



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 1st August, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Eagleton (Chair), Md Shamsed Chowdhury and Karen Scarborough

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 It was noted that there were no declarations of interest.

#### 1. W10 COFFEE AND DELI, 427-429 HARROW ROAD, W10 4RE

##### WCC LICENSING SUB-COMMITTEE NO. 3 ("The Committee")

Thursday 1 August 2024

##### Application for a New Premises in respect of W10 Coffee and Deli, 427-429 Harrow Road W10 4RE (Application Ref: 24/02836/LIPN)

Membership: Councillor Robert Eagleton (Chair), Councillor MD Shamsed Chowdhury and Councillor Karen Scarborough.

Officer Support:	Legal Adviser:	Michael Feeney
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Sarah Craddock
	Presenting Officer:	Karyn Abbott

Other Parties: Mrs Daria Kriventsova (Applicant Company)  
Ms Kudzaishe Mondhlani (Environmental Health Service)

## **Full Decision**

### **Summary of the Application**

This is an application for a new Premises Licence under the Licensing Act 2003 ("The Act") in respect of W10 Coffee and Deli, 427-429 Harrow Road, London, W10 4RE. The Premises intends to operate as a café and deli shop. Following consultation with the Metropolitan Police Service the Applicant amended the hours for Sale by Retail of Alcohol (On) to Monday to Sunday 12:00 to 20:00 hours and Sale by Retail of Alcohol (Off) Monday to Sunday 09:00 to 20:00 hours.

### **Premises**

W10 Coffee and Deli  
427-429 Harrow Road  
London W10 4RE.

### **Applicant**

The Family Club Ltd

### **Ward**

Harrow Road

### **Cumulative Impact Area**

None

### **Special Consideration Zone**

None

### **Representations Received**

- Environmental Health Service
- Seven residents

### **Policy Considerations**

Policies HRS1 and RNT1 apply under the City Council's Statement of Licensing Policy ("SLP").

### **Submissions**

The Chair introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. The Sub-Committee Members confirmed that they had no declarations of interest.

The Presenting Officer, Karyn Abbott, Senior Licensing Officer, introduced the application for a new Premises Licence. She advised that representations had been received from the Environmental Health Service and seven residents and that the Premises was situated within the Harrow Road ward.

Mrs Daria Kriventsova (representing the Applicant Company) outlined the application to the Sub-Committee. She explained that the Premises wished to display and sell a couple of nice bottles of wine and also to serve them to seated customers within the café/deli. She addressed the representations made from local residents and advised

that she had tried to contact them however she had not received any response. She further advised that she was puzzled regarding the representations against the application as there was a nearby corner shop that sold alcohol from 08:00 to 23:00 hours. She emphasised that since the café/deli had opened there had been less public nuisance such as public urination and considered that it would not be detrimental to the area if the Sub-Committee granted the application.

In response to questions from the Sub-Committee, Mrs Kriventsova explained that they would be selling premium wine from £20 upwards at the café/deli and how they would abide by all the conditions proposed by the Responsible Authorities so as to promote the Licensing Objectives. She confirmed that she was happy to make her contact details available to residents so they could contact her to discuss any issues. She advised that she also lived in the area and therefore had an additional interest in keeping the area safe. She outlined that until recently there had been an abandoned building nearby which had caused a variety of issues in the area. Mrs Kriventsova explained that the café/deli had obtained a Pavement Licence and referred to the location of the three tables and six chairs situated outside of the Premises. She advised that she and/or her staff could not really control the activity on the public benches because they were located in a public area, however, she had approached some people to reduce noise nuisance and/or contacted the Safer Neighbourhood Team to help sort out issues in public areas. She emphasised that she had not experienced any issues with her customers however appropriate measures were already in place such as refusal to sale alcohol to someone under the influence of alcohol and an emergency button behind the counter.

Mrs Kriventsova explained that the Premises offered a variety of light breakfasts and deli sandwiches as well as a wide range of coffee-based drinks. She added that there were also a few shelves of deli items to purchase such as exclusive tapenade and olives. She confirmed that they were not currently going to serve beer however if there was an interest they might introduce a few brands at a later date. She agreed that she was willing to accept two conditions (a) that no super strength beers be sold on the Premises and (b) that the sale of alcohol on the Premises would be ancillary to food.

Ms Kudzaishe Mondhlani (representing the Environmental Health Service, EHS) advised that the EHS had maintained their representations because of the number of representations against the application. She confirmed that the EHS had no real concerns regarding the operation of the Premises, however she was happy to assist the Sub-Committee if they had any questions. She referred to proposed condition 20 regarding deliveries to the Premises and advised that the Applicant wished to change the wording to allow for their bakery delivery to continue between 05:30 and 07:00 hours.

In response to questions from the Sub-Committee, Mrs Kriventsova confirmed that there had never been any complaints from residents regarding the delivery as it was always a quiet and quick delivery. She outlined that there was also a bus stop located at the front of the building/Premises so residents were familiar with traffic noise and vehicles stopping outside of the building. She advised that the proposed conditions that would be attached to the Premises Licence would alleviate the residents' concerns regarding public safety and public nuisance. She confirmed that currently there would be no deliveries of takeaway, however she would prefer not to

have a condition on the Premises Licence that prevented the café/deli using third party delivery companies in the future.

Mr Michael Feeney, Legal Advisor to the Sub Committee referred to the proposed conditions in the Agenda Pack. He then went through all the conditions with the Environment Health Service and the Applicant and agreed the wording of conditions so as to ensure that there was no duplication between the conditions agreed with the Metropolitan Police and the conditions agreed with the Environmental Health Service.

Mr Feeney discussed the capacity of the Premises in some detail with both parties and both parties agreed that the capacity of 20 customers would apply only to people seated within the café and not to all customers. The Sub-Committee emphasised that there was to be no vertical drinking of alcohol within the Premises and that all alcohol needed to be served by waitress/waiter to seated customers only.

The Sub Committee advised that if any Premises within an area was causing public nuisance and/or not promoting the Licensing Objectives the residents and/or Responsible Authorities had the opportunity to call for a Review of the Premises Licence by the Sub Committee.

### **Reasons and Conclusion**

1. The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
2. Overall the Sub-Committee considered that the Application would promote the licensing objectives. The Applicant had agreed a set of robust conditions with the Responsible Authorities, which would ensure that the Premises did not undermine the licensing objectives. In particular, the agreed conditions would ensure that the Premises would not be able to operate as a pub or bar. The service of alcohol would be by waiter or waitress service only, and the licensable activities would have to remain ancillary to the function of the Premises as a café. In reaching the conclusion that the Application would promote the licensing objectives, the Sub-Committee placed great weight on the fact that the Responsible Authorities were satisfied with the Application.
3. The Sub-Committee noted the legitimate concerns raised by local residents, in particular the concerns focused on drinking in public areas near the Premises. However, there was no evidence that the Premises contributed to the public drinking, and the Sub-Committee considered that granting the Application would not exacerbate the problems associated with public drinking. The Applicant proposed to sell relatively expensive bottles of wine (£20 upwards), and public drinkers were more likely to buy alcohol from nearby shops. In addition, the agreed conditions meant that the Premises would not operate as a vertical drinking establishment, and the Premises would also have to close at 20:00. The early closing time would ensure that residents would not be disturbed late in the evening and into the night.

4. The Sub-Committee considered it reasonable to amend the conditions as requested by EHS to ensure that the bakery deliveries could continue. There was no evidence before the Sub-Committee that the bakery deliveries (which already happen) were causing nuisance to local residents.
5. Although the Sub-Committee was pleased to note that the Applicant was flexible and willing to agree other conditions as well, the Sub-Committee did not consider it proportionate or appropriate to impose conditions restricting the sale of super strength beers or making the sale of alcohol ancillary to food. In respect of super strength beers, the conditions ensured that the Premises would not operate as a vertical drinking establishment and it was not felt proportionate to restrict the sale of alcohol any further for a café that would have to close at 20:00. In respect of providing food, the agreed conditions required the sale of alcohol to be ancillary to the operation of the Premises as a café, and the Sub-Committee considered that this provided sufficient protection. Adding another condition to a café that closes at 20:00 was considered to be disproportionate.
6. The Sub-Committee did consider it appropriate and proportionate to add a condition requiring that the manager's contact details be made available. The Applicant had agreed to this condition, and this would ensure that there was open communication between the Premises and local residents in the future.
7. Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, **the Committee has therefore decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:
  1. To grant permission for **Sale by Retail of Alcohol (On Sales)** Monday to Sunday 12:00 to 20:00.
  2. To grant permission for **Sale by Retail of Alcohol (Off Sales)** Monday to Sunday 09:00 to 20:00.
  3. To grant permission for **the Opening Hours of the Premises** Monday to Friday 08:00 to 20:00, Saturday to Sunday 09:00 to 20:00.
  4. That the Licence is subject to any relevant mandatory conditions.
  5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
  6. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as an eatery/café.
  7. The number of persons seated at a table permitted in the premises at any one time shall not exceed 20 persons excluding staff.

8. The supply of alcohol for on the premises consumption shall only be by waiter and waitress service to a person seated at a table.
9. All off sales of alcohol for consumption off and away from the premises shall be in sealed containers only, and shall not be consumed on or at the premises.
10. The sale and supply of alcohol for consumption off the premises, at authorised tables, shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway, and where the supply of alcohol is by waiter or waitress service only.
11. All outside tables and chairs shall be removed from the highway by 20:00 each day.
12. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them unless seated in an authorised external seating area.
13. 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.
14. 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.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day, save for bakery deliveries.
17. 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.
18. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. 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.
22. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
23. 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.
24. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
25. The ground floor premises shall only operate as an eatery/café,
  - (i) in which the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provides food in the form of meals at a table that are prepared on the premises and are consumed at the table.
26. 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.
27. 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.
28. 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.

29. 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
30. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
  - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
31. 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 and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
1 August 2024**

**2. 5 GOSLETT YARD, LONDON, WC2H 0EA**

This application was Granted under Delegated Authority before the hearing.

The Meeting ended at 10.58 am