



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	29 October 2015
Licensing Ref No:	15/06907/LIPN - New Premises Licence
Title of Report:	Shepherds Market Fine Wine 21 & 23 Shepherd Market London W1J 7PN
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 August 2015		
Applicant:	Shepherds Market Fine Wine		
Premises:	Shepherds Market Fine Wine		
Premises address:	21 & 23 Shepherd Market London W1J 7PN	Ward:	West End
		Stress Area:	No
Premises description:	The premises are to operate as a wine shop.		
Premises licence history:	No previous licence history		

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations:	N/A						
Non-standard timings:	N/A						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations:	N/A						
Non-standard timings:	N/A						
Adult Entertainment:	N/A						

2. Representations

2-B Other Persons	
Name:	Frank Sawkins
Address and/or Residents Association:	45A Curzon Street London W1J 7UQ

Status:	Resident	In support or opposed:	Opposed
Received:	17 th September 2015		

In response to your letter of 19th August, I live with my family at the above address which backs onto Shepherd Market. As a long-term resident I strongly oppose the granting of this proposed new licence on the grounds of prevention of disorder and prevention of public nuisance.

There are already too many licensed premises in this small area creating increasing disturbance for residents to a level which makes it almost intolerable to live here.

We suffer from noise from both inebriated people and of empty bottles crashing on waste trucks. Despite this council continues to give more and more licences in these overcrowded, formerly charming streets. Enough is enough!

I strongly oppose the granting of this new premises licence which I believe is bound to exacerbate existing problems of noise and disorder late into the evenings.

Name:	Cllr Glenys Roberts		
Address and/or Residents Association:	Westminster City Council City Hall 64 Victoria Street London		
Status:	Councillor	In support or opposed:	Opposed
Received:	17 th September 2015		

I want to support the residents in opposing this new licence. On grounds of potential public nuisance and disturbance, I may wish to speak at the hearing. Regards Cllr Roberts

Name:	Mr Stephen Colover		
Address and/or Residents Association:	4 Shepherd Market London W1J 7QB		
Status:	Resident	In support or opposed:	Opposed
Received:	14 th September 2015		

As a resident of Shepherd Market.. No 4 I strongly oppose the granting of a new licence for these premises on the grounds of prevention of disorder and prevention of public nuisance.

It appears that the increase of licensed premises is never ending! Disturbance for the residents is continually increasing making it intolerable to live here. Noise from both inebriated people and the increase of empty bottles crashing on waste trucks. Shisha bars all over the place are all making the residents life hell and the council still gives out more and more licences in this small area. Enough is enough!

I strongly oppose granting the above with a new premises license as I firmly believe that it will contribute to more noise and disorder late into the evenings.

Name:		Mr Ron Whelan	
Address and/or Residents Association		Chairman Mayfair Residents Group 29A Brook Street London W1K 4HE	
Status:	Resident Association	In support or opposed:	Opposed
Received:	17 th September 2015		
<p>The Mayfair Residents Group would like to support local Shepherd Market residents in their opposition to this new license application.</p>			

3. Policy & Guidance

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

Policy HRS1	<p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
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4. 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
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Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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

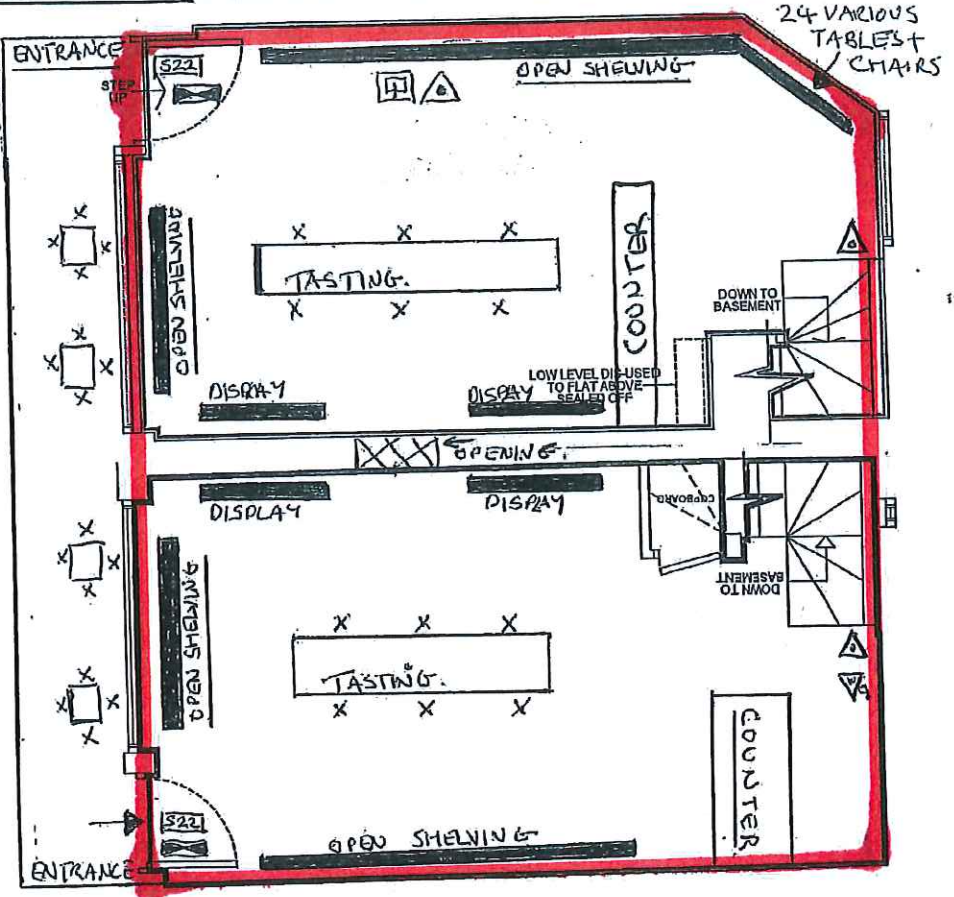
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

APPENDIX 1

SHEPHERD'S MARKET WINE SHOP 21-23 SHEPHERDST

GROUND FLOOR.

STREET



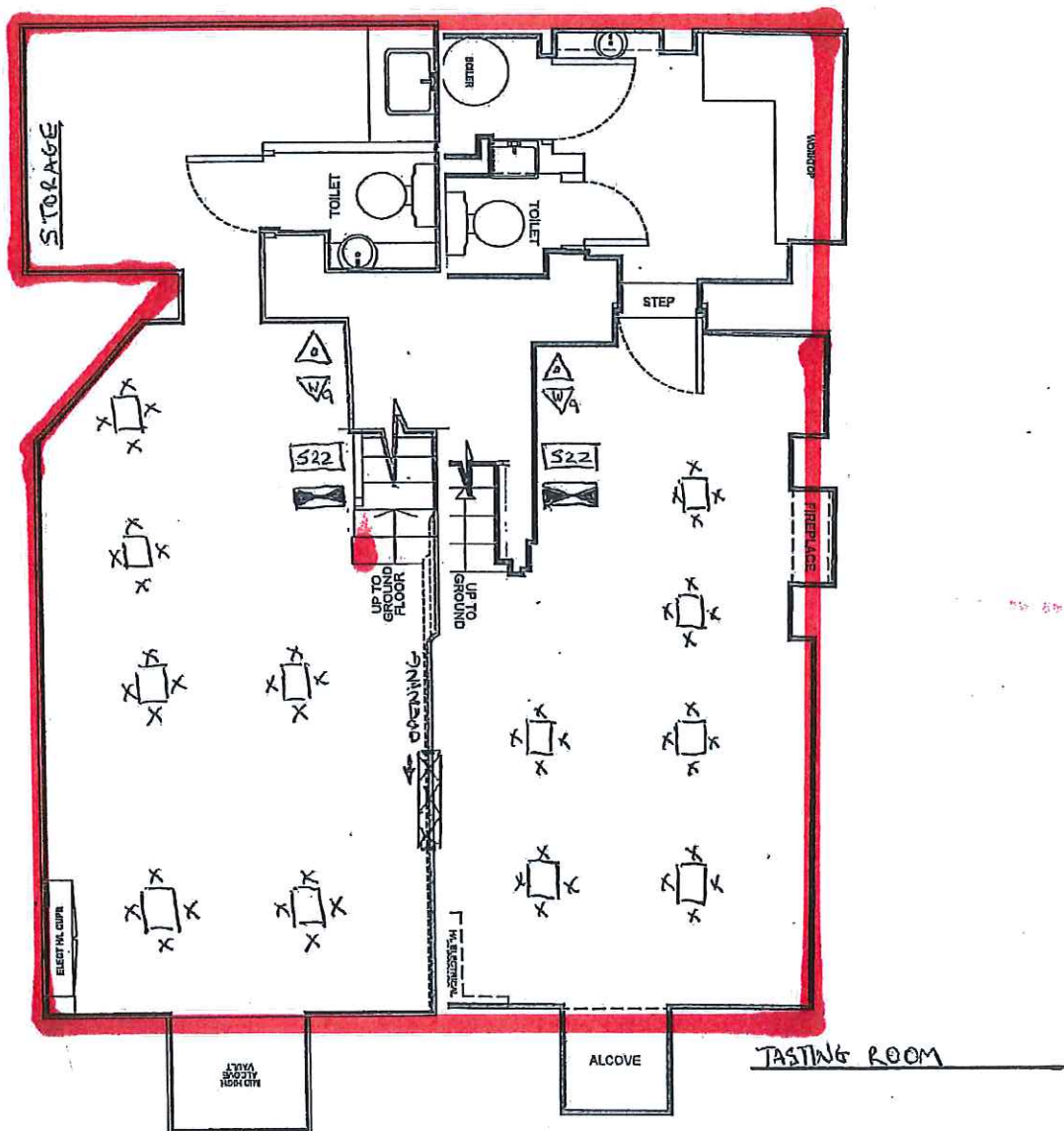
FIRE EXTINGUISHER.



INTERNALLY ILLUMINATED ESCAPE LIGHTING



1 X TABLE + 4 CHAIRS.



Basement



Appendix 2

NO SUPPORTING DOCUMENTATION

Appendix 3

Licence and Appeal History

There is no licence and 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 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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Proposed Police Conditions agreed with Applicant

11. 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.
12. 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.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, save for sales to seated customers at the tables and chairs located immediately outside the premises and licensed by the city council.
14. 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.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
16. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. Alcohol consumed on the premises shall only be consumed by patrons seated at tables.
18. The supply of alcohol for consumption on the premises shall be by waiter or waitress

service only.

19. 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.
20. 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.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
22. 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.
23. The "On" sale of alcohol shall only take place between 10:00 – 23:00 hours (Monday-Saturday) and 12:00-22:30 hours (Sunday).
24. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

Proposed Environmental Health Service Conditions agreed with Applicant

25. The supply of alcohol 'on' the premises shall be to persons seated and by waiter or waitress service only.
26. The number of persons seated and benefiting from 'on' sales at the premises (excluding staff) shall not exceed 30 persons. Subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer, the capacity may be increased to such number as may be agreed with the licence holder. The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.
27. 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.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. 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.
30. 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.
31. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
32. 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.
33. 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.

APPENDIX 5

Shepherds Market Fine Wine 21 Shepherd Market



Residential / Proposed Residential	312
Under Construction	
Other Uses	
Proportion Residential of all Uses	

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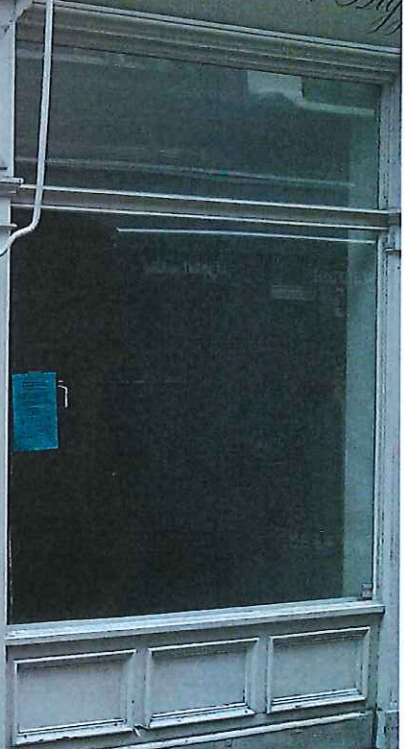
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 Date: 16/10/2015

Premises within 75 metres of:			
p / n	Name of Premises	Premises Address	Licensed Hours
27524	Da Corradi Restaurant	Basement And Ground Floor 20-22 Shepherd Market London W1J 7QJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-26143	Yazu Sushi	Basement Part And Ground Floor 46 Curzon Street London W1J 7UH	Monday to Saturday 12:00 - 22:00
-24060	L'Ello Caffè	Basement And Ground Floor 46-48 Shepherd Market London W1J 7QS	Monday to Sunday 08:00 - 20:30
-18409	Cafe Ambassadeur	Ground Floor 2 Shepherd Street London W1J 7JE	Monday to Sunday 06:00 - 23:30
-16197	Kings Arms	Whole Building 2 Shepherd Market London W1J 7QA	Sunday 10:00 - 00:00 Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:00
-14121	Ye Grapes	16 Shepherd Market London W1J 7QQ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-7452	The Little Square	3 Shepherd Market London W1J 7PB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3589	The Market Tavern	7 Shepherd Street London W1J 7HR	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
11437	5 Hertford Street	55 Shepherd Market London W1J 7PU	Monday to Tuesday 09:00 - 01:30 Wednesday 09:00 - 02:30 Thursday to Saturday 09:00 - 03:00 Sunday 12:00 - 00:30 Sundays before Bank Holidays 12:00 - 03:30
15268	L'autre Wine Bar	5B Shepherd Street London W1J 7HP	Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
19107	The Old Express	Basement And Ground Floor 30 Shepherd Market London W1J 7QN	Monday to Saturday 06:00 - 00:00 Sunday 08:00 - 23:30
21220	Misto	7 Shepherd Market London W1J 7PE	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30
-30293	New Taj Mahal Restaurant	2 White Horse Street London W1J 7LB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-27531	Al Hamra Restaurant	31-33 Shepherd Market London W1J 7PT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-24294	Sofra International Limited	19 Trebeck Street London W1J 7LU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

-21597	Brasserie Al Hamra	52 Shepherd Market London W1J 7QU	Monday to Saturday 09:00 - 23:00 Sunday 12:00 - 22:00	
-18703	Alfie Turmeaus Tobacconist	1 White Horse Street London W1J 7LB	Monday to Saturday 10:00 - 18:00 Sunday 12:00 - 16:00	
-3904	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00	
-3730	The Market Brasserie	18 Shepherd Market London W1J 7QH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00	
-1568	Iran Restaurant	27 Shepherd Market London W1J 7PR	Monday to Saturday 07:00 - 00:00 Sunday 08:00 - 23:00	
6255	Shepherds Tavern	50 Hertford Street London W1J 7SS	Friday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30 Sunday 10:00 - 23:00 Sunday 12:00 - 00:00	
12942	L'artiste Muscle	1 Shepherd Market London W1J 7PA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00	
14350	Mayfair Tandoori Indian Restaurant	Basement And Ground Floor Front 10 Shepherd Market London W1J 7QF	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 00:00	

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Damian Hill



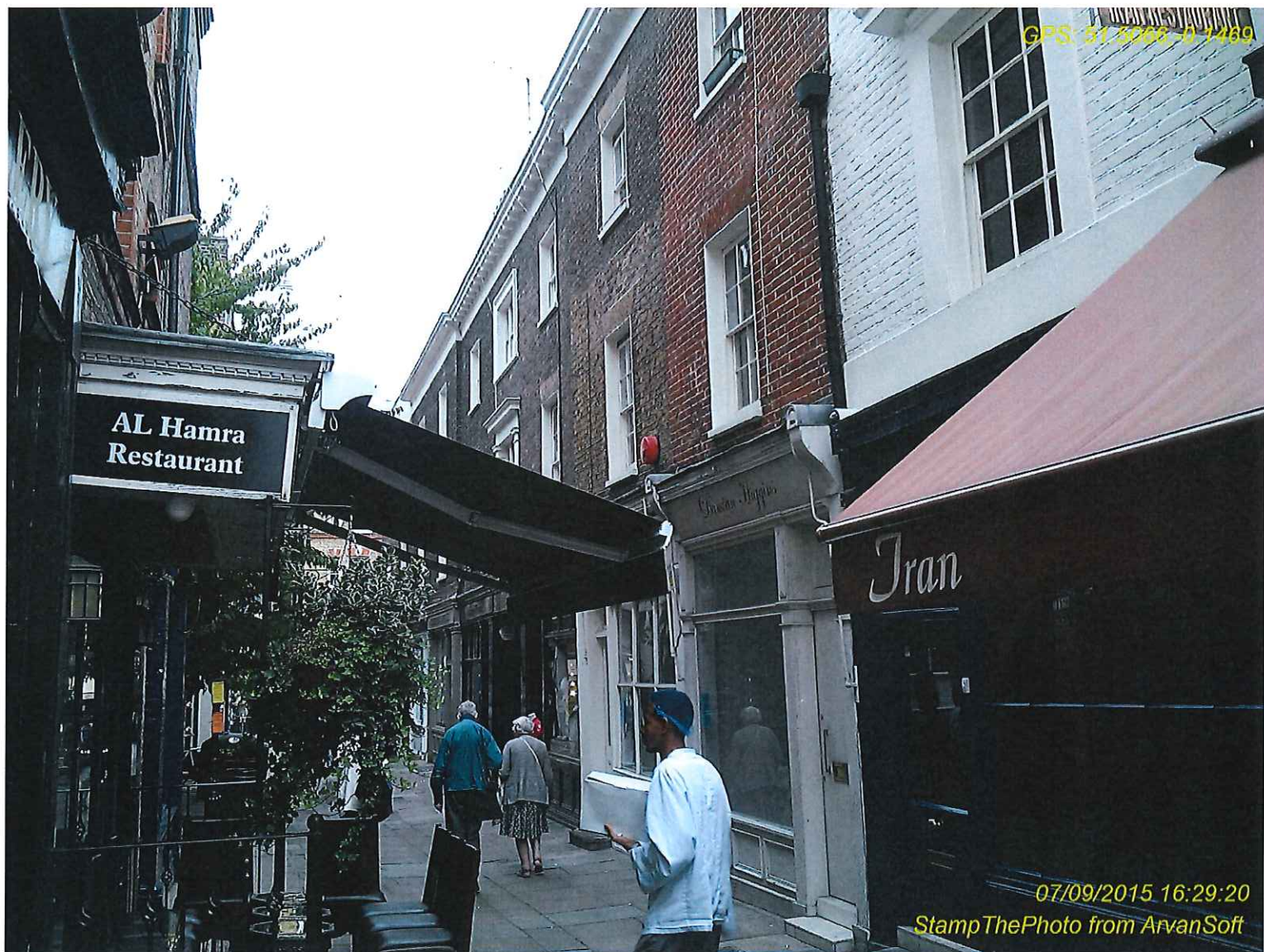
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