; 06:30 - 22:50 Monday to Thursday; 06:30 - 23:30 Friday to Saturday; 06:30 - 00:00 Sundays before Bank Holidays; 06:30 - 00:00
21/04679/LIPDPS	Caffe Ritazza	Unit R08 Paddington Station Praed Street London W2 1HB	Cafe	Monday to Sunday; 06:00 - 00:00
22/01333/LIPCH	Caffe Ritazza	Unit R08 Paddington Station Praed Street London W2 1HB	Cafe	Monday to Sunday; 06:00 - 00:00
12/05300/LIPDPS	Searcys Champagne Bar	Unit 58 Paddington Station Praed Street London W2 1HB	Wine bar	Monday to Sunday; 07:30 - 23:00
21/08277/LIPN	Nero Express	Paddington Station Concourse Praed Street London W2 1RH	Cafe	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

12/04552/LIPN	Nero Express	Paddington Station Concourse Praed Street London W2 1RH	Kiosk within another property	Monday to Sunday; 00:00 - 00:00
22/01482/LIPCH	Burger King/Caffe Ritazza	Platform 7 And 8 Unit 18 Paddington Station Praed Street London W2 1HB	Takeaway food outlet	Monday to Sunday; 00:00 - 00:00

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