

Licensing Sub-Committee Report

Item No:	
Date:	16 March 2018
Licensing Ref No:	18/00975/LIPN - New Premises Licence
Title of Report:	19A Craven Road London W2 3BP
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:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn</i>)
Representative:	PC Toby Janes
Received:	21 st February 2018
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>I have listed a number of conditions that I would like attached to your operating schedule as I believe they address the concerns of Police in relation to crime and disorder. I have included some of the conditions offered by you.</p> <p><u>Further correspondence from the Applicant to the Police:</u></p> <p>Our client Mrs Velalakan is agreeable to most of the conditions requested by the Police but has asked if you will agree to a maximum of 20% of the retail display area being used for alcohol display rather than the 15% currently proposed in your conditions?</p> <p>Could you please consider this and let us know your views?</p> <p><u>Further correspondence from the Police to the Applicant:</u></p> <p>As the majority of conditions proposed by Police have been agreed, I can see no issue with increasing the alcohol display space from 15% to 20 %.</p> <p>Can you confirm you are now happy with all the conditions?</p> <p><u>Further correspondence from the Applicant to the Police:</u></p> <p>Thank you for the amendment. I can formally confirm on behalf of Mrs Parveena Velalakan (the applicant) that we accept the Police conditions with the amendment that only a maximum of 20% of the retail display area may be used for the display of alcohol at any one time.</p> <p><u>Further correspondence from the Police to the Applicant:</u></p>	

Thank you very much for your quick response.

On your agreement to Police conditions including the amendment as detailed in your email below, I can confirm we withdraw our representation.

Following the correspondence (and the agreement of proposed conditions) between the Applicant and the Police, the Police have withdrawn their representation.

Responsible Authority:	Environmental Health Consultation Team (Withdrawn)
Representative:	Mr Maxwell Koduah
Received:	22 nd February 2018

I make a representation to above application on grounds of Public Nuisance & Public Safety as there is insufficient undertakings/conditions within the operating schedule to uphold the Licensing objectives.

Attached is proposed conditions, in addition to those agreed with the police, that address the concerns of Environmental Health. I am minded to withdraw my representation if my proposed conditions are accepted.

Please feel free to contact me if you wish to discuss the proposed conditions further.

Further correspondence from the Applicant to Environmental Health:

Our client Mrs Praveena Velan has accepted your conditions in full relating to 19A Craven Road. We hope you will be able to withdraw your representation.

Further correspondence from Environmental Health to the Applicant:

Please be advised that Environmental Health representation is withdrawn.

Following the correspondence (and the agreement of proposed conditions) between the Applicant and Environmental Health, Environmental Health have withdrawn their representation.

2-B Other Persons

Received: 17 February 2018

We note yet another licence to sell alcohol in Craven Road - this time for 'Off- Sales' at 19A Craven Road which is presently closed up but was selling tourist souvenirs etc

We note number of conditions have been offered but we feel that these do not go far enough as we have a problem in area with street drinking and rough sleepers - especially in adjacent Praed Street and by Paddington station.

We therefore lodge objection to licence application and wish to see additional conditions e.g.

Challenge 25 condition required.

No sale of alcohol' in 'miniature' bottles

We note condition offered (No 5) that no sales of beer or cider over 6.5% but we want standard 5.5% condition (with no exception for 'premium' brands).

We note condition offered (No 10) that no more than 20% of retail display for alcohol and maybe this should be reduced to more standard 15%

There is a private forecourt in front of shop unit and we want it absolutely clear that no consumption of alcohol takes place on the forecourt (we are not clear as to proposed use but notice in covered up shop window saying 'cafe').

As always we are willing to discuss matter with applicant as believe we should be able to reach agreement on additional conditions/ amendments as stated above so as to avoid necessity of a hearing.

Received: 08 February 2018

I am objecting to this application due to the proximity of this shop to residential areas. The proximity of this shop to garden areas in front of neighbouring properties may lead to drinkers purchasing alcohol and then sitting within the garden areas getting drunk. This is particularly worrying late at night when people are returning to their properties. I would therefore like this licence to either be rejected or the hours associated with the licence to be reduced. Although a reduction in hours of the licence may well be difficult to enforce and could still lead to issues whereby alcohol is sold late at night so a rejection would be my preferred option.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
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.

4. Equality Implications

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.

5. 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:	Mrs Shannon Pring Senior Licensing Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@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	
5	Environmental Health Consultation Team (Withdrawn)	22 nd February 2018
6	Metropolitan Police Service (Withdrawn)	21 st February 2018
7	Representation	08 th February 2018
8	Representation	17 th February 2018

There are no supporting documents from the Applicant

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 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 consistent with the operating schedule as agreed by the Applicant, Environmental Health Service and the Police

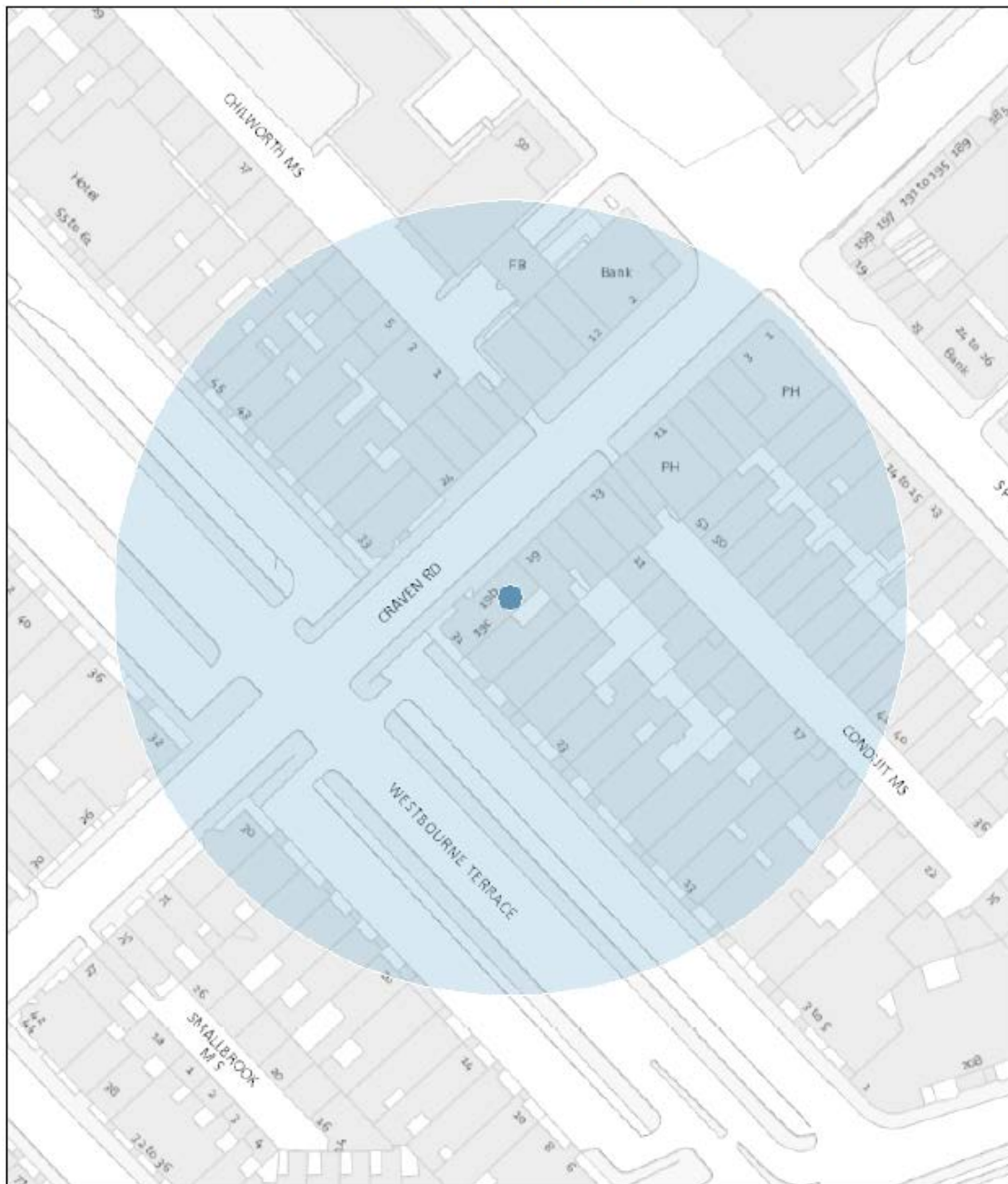
6. If at any time the CCTV is not fully operational the licensing authority must be informed and a competent CCTV engineer called as soon as possible. Full details of any faults with the CCTV, inspections and repairs carried out shall be recorded in the appropriate part of the incident book.
7. All staff will be trained for their role on induction and at regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making and recording a refusal, proxy sales, avoiding sales to intoxicated persons, avoiding conflict, responsible alcohol retailing and safeguarding children. Staff will also be trained in the operation of the CCTV system, checking it and downloading images for police or 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.
8. No cans or bottles of beers, lagers or ciders above 6.5% abv shall be sold in the premises.
9. A minimum of 2 trained staff shall be on duty in the shop at all times the shop is open to the public.
10. All spirits shall be kept behind the counter and all 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 a lockable store room.
11. A maximum of 20% of the retail display area shall be used for alcohol display at any time.
12. 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.
13. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers that:
 - a) CCTV is in operation;
 - b) Challenge 25 is in operation as the proof of age policy;
 - c) Advising customers of the relevant provisions of the licensing act including re underage & proxy sales;
 - d) That no unaccompanied children are permitted in the premises after 21.00;
 - e) The permitted (licensed) hours & opening times of the premises;
 - f) That no alcohol may be opened inside or consumed in the shop,
 - g) To respect residents, leave quietly, not to loiter outside & to dispose of litter legally,
 - h) Not to drink in the street.
14. A fire risk assessment & emergency plan will be prepared and regularly reviewed. Staff will receive appropriate fire safety training.
15. Notices will be prominently displayed at the entry/ exit door and point of sale
16. Management & staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that do to leave the shop frontage & area.

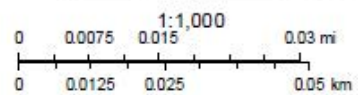
17. The shop front will be kept tidy at all times and swept at close of business.
18. Management & staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that do to leave the shop frontage & area.
19. The premises shall install and maintain 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 entire 31 day period.
20. 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.
21. 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.
22. 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. It must be completed within 24 hours of the incident and 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
23. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
24. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
25. 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.
26. 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.
27. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
28. 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.
29. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

30. 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
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
32. 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.
33. 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
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
35. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
36. 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.
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
38. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
39. 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.
40. 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
41. No licensable activities shall take place at the premises until the premises have 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

19a Craven Road



March 6, 2018



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Resident count: 239

DISTANCE	OBJECTID	Licence Number	Trading Name	Address	Premises Type	Time Period
8.498386777	34079	15/04803/LICN	TGR's Bridge Club	19 Craven Road London W2 3BP	Not Recorded	Monday to Friday; 14:00 - 22:00 Saturday; 14:00 - 20:00 Sunday; 14:00 - 20:00
20.17683801	47122	16/11678/LIPDPS	Cheers Limited	Basement And Ground Floor 15 Craven Road London W2 3BP	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
25.53001372	33054	15/07976/LIPDPS	Raffles Restaurant	Ground Floor 13 Craven Road London W2 3BP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
32.64372973	34109	17/10969/LIPV	Continental Food & Wine	24 Craven Road London W2 3PX	Shop	Friday to Saturday; 08:00 - 01:00 Sunday to Thursday; 08:00 - 00:00
32.64372973	34106	10/02376/LIPD	Continental Food & Wine	24 Craven Road London W2 3PX	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

36.01055412	34974	09/08893/LIPDPS	Bizzarro Restaurant	18 - 22 Craven Road London W2 3PX	Restaurant	Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 09:00 - 02:00 Sunday; 12:00 - 00:00
42.93481458	62444	11/01038/LIPDPS	Ascot Hotel	11 Craven Road London W2 3BP	Hotel, 3 star or under	Monday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:30
47.72148	24251	09/02758/LIPDPS	Villa Rosa	9 Craven Road London W2 3BP	Restaurant	Monday to Thursday; 11:00 - 00:00 Friday to Saturday; 11:00 - 00:30 Sunday; 11:00 - 23:00
52.72139397	24426	17/03167/LIPN	Cafe Dylan Dog	7 Craven Road London W2 3BP	Cafe	Monday to Sunday; 08:00 - 23:00
56.75563028	24282	09/02650/LIPCH	Spar	12 Craven Road London W2 3PX	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

61.53442877	6085	11/06506/LIPV	Pride Of Paddington Public House	1-3 Craven Road London W2 3BP	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
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