

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/10982/LIPV
Date:	12 February 2015
Classification:	For General Release
Title of Report:	Shaftesbury Food And Wine 25-27 Shaftesbury Avenue London W1D 7EQ
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton, Environmental Health Case Officer
Contact Details:	Telephone: 020 7641 1868 E-mail: seaton1@westminster.gov.uk

#### APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.			
Applicant:	Shaftesbury Food And Wine	Date Application Received:	8 December 2014	
Premises Name and Address:	Shaftesbury Food And Wine 25-27 Shaftesbury Avenue London W1D 7EQ			
Ward Name:	West End	Stress Area	West End	
Premises Description:	The premises operate as a shop.		ete Night Pofroshment	
Variation description	The applicant wishes to vary the premises licence to permit Late Night Refrest Monday to Thursday until 23:30 and 00:00 on Friday and Saturday by way of the pre-cooked food on the premises. And to add conditions.		urday by way of heating	

# 1. Proposed Licensable Activities and Proposed Hours:

Variation to Licensable Activities
Late Night Refreshment: Indoors
Monday to Thursday – 23:00 to 23:30 Friday to Saturday – 23:00 to 00:00
Sale of Alcohol: On and Off the premises
No Change
Non Standard Timings
No Change
Capacity
No Change
Opening Hours
No change

#### 1.2 To add the following conditions

- The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a convenience store.
- Late night refreshment shall be limited to hot food that is reheated in a
  microwave oven operated by staff behind the counter where customers will not
  have access. There shall be no primary cooking on the premises.
- 3. A personal licence holder shall be on the premises during the hours licensable activities are permitted.
- 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 is to be made available to residents and businesses in the vicinity.
- 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.

#### 2. Relevant representations

- 2.1 The Environmental Health Service has made an adverse representation against this application as the hours requested to permit late night refreshment will have the likely effect of causing an increase in Public Nuisance.
- 2.2 The Metropolitan Police service has not made comments relating to this application.

#### 3. Policies Applicable

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

Prevention of crime and disorder (CD1)
Public safety (PS1)
Prevention of Public Nuisance (PN1)
Protection of children from harm (CH1)
Hours (HRS1)
Stress Area (STR1)
Fast Food Premises inside the Stress Area (FFP2)

#### 3.2 Policy HRS1 Applies:

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be

considered on their merits, subject to other relevant policies

#### 3.3 Policy STR1 Applies:

(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact

in the Stress Areas.

#### 3.4 Policy FFP2 Applies:

It is the Licensing Authority's policy to refuse applications in the Stress Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

#### 4. Summary

- 4.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:
  - prevention of public nuisance,
  - prevention of crime & disorder,
  - public safety and
  - protection of children from harm.
- Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

#### 5. Current Licensing Position

These premises currently hold a Premises Licence 14/08911/LIPVM. Full licence history can be found in **Appendix A**.

#### 6. Residential Density

53 of the 222 units within a 75m radius of the premises are residential or proposed residential or under construction (32%), refer to Appendix C.

#### 7. List of Appendices

- A Premises Licence History
- B Conditions
- C Residential Map and list of premises in the vicinity

## 8. Background Documents - Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)
- Application form
- Letter sent to objectors
- Existing Premise Licence
- Representations received
- Photos

#### **Licence & Appeal History**

Application	Details of Application	Date determined	Decision
New Premises Licence Application	Late Night Refreshment	22/05/2008	Refused by Licensing Sub Committee
'Big Bite'	Monday – Sunday		
08/02902/LIPN	23:00 to 05:00		
New Premises Licence	Sale of Alcohol	17/10/2013	Granted by Licensing Sub Committee
13/06426/LIPN	Monday – Saturday 08:00 to 23:00 Sunday 12:00 to 22:30	i i	is a second of the second of t
Minor Variation Application	Internal Layout Changes	05/11/2014	Granted under Delegated Authority
14/08911/LIPVM			Danding
Variation Application	As detailed in report		Pending
14/10982/LIPV			

# 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 - 14/08911/LIPVM

#### Mandatory:

- 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
- 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+(DxV)

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

#### None

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

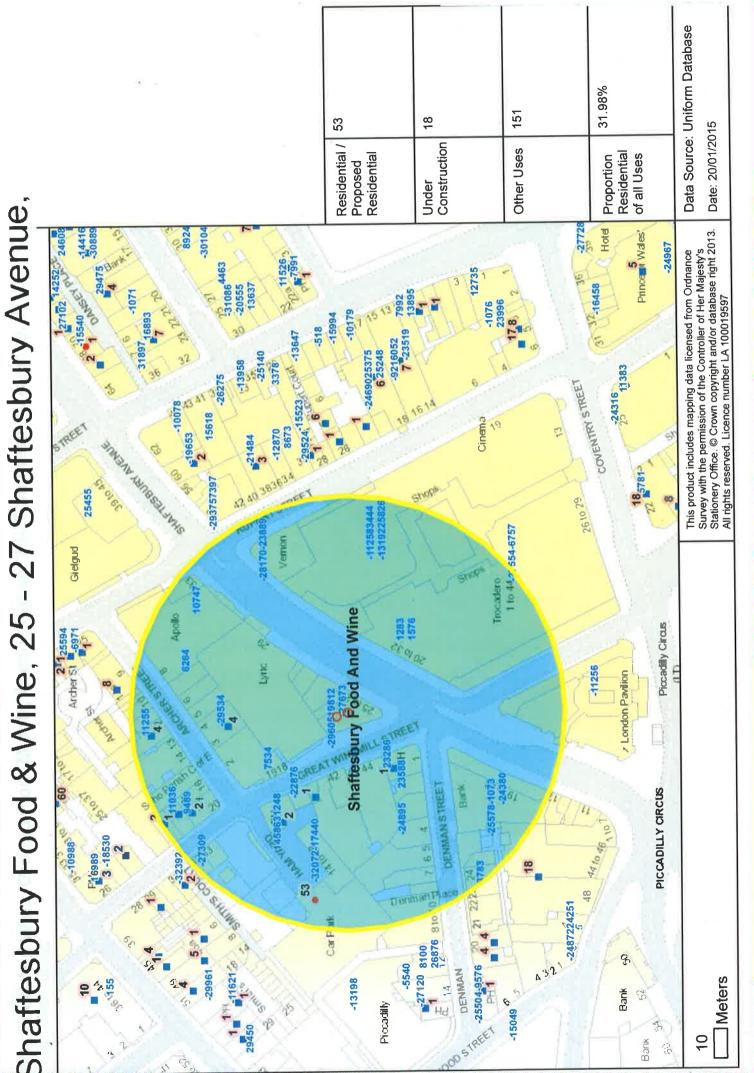
- 6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- 7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 8. 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.
- 9. 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.
- There shall be no self service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
- 11. 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.
- 12. All cashiers will receive refresher training on the relevant alcohol laws and the licence holder's policy on Challenging for such 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 relevant officer of a responsible authority.
- 13. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence holder so elects) for evidence of age. This 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.
- 14. 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.

- 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.
- 16. 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.
- 17. 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.
- 18. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.
- 19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 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 Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
- 22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 23. No deliveries to the premises shall be arranged between 23.00 and 08.00 next day.
- 24. No single cans or bottles of beer or cider shall be sold at the premises.
- 25. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
- 26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

#### Conditions consistent with the operating schedule

- 27. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a convenience store.
- 28. Late night refreshment shall be limited to hot food that is reheated in a microwave oven operated by staff behind the counter where customers will not have access. There shall be no primary cooking on the premises.
- 29. A personal licence holder shall be on the premises during the hours licensable activities are permitted.
- 30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 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.
- 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.

# APPENDIX C



Premises within 75 metres of: Shaftesbury	Food And Wine, 25-27 Shaftesbury Avenue	∍, W1D 7EQ
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p / n	Name of Premises	Premises Address	Opening Hours
21606	Grace	42 - 44 Great Windmill Street W1D 7LU	Monday to Saturday 09:00 - 01:30 Sunday 09:00 - 23:00
23286	St James' Tavern Public House	45 Great Windmill Street W1D 7NE	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 Sundays before Bank Holidays 12:00 - 00:00
-32072	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard W1D 7DT	Monday to Sunday 00:00 - 00:00
-28170	Fratelli La Bufala	40 Shaftesbury Avenue W1D 7ER	Monday to Sunday 09:00 - 01:00
-27673	Shaftesbury Food And Wine	Ground Floor Middle Avenue House 25 - 27 Shaftesbury Avenue W1D 7EQ	Monday to Sunday 07:00 - 01:00
-27309	Soju Restaurant	32 Great Windmill Street W1D 7LR	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30
-24380	The Dog House	23B Shaftesbury Avenue W1D 7EF	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
-19533	Yo! Sushi	Unit 34a Trocadero 13 Coventry Street W1D 7AB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-17440	Engawa	2 Ham Yard W1D 7DT	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30
-1073	The Diner	19 Shaftesbury Avenue W1D 7ED	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:00 Sundays before Bank Holidays 12:00 - 00:0
1576	Rainforest Cafe	20-24 Shaftesbury Avenue W1D 7EU	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 03:00
3444	District	Basement 21 Rupert Street W1D 7PJ	Monday to Sunday 09:00 - 03:00
7534	The Windmill	17-19 Great Windmill Street W1D 7LQ	Monday to Saturday 09:00 - 05:30 Sunday 09:00 - 03:00
9489	Be At One	20 Great Windmill Street W1D 7LA	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:50
11036	Melati Restaurant	21 Great Windmill Street W1D 7LB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14586	The Lyric Public House	37 Great Windmill Street W1D 7LT	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30
19812	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue W1D 7EG	Monday to Sunday 09:00 - 00:00
23588	Shoryu Soho	2-3 Denman Street W1D 7HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
25826	Platinum Lace Gentleman's Club	Unit 33 Trocadero 13 Coventry Street W1D 7AB	Monday to Saturday 15:00 - 06:30 Sunday 15:00 - 03:30
31248	The Lyric Public House	37 Great Windmill Street W1D 7LT	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 Sundays before Bank Holidays 12:00 - 00:
-29605	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue W1D 7EQ	Monday to Thursday 05:00 - 00:00 Friday to Saturday 05:00 - 01:00 Sunday 05:00 - 23:00

-29534	Archer Street	Basement And Ground Floors 3-4 Archer Street W1D 7AP	Monday to Saturday 09:00 - 01:30 Sunday 09:00 - 23:00 Sundays before Bank Holidays 09:00 - 00:00
-25578	Japan Centre	19 Shaftesbury Avenue W1D 7ED	Monday to Saturday 08:00 - 23:30 Sunday 12:00 - 23:00
-24895	Chilli Shaker Indian Cuisine	4 Denman Street W1D 7HD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-23889	Bar Rumba	Ground Floor Unit 17d Trocadero 13 Coventry Street W1D 7ER	Monday to Saturday 09:00 - 06:00 Sunday 09:00 - 03:30
-22876	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street W1D 7LX	Monday to Saturday 11:00 - 01:00 Sunday 11:00 - 00:00
-13192	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street W1D 7AB	Monday to Thursday 09:00 - 23:30 Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 22:30 Sundays before Bank Holidays 09:00 - 00:0
-11258	Ed's Easy Diner	Unit 34B Trocadero 19 Rupert Street W1D 7PN	Monday to Saturday 10:00 - 00:30 Sunday 10:00 - 00:00
1283	Golden Nugget Casino	22-32 Shaftesbury Avenue W1D 7EU	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
6264	Gelupo	7 Archer Street W1D 7AP	Sunday to Wednesday 11:00 - 23:00 Tuesday to Saturday 11:00 - 01:00
10747	Apollo Theatre	Apollo Theatre 31-33 Shaftesbury Avenue W1D 7EA	Monday to Sunday 09:00 - 00:00
11255	Bocca Di Lupo	Ground Floor 12 Archer Street W1D 7BB	Monday to Saturday 07:30 - 00:00 Sunday 11:00 - 23:30

# Background Documents

# Thomas & Thomas

# Application to vary a premises licence under the Licensing Act 2003 CENSING SERVICE

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this west miles hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black

hand please write ink. Use additiona	legibly in block capitals. I sheets if necessary.	In all cases er	nsure that your answers a	re inside the boxes	end w in the second
You may wish to ke	eep a copy of the compl	eted form for	your records.		
(Insert nam	ood and Wine Comp e(s) of applicant) ises licence holder, a e premises described	apply to van	y a premises licence u	inder section 34	of the Licensing
Premises licence 13/06426/LIPN	e number		W.		
Part 1 – Premis		TC			
Postal address of Shaftesbury Foo 25-27 Shaf	od & Wine	ne, ordnance	e survey map referenc	e or description	
Post town	London			Postcode	W1D 7EQ
POST TOWN	10114011	÷			
Telephone nun	nber at premises (if a	any)			
Non-domestic	rateable value of pre	emises	£58000		
Part 2 – Applic	ant details				
Daytime conta telephone nun					
E-mail address	(optional)				
Current postal different from	address if premises address				
Post town				Postcode	

# Please tick as appropriate X Yes □ No Do you want the proposed variation to have effect as soon as possible? DD YYYY MM If not, from what date do you want the variation to take effect? Do you want the proposed variation to have effect in relation to the introduction of the late night levy? ⊠ No Yes (Please see Guidance Note 1) Please describe briefly the nature of the proposed variation (Please see guidance note 2) So as to permit the provision of late night refreshment in the form of pre-cooked food that is heated up on the premises until 23:30 Monday to Thursday and until midnight Friday and Saturday and to add conditions to the premises licence in order to promote the licensing objectives. If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number

Part 3 - Variation

expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provi	sion of regulated entertainment	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
-, d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
ь <i>)</i> h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Prov	vision of late night refreshment (if ticking yes, fill in box I)	
	by retail of alcohol (if ticking yes, fill in box J)	
In al	I cases complete boxes K, L and M	

	Plays Standard days and timings (please read guidance note		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)	Toda Bala	once note		Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for performing plays (plenote 5)	ase read guidar	nce
Thur			20		
Fri			Non standard timings. Where you intend to use the pr performance of plays at different times to those listed left, please list (please read guidance note 6)		on the
Sat			- <del></del>		
Sun					

Films Standard days and timings (please read guidance note		_	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)	reau guiu	ance note	note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the exhibition of films guidance note 5)	s (please read	
Thur					
Fri			Non standard timings. Where you intend to use the period exhibition of films at different times to those listed in the left, please list (please read guidance note 6)	remises for the the column on t	the
Sat					
Sun	****				

Indoor sporting events Standard days and timings (please read guidance note 7)		d timings	Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed		-1	
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat		11	
Sun			

entertai	or wrestlin nments d days and		Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	read guida		read galdanice note 5/	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance r	note 4)	
Tue					
Wed			State any seasonal variations for boxing or wrestling er read guidance note 5)	<u>tertainment</u> (pl	ease
Thur					
Fri	*·***		Non standard timings. Where you intend to use the pre- wrestling entertainment at different times to those list the left, please list (please read guidance note 6)	emises for boxir ed in the colum	ng or n on
Sat			*		,0
Sun	***				

	rd days and		Will the performance of live music take place indoors or outdoors or both – please tick (please read	Indoors	
(please read guidance note 7)		ance note	guldance note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the performance of li guidance note 5)	ve music (please	read
Thur					
Fri			Non standard timings. Where you intend to use the properformance of live music at different times to those in the left, please list (please read guidance note 6)	remises for the isted in the colu	<u>mn</u>
Sat					
Sun					

Standa	ed music rd days and read guida	_	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
(please	read guide	ance note	guidance note 3/	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed	700		State any seasonal variations for the playing of records guidance note 5)	ed music (pleas	e read
Thur					
Fri			Non standard timings. Where you intend to use the pupiling of recorded music at different times to those ling on the left, please list (please read guidance note 6)		
Sat					
Sun			**		-

Standa	mances of rd days an	d timings	Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
(please read guidance note 7)		ance note	note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the performance of guidance note 5)	dance (please	read
Thur					
Fri			Non standard timings. Where you intend to use the performance of dance at different times to those lists the left, please list (please read guidance note 6)	oremises for the	ne nn on
Sat					
Sun	C-01				

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)		t falling ()   timings	Please give a description of the type of entertainment y	you will be provi	ding
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance	Indoors	
Mon			note 3)	Outdoors	
				Both	
Tue	×		Please give further details here (please read guidance	note 4)	
Wed					
Thur			State any seasonal variations for entertainment of a state that falling within (e), (f) or (g) (please read guidance	imilar description note 5)	on to
Fri					
Sat			Non standard timings. Where you intend to use the pentertainment of a similar description to that falling undifferent times to those listed in the column on the learnest guidance note 6)	within (e), (f) or	(g) at
Sun	********				

Standa	ght refres		Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)	read gold	ance note	(please read guidance note 3)	Outdoors	
Day	Start	Finish		Both	
Mon	2300	2330	Please give further details here (please read guidance Pre-cooked food that can be heated up on the premise		
Tue	2300	2330			
Wed	2300	2330	State any seasonal variations for the provision of late (please read guidance note 5)	e night refreshi	<u>nent</u>
Thur	2300	2330			
Fri	2300	0000	Non standard timings. Where you intend to use the provision of late night refreshment at different time the column on the left, please list (please read guida	s, to those liste	
Sat	2300	0000	"		
Sun					

Standar	of alcohol d days and		Will the supply of alcohol be for consumption – please tick (please read guidance note 6)	On the premises	
(please 7)	read gulda	nce note	_	Off the premises	
Day	Start	Finish		Both	
Mon			State any seasonal variations for the supply of alcohoguidance note 5)	[ (please read	
Tue			AS EXISTING		
Wed					
Thur			Non-standard timings. Where you intend to use the supply of alcohol at different times to those listed in the left, please list (please read guidance note 6)	oremises for the the column on t	<u>he</u>
Fri					
Sat					
Sun					

K

Please highlight any adu ancillary to the use of th guidance note 9). NONE	lt entertaio e premises	nment or services, act s that may give rise to	tivities, other enterta concern in respect o	inment or matter f children (please	read
	141				
1					
		<u> </u>			

to the Standa	rd days an	d timings ance note	State any seasonal variations (please read guidance note 5)  AS EXISTING
Day	Start	Finish	
Mon	0700	0100	
Tue	0700	0100	
Wed	0700	0100	
Thur	0700	0100	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	0700	0100	
Sat	0700	0100	27
Sun	0700	0100	

Please identify those conditions currently imposed on the licence which you believe could be a consequence of the proposed variation you are seeking.  NONE	e remov	ed as
=		

I have enclosed the premises licence	
I have enclosed the relevant part of the premises licence	
If you have not ticked one of these boxes, please fill in reasons for not including the licence or par below	t of it
Reasons why I have not enclosed the premises licence or relevant part of premises licence. The updated premises licence has not yet been received following a recent minor variation applicately (14/08911/LIPVM)	ation

#### M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

#### a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

- 1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a convenience store.
- 2. Late night refreshment shall be limited to hot food that is reheated in a microwave oven operated by staff behind the counter where customers will not have access. There shall be no primary cooking on the premises.
- 3. A personal licence holder shall be on the premises during the hours licensable activities are permitted.
- 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 is to be made available to residents and businesses in the vicinity.
- 6. 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.

Please refer to box A) above			
·			
a a			
c) Public safety			
c) Public safety Please refer to box A) above			11

Please refer to box	of public nuisance x A) above			
e) The protection	of children from harm			
Please refer to box				
-> 100				
Checklist:	Please tick to indicate ag	reement		
I have made	or enclosed payment of the fee.	$\boxtimes$		
I have sent copies of this application and the plan to responsible authorities and others				
where appli		$\boxtimes$		
I understand that I must now advertise my application.				
I have enclosed the premises licence or relevant part of it or explanation.				
<ul> <li>I understand rejected.</li> </ul>	d that if I do not comply with the above requirements my application will be	$\boxtimes$		
STANDARD SCALE	, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON T E, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEM ON WITH THIS APPLICATION.	HE MENT IN		
Part 5 - Signature	es (please read guidance note 11)			
		v		
Signature of appli authorised agent what capacity.	icant (the current premises licence holder) or applicant's solicitor or other duly (please read guidance note 12). If signing on behalf of the applicant, please st	r ate in		
Signature	Thomas asl Thomas			
Date	08/12/2014			
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant			
holder) or 2nd ap	ses licence is jointly held, signature of 2nd applicant (the current premises lice plicant's solicitor or other authorised agent (please read guidance note 13). If applicant, please state in what capacity.	ence signing		
Signature				

Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

AC/CHE.39.2

Thomas & Thomas Partners LLP 38a Monmouth Street

Post town	London		Post code	WC2H 9EP
Telephone number (if any)		020 7042 0418		
If you would acatlin@tan	•	pond with you by e-mail, your e-mail a	ddress (optic	onal)

#### **Notes for Guidance**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

- 1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
- 2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or seminudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.

- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

#### CITY OF WESTMINSTER

TO REFERENCE

Samantha Eaton 14/10982/LIPV

FROM
REFERENCE
BEING DEALT WITH BY
TELEPHONE
DATE

EH Consultation Team, 4<sup>th</sup> Floor, City Hall CT/LXJ/14/053511/EHCT Louise Joyce

0207 641 1773 17<sup>th</sup> December 2014

#### Re: Ground Floor Middle, Avenue House, 25-27 Shaftesbury Avenue

I refer to the application for a variation for the above premises licence.

This representation is based on the application submitted and the operating schedule.

The applicant is seeking the following:

1. To provide facilities for late night refreshment 'Indoors' and 'Outdoors' of the premises Monday to Thursday 2300 hours to 2330 hours and Friday to Saturday 2300hours to 0000 hours.

I wish to raise following representations:

1. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has proposed conditions; however any variation to a Premises Licence granted will be <u>subject to additional conditions</u> to address the licensing objectives of Prevention of Public Nuisance.

Should you wish to discuss the matter further please do not hesitate to contact me.

Louise Joyce Environmental Health Officer

#### Eaton, Sam

From:

Joyce, Louise

Sent: To: 20 January 2015 16:41 Thomas O'Maoileoin

Cc:

Eaton, Sam

Subject:

14/10982/LIPV Shaftesbury Food AND Wine

Hi Thomas,

Hope you are well.

In relation to the above application for a variation to include LNR, I visited the premises this afternoon and met with an employee Samir. I'm not going to propose any conditions for this application as no conditions are appropriate to address policy and so the application will be determined by LSC.

If you have any questions in relation to the application please don't hesitate to contact me.

Kind Regards,

#### **Louise Joyce**

Environmental Health Officer Environmental Health Consultation Team **Premises Management** 

Westminster City Hall - 4th Floor 64 Victoria Street London SW1E 6QP

Tel: 020 7641 1773 Fax: 020 7641 3436

Email: ljoyce@westminister.gov.uk www.westminster.gov.uk



#### Schedule 12 Part A

WARD: West End UPRN: 010033543159

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

Premises licence

Regulation 33, 34

Premises licence number:	14/08911/LIPVM	
Original Reference:	13/06426/LIPN	
Part 1 – Premises details		
Postal address of premises:		
Shaftesbury Food And Wine Avenue House 25-27 Shaftesbury Avenue London W1D 7EQ	6 ×	
Telephone Number: Not suppl	lied	
Where the licence is time limit	ited, the dates:	
Not applicable		
and the second second	and his the Beeneds	
Licensable activities authoris	sed by the licence:	
Sale by Retail of Alcohol	1	
The times the licence authori	ses the carrying out of licensable activities:	
Sale by Retail of Alcohol		
Monday to Saturday: Sunday:	08:00 to 23:00 12:00 to 22:30	
The engine become of the use	amin on a	
The opening hours of the pre	emises:	
Monday to Sunday:	07:00 to 01:00	
	3	
Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:		

#### Part 2

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

The Chelsea Food And Wine Company Limited

Alcohol is supplied for consumption off the Premises.

20 Cale Street	
London	
SW3 3QU	
Registered number of applicable)	f holder, for example company number, charity number (where
05729781	
Name, address and te premises licence auth	lephone number of designated premises supervisor where the norises the supply of alcohol:
Name:	Hingu Nirav Ghanshyam Bhai
Please note: It is the please details of a designate	policy of the Licensing Authority not to display the address d premises supervisor.
	to an all increase out herity of personal license held by decignated
premises supervisor	ber and issuing authority of personal licence held by designated where the premises licence authorises for the supply of alcohol:
Licence Number:	02916
	London Borough Of Ealing
Data	15 December 2014
Date:	

This licence has been authorised by Miss Susan Patterson on behalf of the 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 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+(DxV)

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

- "value added tax" means value added tax charged in accordance with the (e) Value Added Tax Act 1994.
- Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this 5(iii). 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.
- Sub-paragraph 5(iv)(2) below applies where the permitted price given by 5(iv). (1) 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.

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

# Annex 2 - Conditions consistent with the operating Schedule

None

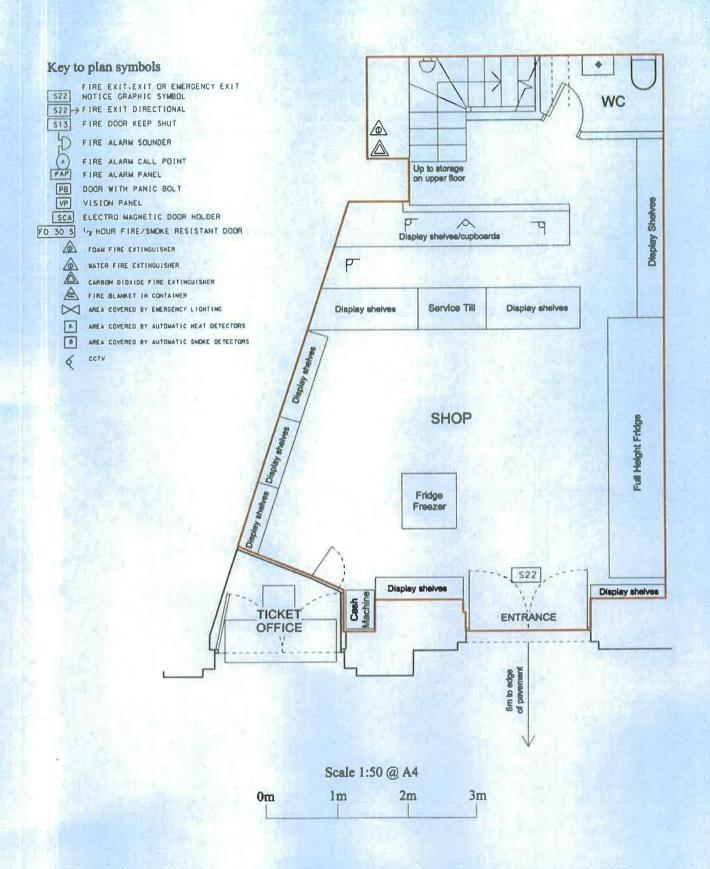
#### Annex 3 – Conditions attached after a hearing by the licensing authority

- 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.
- 7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 8. 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.
- 9. 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.
- 10. There shall be no self service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
- 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.
- All cashiers will receive refresher training on the relevant alcohol laws and the licence holder's policy on Challenging for such 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 relevant officer of a responsible authority.
- The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence holder so elects) for evidence of age. This 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.
- 14. 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.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.

- 19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 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 Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
- 22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 23. No deliveries to the premises shall be arranged between 23.00 and 08.00 next day.
- 24. No single cans or bottles of beer or cider shall be sold at the premises.
- 25. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
- 26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Annex 4 – Plans

Attached



Existing Ground Floor Plan 25 - 27 Shaftesbury Avenue Sept 2014



#### Schedule 12 Part B

WARD: West End UPRN: 010033543159

# Premises licence summary

Regulation 33, 34

Premises licence number:	14/08911/LIPVM
Part 1 – Premises details	**
Postal address of premises:	
Shaftesbury Food And Wine Avenue House 25-27 Shaftesbury Avenue London W1D 7EQ	¥ =
Telephone Number: Not suppl	ied
Where the licence is time limit Not applicable	ted, the dates:
,	
Licensable activities authoris	ed by the licence:
Sale by Retail of Alcohol	
The times the licence authoris	ses the carrying out of licensable activities:
Sale by Retail of Alcohol Monday to Saturday: Sunday:	08:00 to 23:00 12:00 to 22:30
The opening hours of the pre	mises:
Monday to Sunday:	07:00 to 01:00

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:

The Chelsea Food And Wine Company Limited 20 Cale Street London

SW3 3QU	
Registered num	mber of holder, for example company number, charity number (where
05729781	
Name of desig	nated premises supervisor where the premises licence authorises for alcohol:
Name:	Hingu Nirav Ghanshyam Bhai
State whether	access to the premises by children is restricted or prohibited:
Restricted	
Date:	15 December 2014

This licence has been authorised by Miss Susan Patterson on behalf of the Operational Director - Premises Management.





