



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	14 July 2016
Licensing Ref No:	15/11442/LIPN - New Premises Licence
Title of Report:	The London Shop 10 Queensway London W2 3RX
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 David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	5 December 2015		
Applicant:	Mr Subramaniam Kamalanathan		
Premises:	The London Shop		
Premises address:	10 Queensway London W2 3RX	Ward:	Lancaster Gate
		Cumulative Impact Area:	Queensway
Premises description:	The London Shop is a single floor shop located on a busy main road.		
Premises licence history:	There is no premises licence history.		
Applicant submissions:	None. Has engaged with Police and Environmental Health which has resulted in comprehensive agreed conditions.		
Preliminary note	Representations were received from Environmental Health and the Police but conditions were agreed. These conditions can be found at appendix 4.		

Sale by retail of alcohol				On or off sales or both:			OFF
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
Seasonal variations/ 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	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
Seasonal variations/ Non-standard timings:		N/A					
Adult Entertainment:		N/A					

2. Representations

2-B Other Persons	
Name:	Mr Shafeeq Al sharif
Address and/or Residents Association:	37 consort house London W2 3rx
Received:	18.12.2015
<p>12:41 PM on 18 Dec 2015 I am a resident in consort house and this activity as noted would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the Stress area. As I am living next to the premises I am Concerned since this will have an influence on me and my family.</p>	
Name:	Mr John Zamit
Address and/or Residents Association:	SEBRA Chairman SEBRA (South East Bayswater Residents Association) 2 Claremont Court Queensway LONDON W2 5HX
Received:	21.12.2015
<p>Dear sirs</p> <p>On behalf of the South East Bayswater residents' Association (SEBRA) and the Bayswater Residents' Association (BRA) we object to this application as we do not need another premises selling alcohol in Queensway and in the 'Queensway / Bayswater Stress Area' as already far too many outlets selling / serving alcohol.</p> <p>The cumulative effect has to be taken into account as if not every shop in Queensway could get a licence to sell alcohol.</p> <p>We already have problems with beggars and street drinkers in Queensway.</p> <p>If a licence for 'Off Sales' was to be granted we would want no more than WCC standard hours for Off Licences sales (or less ideally) and WCC 'model conditions' for:</p> <p>CCTV; No beers & ciders over 5.5% alcohol volume; Lockable cabinets; All spirits to be sold only behind sales desk; No 'miniatures' of spirits; Challenge 25; No more than 10 % of sales area for display of alcohol; No deliveries between 20.00 & 0800 (Sundays & Bank Holidays 16.00 to 10.00); No Refuse and Recycling collections between 24.00 & 0700; Notices asking customers to leave quietly; No drinking on forecourt of shop; Licence holder to be on premises at all times.</p>	

We trust application will be refused.

3. Policy & Guidance

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

Policy OS2 applies	Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
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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

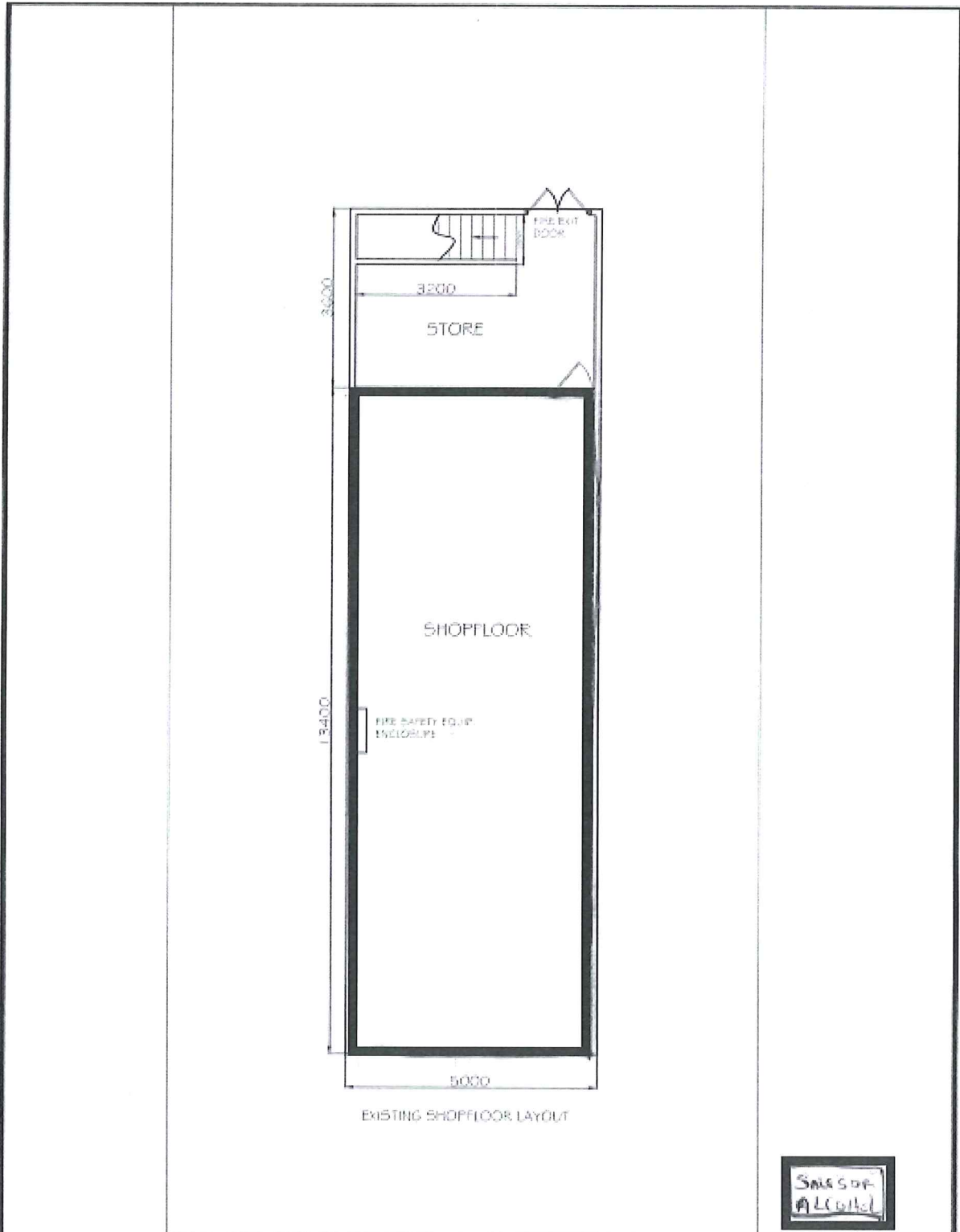
Report author:	Mr David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

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 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Emails from EH – Objection and proposed conditions.	Dec 2015 / Jan 2016
5	Emails from Police – Objection and proposed Conditions.	Dec 2015 / Jan 2016
6	Emails from Sebra/BRA – Objection and proposed conditions	Dec 2015
7	Online representation from Mr Al Sharif	Dec 2015.
8	Applicant agrees to EH and Police	Jan 2016

Plans



Name: MR KAMAL	SHOPFLOOR LAYOUT	Keeran Designs Ltd Tel: (020) 8551 8551
Scale: 1:50	THE LONDON SHOP, 10 QUEENSWAY, LONDON, W2	Fax: (020) 8551 8550
Date: 01.11.04		E mail: Keeran@consultant.com Web: www.keerandesigns.com

Applicant Submission

None.

Premises Licence History

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

**Conditions proposed by the Environmental Health and agreed with applicant.
(Duplicate conditions deleted as proposed by Police also)**

9. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
11. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
12. 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.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. 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.
16. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
17. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
18. A diary 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 are open.

19. 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.

Conditions proposed by the Police and agreed with applicant.

20. The premises shall install and maintain a 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 are 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.
21. 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 are open to the public. This staff member shall be able to show Police or authorised officer of the Licensing Authority recent data or footage with the absolute minimum of delay.
22. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors.
23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
24. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises save for premium beer or ciders in glass bottles.
25. 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.
26. No self service of spirits except for spirit mixers not above 5.5% abv (alcohol by volume).
27. 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.
28. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a

holographic mark or other form of identification bearing the customer's photograph, date of birth and the proof of age standards scheme (or similarly accredited scheme) hologram.

29. An incident log will be kept at the premises and made available on request to an authorised officer of the licensing authority or the Police, which will record the following:

- All crimes reported to the venue;
- Any complaints received regarding crime and disorder;
- Any incidents of disorder;
- Any faults in the CCTV system;
- Any refusal of the sale of alcohol;
- Any visit by a relevant authority or emergency service.

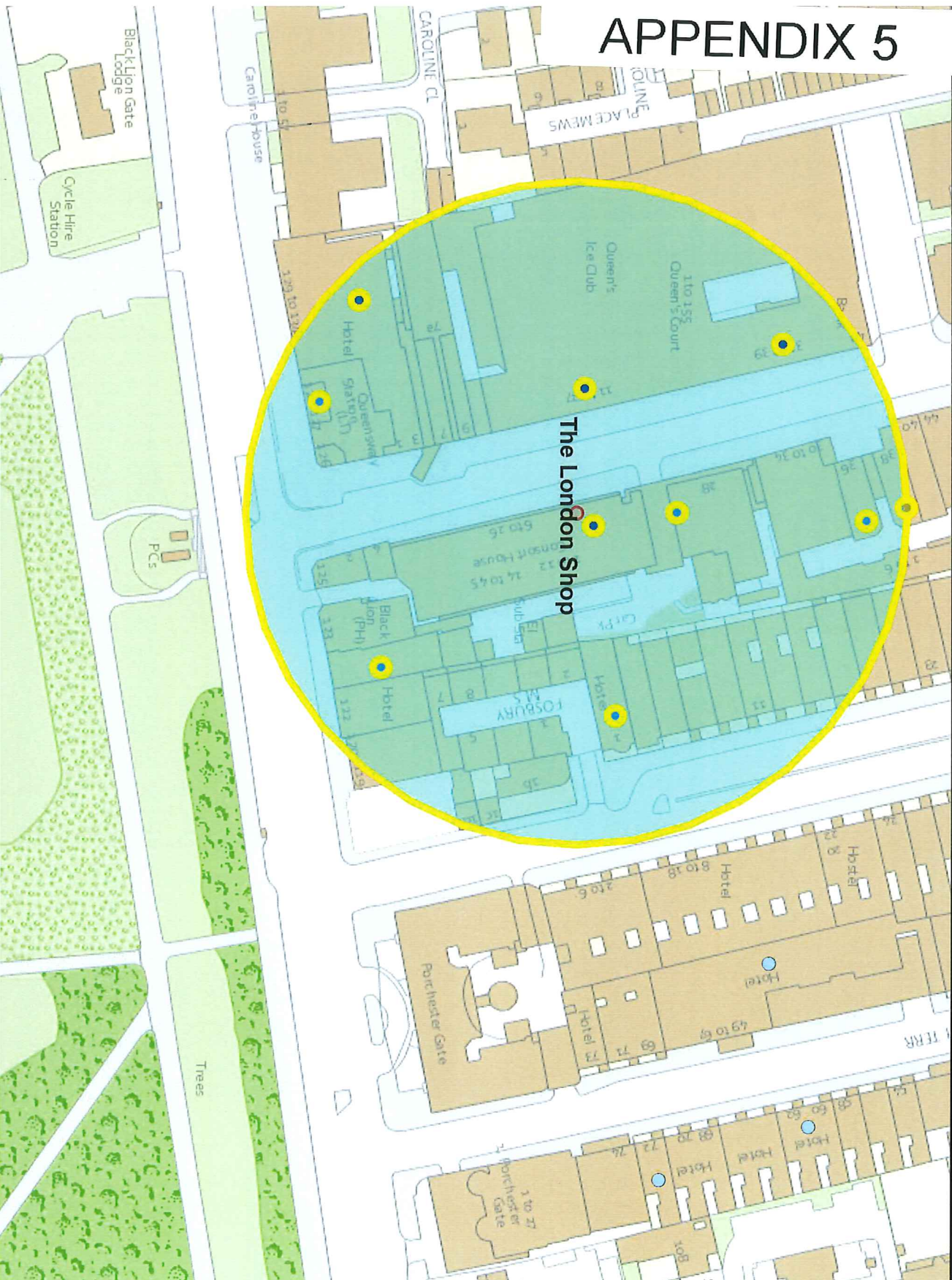
30. On the Sunday and Monday of the Notting Hill Carnival:

- There will be no sale of alcohol in glass vessels from the premises.
- There will be no external advertisement of alcohol promotions at the premises.
- There shall be no sale of alcohol from the premises after 20:00 hours.



The London Shop

APPENDIX 5



10 Meters

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Residential / Proposed Residential	352
Under Construction	
Other Uses	
Proportion Residential of all Uses	

Data Source: Uniform Database
Date: 06/07/2016

Premises with 75m of The London Shop, 10 Queensway, London, W2 3RX

p / n	Name of Premises	Premises Address	Licensed Hours
14000	Queensway Food & Wine	37 Queensway London W2 4QJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
18194	Queen's Ice Bowl	Queens Ice Club 17 Queensway London W2 4QP	Monday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 00:30 Sunday 09:00 - 23:00
18723	Queensway Tourist Centre	Basement 122 Bayswater Road London W2 3JH	Monday to Saturday 07:00 - 23:00 Sunday 09:00 - 22:30
21711	New Fortune Cookie	1 Queensway London W2 4QJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
26657	Royal China Chinese Restaurant	13 Queensway London W2 4QJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
27069	Caps News	35B Queensway London W2 4QJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
31574	Grand Royale	1-9 Inverness Terrace London W2 3LD	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
32489	La Docta	Unit A15 Queensway Market 23 - 25 Queensway London W2 4QJ	Monday to Sunday 10:00 - 20:30
-28761	Taza Take Away	35A Queensway London W2 4QJ	Monday to Sunday 10:00 - 00:00
-15326	Med Mezze	22 Queensway London W2 3RX	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Monday to Thursday 10:00 - 23:00 Sunday 12:00 - 22:30

1388	Del Casa	27 Queensway London W2 4QJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
8321	Bedouin	38 Queensway London W2 3RS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22961	Hilton London Hyde Park Hotel	129 Bayswater Road London W2 4RJ	Monday to Sunday 00:00 - 00:00
28572	Kalinka	35 Queensway London W2 4QJ	Monday to Saturday 11:00 - 20:00 Sunday 12:00 - 18:30
-22361	Casa Brasil	Unit L001 Queensway Market 23-25 Queensway London W2 4QJ	Monday to Saturday 11:00 - 20:00 Sunday 12:00 - 18:00
-15103	Lo Spuntino	128 Bayswater Road London W2 4RH	Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30 Friday to Saturday 07:00 - 23:59
-14602	Lords Food & Wine	18-20 Queensway London W2 3RX	Monday to Sunday 07:00 - 00:00
-4769	Aubaine Hilton London Hyde Park Hotel	129 Bayswater Road London W2 4RJ	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
10784	Curry Place	36 Queensway London W2 3RX	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30
14831	Food Basics Limited	28 Queensway London W2 3RR	Sunday 10:00 - 22:30 Monday to Saturday 10:00 - 23:00
-32454	Mandarin Kitchen	14-16 Queensway London W2 3RX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

