



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	12 th January 2016
Licensing Ref No:	15/09578/LIPV - Premises Licence Variation
Title of Report:	Shiori 45 Moscow Road London W2 4AH
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Steve Rowe Senior Licensing Officer
Contact details	Telephone: 020 7641 7825 Email: srowe@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	28 October 2015		
Applicant:	Cocoro Bayswater Limited		
Premises:	Shiori		
Premises address:	45 Moscow Road London W2 4AH	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
Premises description:	Japanese Restaurant		
Variation description:	a) To extend the opening hours of the premises Monday to Saturday from 12:00 to 23:00 b) To open the premises on Sunday from 12:00 to 22:30 c) To extend the hours for sale of alcohol Monday to Saturday from 12:00 to 22:30 d) To permit sale of alcohol on Sunday from 12:00 to 22:00		
Premises licence history:	The premises are currently licensed under the Licesing Act 2003 for the Sale by Retail of Alcohol (15/08817/LIPDPS)		
Applicant submissions:	The applicant has not provided any submissions in support of their application.		

1-B Current and proposed licensable activities, areas and hours

		Sale by Retail of Alcohol							
On or off sales						Current :		Proposed:	
						Both		Both	
	Current Hours		Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:			Current:	Proposed:	
Monday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Tuesday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Wednesday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Thursday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Friday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	

Saturday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change
Sunday	N/A	N/A	N/A	N/A	12:00	22:00	Ground Floor	No Change

Seasonal variations:	Current:	Proposed:
	N/A	N/A
Non-standard timings:	Current:	Proposed:
	N/A	N/A

Hours premises are open to the public

	Current Hours		Current Hours		Proposed Hours		Premises Area	
	Start:	End:			Start:	End:	Current:	Proposed
Monday	12:00	23:00	18:00	22:30	12:00	23:00	No Change	
Tuesday	12:00	23:00	18:00	22:30	12:00	23:00		
Wednesday	12:00	23:00	18:00	22:30	12:00	23:00		
Thursday	12:00	23:00	18:00	22:30	12:00	23:00		
Friday	12:00	23:00	18:00	22:30	12:00	23:00		
Saturday	12:00	23:00	18:00	22:30	12:00	23:00		
Sunday	N/A	N/A	N/A	N/A	12:00	22:30		
Seasonal variations:	Current:				Proposed:			
	N/A				N/A			
Non-standard timings:	Current:				Proposed:			
	N/A				N/A			

2. Representations

2-B Other Persons			
Name:		Miss Karin Amstad	
Address and/or Residents Association:		26 Windsor Court Moscow Road London	
Status:	Local resident	In support or opposed:	Opposed
Received:	12 November 2015		
<p>We object to the late opening hours on Sunday as this is a residential area where on Sunday evening/night only a few regular customers would be expected apart from maybe tourist groups which we believe are much better catered for on Queensway anyway.</p>			
Name:		Mr Tim Snell	

Address and/or Residents Association:		Chenies House, 37 Moscow Road.	
Status:	Local resident	In support or opposed:	Opposed
Received:	6 th November 2015		
<p>We currently experience a significant problem of on-street drinking, both from the Phoenix Pub and nearby off licences. This is causing a public nuisance with the associated anti social behaviour (noise, urination in public, litter, public safety). Any variation to the existing licence to allow drinks to be sold for consumption off the premises should be resisted. Its approval would compound the existing problem, and contribute to the gradual but significant erosion of the quality of life of nearby residents. For these reasons the application should be rejected.</p>			
Name:		Mrs Laura Marani	
Address and/or Residents Association		30 Windsor Court Moscow Road London	
Status:	Local resident	In support of opposed:	Opposed
Received:	3 rd November 2015		
<p>The application only states 'Variation' not what to. I can only suppose they wish to prolong the hours of the licence. All the objections to this have already been recorded in the past and they remain the same. In a mainly residential neighbourhood prolonged licensing hours cause great disturbances with noise, fights, dirt, vomit, litter and smells (particularly urinating against walls.) (I am not suggesting it is only clients from these premises who cause these - but longer hours increase the potential for it) Could also open the flood gates for all other licensed premises in the area to apply for longer opening hours.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<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>
Policy RNT1 applies	<p>Policy RNT1 applies:</p> <p>Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1</p>

4. Appendices

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

Report author:	Mr Steve Rowe Senior Licensing Officer
Contact:	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises Licence Application (12/08592/LIPN)	Sale by Retail of Alcohol: Monday to Saturday 12:00 to 15:00 and 18:00 to 22:30	21.11.12	Granted under delegated authority
Transfer of Premises Licence (15/08816/LIPT)	Cocoro Bayswater Limited	26.10.15	Granted under delegated authority
Change of Designated Premises Supervisor (15/08817/LIPDPS)	Change of Designated Premises Supervisor	26.10.15	Granted under delegated authority
Variation of Premises Licence (15/09578/LIPV)	Current application		

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
10. The supply of alcohol shall be by waiter or waitress service only.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. A challenge 21 scheme, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every

person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

19. 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
20. 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.
21. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 20 persons.
22. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
23. No more than (15%) of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
24. There shall be no self service of spirits on the premises.
25. There shall be no off sales of super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above.
26. No deliveries shall be made to the premises between 20:00 and 08:00 hours Monday to Saturday and Sunday between 1800 to 1000

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

None

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 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
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Shiori, 45 Moscow Road, London, W2 4AH



Residential / Proposed Residential	197
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

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Data Source: Uniform Database
 Date: 21/12/2015

Premises within 75 metres of: Shiori, 45 Moscow Road, London, W2 4AH

p / n	Name of Premises	Premises Address	Licensed Hours
22664	Mulberry Street	Ground Floor 47 Moscow Road London W2 4AH	Sunday 12:00 - 22:30 Monday to Saturday 12:00 - 23:00
29922	Shiori	45 Moscow Road London W2 4AH	Monday to Saturday 12:00 - 15:00 Monday to Saturday 18:00 - 22:30
-25703	Olympic Food Centre	21 Moscow Road London W2 4AH	Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:00
-17010	Byzantium Cafe	Ground Floor 31 Moscow Road London W2 4AH	Monday to Sunday 08:00 - 23:00
16753	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
3375	The Phoenix	51 Moscow Road London W2 4AL	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
17579	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30