



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	14 December 2017
Licensing Ref No:	17/10969/LIPV - Premises Licence Variation
Title of Report:	Continental Food & Wine 24 Craven Road London W2 3PX
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	29 September 2017		
Applicant:	Mr Velalakan Thuraisingam		
Premises:	Continental Food & Wine		
Premises address:	24 Craven Road London W2 3PX	Ward:	Hyde Park
		Cumulative Impact Area:	None
Premises description:	The premises is currently operating as a convenience store.		
Variation description:	<p>The applicant has applied to:</p> <ol style="list-style-type: none"> 1. Extend the permitted hours for the sale of alcohol for consumption off the premises to be from 08:00 to 01:00 the following day all week. 2. To remove all embedded restrictions carried forward from the justices' licence (Conditions 5 & 6). 3. To add new conditions. 		
Premises licence history:	The premises has had the benefit of a premises licence since September 2005.		
Applicant submissions:	None submitted.		

1-B Current and proposed licensable activities, areas and hours					
Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Off		No Change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	08:00	23:00	08:00	01:00	No Change to Licensable Area.
Tuesday	08:00	23:00	08:00	01:00	
Wednesday	08:00	23:00	08:00	01:00	
Thursday	08:00	23:00	08:00	01:00	
Friday	08:00	23:00	08:00	01:00	
Saturday	08:00	23:00	08:00	01:00	
Sunday	10:00	22:30	08:00	01:00	
Seasonal variations/ Non-standard timings:	Current:				Proposed:
	<p>Alcohol shall not be sold or supplied except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, 08.00 to 23.00</p> <p>(b) On Sundays, other than Christmas Day, 10.00 to 22.30</p> <p>(c) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30</p> <p>(d) On Good Friday, 08.00 to 22.30</p>				Seasonal variations to be removed.

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	08:00	23:00	08:00	01:00	No Change to Licensable Area
Tuesday	08:00	23:00	08:00	01:00	
Wednesday	08:00	23:00	08:00	01:00	
Thursday	08:00	23:00	08:00	01:00	
Friday	08:00	23:00	08:00	01:00	
Saturday	08:00	23:00	08:00	01:00	
Sunday	10:00	22:30	08:00	01:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			None	

1-C Layout alteration
None proposed.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><u>Condition 6</u></p> <p>Alcohol shall not be sold or supplied except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, 08.00 to 23.00</p> <p>(b) On Sundays, other than Christmas Day, 10.00 to 22.30</p> <p>(c) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30</p> <p>(d) On Good Friday, 08.00 to 22.30</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(c) sale of alcohol to a trader or club for</p>	<p>To be deleted</p>

<p>the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.</p>	
<p><u>Condition 7</u></p> <p>Alcohol shall not be sold in an open container or be consumed in the licensed premises.</p>	<p>To be deleted</p>
<p><u>Condition 8</u></p> <p>CCTV covering the interior and exterior of the shop will be installed and kept operational at all times the premises are open to the public. It shall be capable of taking a head and shoulders shot of persons entering the premises, shall cover all entry/exits, be capable of storing images for a minimum of 31 days and a member of staff trained and capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police or authorised officers on request.</p>	<p>To be added</p>
<p><u>Condition 9</u></p> <p>The premises licence holder/DPS shall check that the CCTV is operational on a daily basis and check on a minimum weekly basis that the system is recording images for the minimum 31 day period, that the date and time are correctly set and that images can be readily downloaded on a usable format. Full details of all checks shall be recorded in the incident book (CCTV section).</p>	<p>To be added</p>

<p><u>Condition 10</u></p> <p>If at any time the CCTV is not fully operational the licensing authority must be informed and a competent CCTV engineer called as soon as possible. Full details of any faults with the CCTV, inspections and repairs carried out shall be recorded in the incident book (CCTV section).</p>	<p>To be added</p>
<p><u>Condition 11</u></p> <p>All staff will be trained for their role on induction and given refresher training at regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording refusals, proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children. Staff will also be trained in the operation of the CCTV system, checking it and download images for police and authorised officers. A written training record will be kept for each member of staff and be made available to police or authorised officers on request.</p>	<p>To be added</p>
<p><u>Condition 12</u></p> <p>A minimum of 2 trained staff shall be on duty in the shop after 23:00 daily</p>	<p>To be added</p>
<p><u>Condition 13</u></p> <p>A personal licence holder or the DPS shall be on duty after 19:00 Friday, Saturday and Bank Holidays.</p>	<p>To be added</p>
<p><u>Condition 14</u></p> <p>All spirits shall be kept behind the counter and all the other alcohol displays shall be in line of sight of the counter or covered by CCTV. Any alcohol not on display must be kept in the store room.</p>	<p>To be added</p>

<p><u>Condition 15</u></p> <p>A maximum of 20% of the retail display area shall be used for alcohol display at any time.</p>	<p>To be added</p>
<p><u>Condition 16</u></p> <p>A copy of the invoices for all alcohol or tobacco goods shall be kept on the premises for at least six months from the date of receipt.</p>	<p>To be added</p>
<p><u>Condition 17</u></p> <p>An incident book shall be kept at the premises, and made available to the police or authorised officers, which will record the following:</p> <ol style="list-style-type: none"> a) All crimes report b) All refusals of the sale of alcohol c) Lost Property d) All ejections of customers e) Any complaints received f) Any incidents of disorder g) Any seizures of drugs or offensive weapons h) Any faults in the CCTV i) Any visit by a relevant authority or emergency service. 	<p>To be added</p>
<p><u>Condition 18</u></p> <p>Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers that:</p> <ul style="list-style-type: none"> • CCTV is in operation • Challenge 25 is in operation as the proof of age policy. • Advising customers of the relevant provisions of the Licensing Act including re underage and proxy sales • No unaccompanied children are permitted in the premises after 21:00 • The permitted (Licensed) 	<p>To be added</p>

<p>house and opening times of the premises.</p> <ul style="list-style-type: none"> • That no alcohol may be opened inside or consumed in the shop • To respect residents, leave quietly, not to loiter outside and to dispose of litter legally • Not to drink in the street. 		
<p><u>Condition 19</u></p> <p>Management and staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that they leave the shop and area.</p>	<p>To be added</p>	
<p><u>Condition 20</u></p> <p>The shop front will be kept tidy at all times and swept at close of business.</p>	<p>To be added</p>	
<p><u>Condition 21</u></p> <p>No deliveries will be received or received or rubbish removed between 20:00 and 06:30</p>	<p>To be added</p>	
<p><u>Condition 22</u></p> <p>The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, HM forces ID card or proof of age cards with the bearers photograph and the pass logo/hologram on it will be accepted as proof of age</p>	<p>To be added</p>	
<p><u>Condition 23</u></p> <p>A written refusals recorded will be kept and made available to police or authorised council officers on request.</p>	<p>To be added</p>	
<p>Adult entertainment:</p>	<p>Current position: Not Applicable</p>	<p>Proposed position: None</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Anil Drayan
Received:	25 October 2017
<p>CONTINENTAL FOOD & WINE, 24 CRAVEN ROAD, LONDON, W2 3PX</p> <p>I refer to the application for variation of Premises Licence, 10/02376/LIPD, for the above premises.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none">1. To extend the hours for supply of alcohol 'Off' the premises so that they are 08:00 to 01:00 hours Monday to Sunday.2. To remove all embedded restrictions carried forward from the Justice's Licence and add replacement conditions <p>I wish to make the following representations based on the operating schedule submitted:</p> <ol style="list-style-type: none">1. The extension in hours sought for the supply of alcohol may lead to an increase in Public Nuisance in the area.2. No representation raised (however please see below) <p>The extension in hours sought are also significantly beyond 'core' hours as stated in Westminster's Statement of Licensing Policy.</p> <p>Although Environmental Health is largely supportive of the proposed change to the conditions in the operating schedule some of them may need to be re-worded to reflect model wording and should the extension in hours be granted additional conditions may be proposed to allay our concerns.</p> <p>The applicant is requested to contact the undersigned to arrange a site visit to discuss the variation.</p>	

Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	20 th October 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

2-B Other Persons

Name:	Cllr Floru
Address and/or Residents Association:	Ward Councillor
Received:	25 th October 2017

The hours sought to sell alcohol (off) are excessive in an area already harmed by late night drinking. 1 a.m. is too late.

Please reduce the hours to sell alcohol.

Name:	Jamie Andrews
Address and/or Residents Association:	GMS Estates Ltd
Received:	25 th October 2017

As a long term freehold owner of property in the area, 5/7/15/17/36/40 & 42 Craven Rd, with residential flats let above commercial units, we would wish to strongly object to this proposed extension of licencing hours as it will encourage noise, disturbance and additional congestion to the area to the detriment of residential tenants rights to quiet enjoyment of the homes.

If granted it may well also act as a magnet for late night unruly behavior and its associated nefarious activities.

The off licences current hours are more than sufficient to serve its current and local customers without any need for this extension and we require the local authorities officers to support the local residents and owners to maintain the area as an attractive and desirable place to live.

Name:	John Zamit
Address and/or Residents Association	South East Bayswater Residents' Association (SEBRA)
Received:	25 th October 2017
<p>We must strongly object to this application to extends hours of off sales to past 23.00 (Sunday 22.30 0) to 1am.</p> <p>We already have a major problem of drinking (and rough sleepers and beggars) in the area, especially in adjacent Praed Street and around Paddington station.</p> <p>The last thing we need in area is an outlet selling drink after till 1am! causing anti- social problems in surrounding streets, many of which are residential.</p> <p>Not sure of present licensing hours on this premises as 'old licence' but if any extension needed to reach WCC 'Core Off-Licence' hours we would want standard model conditions placed on licence, such as CCTV, locked cabinets, no beer / cider over 5.5% ABV, hours control over deliveries and refuse recycling collections, 15% only floor space over to alcohol display, spirits only old behind counter, no sales of 'miniatures' and Challenge 25 etc.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<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 OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to :

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

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

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@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	Application Form	29 th September 2017
5	Representation – Environmental Health	25 th October 2017
6	Representation – MET Police	20 th October 2017
7	Representation – Mr Andrews	25 th October 2017
8	Representation – SEBRA	25 th October 2017
9	Representation – Cllr Floru	25 th October 2017

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/11058/WCCMAP	Application for a new premises licence	01/09/2005	Granted under delegated authority
08/06661/LIPDPS	Vary the Designated Premises Supervisor	22/07/2008	Granted under delegated authority
08/06662/LIPT	Transfer the Premises Licence	21/07/2008	Granted under delegated authority
10/02376/LIPD	Duplicate Licence	21/04/2010	Granted under delegated authority
10/05464/LIPV	<p>Application to vary the premises licence</p> <p>Extend the hours to sell alcohol by retail. The proposed variation in timings will be from Monday - Saturday between 08:00 and 01:00, on a Sunday between 10:00 and 01.00. The premises is a retail shop.</p>	07/10/2010	Application refused by Licensing Sub Committee

There is no appeal history

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

When determining an application to vary a 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: Off 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 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 -

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

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.

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.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

Conditions Applicable to the Sale of Alcohol

6. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08.00 to 23.00
- (b) On Sundays, other than Christmas Day, 10.00 to 22.30
- (c) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30
- (d) On Good Friday, 08.00 to 22.30

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

7. Alcohol shall not be sold in an open container or be consumed in the licensed premises

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

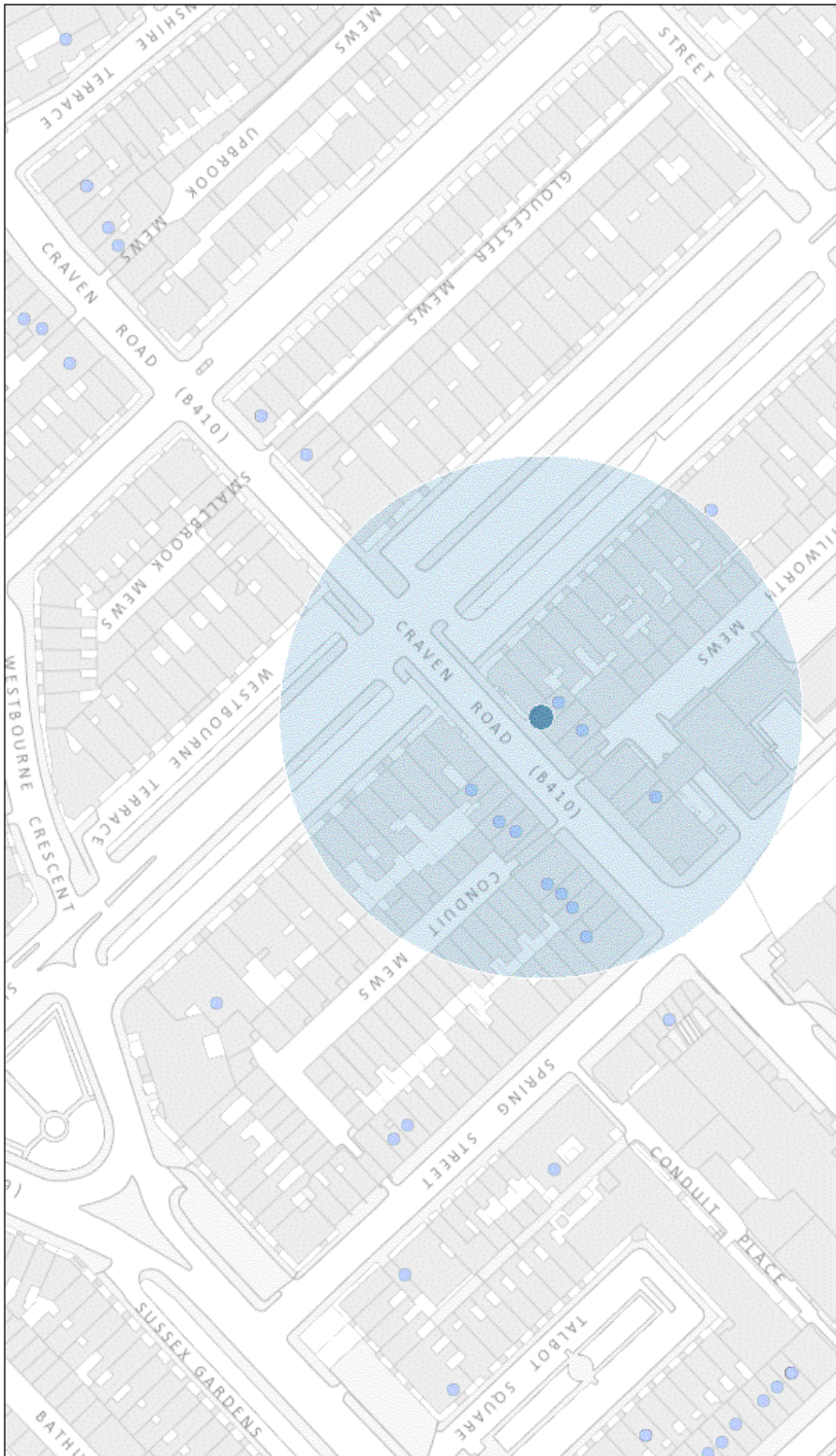
Conditions proposed by the applicant:

8. CCTV covering the interior and exterior of the shop will be installed and kept operational at all times the premises are open to the public. It shall be capable of taking a head and shoulders shot of persons entering the premises, shall cover all entry/exits, be capable of storing images for a minimum of 31 days and a member of staff trained and capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police or authorised officers on request.
9. The premises licence holder/DPS shall check that the CCTV is operational on a daily basis and check on a minimum weekly basis that the system is recording images for the minimum 31 day period, that the date and time are correctly set and that images can be readily downloaded on a usable format. Full details of all checks shall be recorded in the incident book (CCTV section).
10. If at any time the CCTV is not fully operational the licensing authority must be informed and a competent CCTV engineer called as soon as possible. Full details of any faults with the CCTV, inspections and repairs carried out shall be recorded in the incident book (CCTV section).
11. All staff will be trained for their role on induction and given refresher training at regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording refusals, proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children. Staff will also be trained in the operation of the CCTV system, checking it and download images for police and authorised officers. A written training record will be kept for each member of staff and be made available to police or authorised officers on request.
12. A minimum of 2 trained staff shall be on duty in the shop after 23:00 daily.
13. A personal licence holder or the DPS shall be on duty after 19:00 Friday, Saturday and Bank Holidays.
14. All spirits shall be kept behind the counter and all the other alcohol displays shall be in line of sight of the counter or covered by CCTV. Any alcohol not on display must be kept in the store room.
15. A maximum of 20% of the retail display area shall be used for alcohol display at any time.
16. A copy of the invoices for all alcohol or tobacco goods shall be kept on the premises for at least six months from the date of receipt.
17. An incident book shall be kept at the premises, and made available to the police or authorised officers, which will record the following:
 - a) All crimes report
 - b) All refusals of the sale of alcohol
 - c) Lost Property
 - d) All ejections of customers
 - e) Any complaints received

- f) Any incidents of disorder
 - g) Any seizures of drugs or offensive weapons
 - h) Any faults in the CCTV
 - i) Any visit by a relevant authority or emergency service.
18. Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers that:
- CCTV is in operation
 - Challenge 25 is in operation as the proof of age policy.
 - Advising customers of the relevant provisions of the Licensing Act including re underage and proxy sales
 - No unaccompanied children are permitted in the premises after 21:00
 - The permitted (Licensed) house and opening times of the premises.
 - That no alcohol may be opened inside or consumed in the shop
 - To respect residents, leave quietly, not to loiter outside and to dispose of litter legally
 - Not to drink in the street.
19. Management and staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that they leave the shop and area.
20. The shop front will be kept tidy at all times and swept at close of business.
21. No deliveries will be received or received or rubbish removed between 20:00 and 06:30.
22. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, HM forces ID card or proof of age cards with the bearers photograph and the pass logo/hologram on it will be accepted as proof of age.
23. A written refusals recorded will be kept and made available to police or authorised council officers on request.

Residential Map and List of Premises in the Vicinity

Continental Food and Wine



November 30, 2017
● Live Licensing Act

