

# Licensing Sub-Committee Report

Item No:	
Date:	26 July 2018
Licensing Ref No:	18/05602/LIPN - New Premises Licence
Title of Report:	7 Durweston Street London W1H 1EP
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	16 May 2018		
<b>Applicant:</b>	Katlist Limited		
<b>Premises:</b>			
<b>Premises address:</b>	7 Durweston Street London W1H 1EP	<b>Ward:</b>	Bryanston & Dorset
		<b>Cumulative Impact Area:</b>	No.
<b>Premises description:</b>	According to the application the premises are looking to operate as an internet sales business supplying alcohol for consumption off the premises.		
<b>Premises licence history:</b>	There is no previous licence history for this premises.		
<b>Applicant submissions:</b>	Information has been circulated to all resident who have made a representation against the application. A copy of the information supplied can be found at <b>Appendix 2</b> .		
<b>Planning Comments:</b>	The planning department have made comments regarding this application which can be found in <b>Appendix 3</b> .		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off the premises
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	10:00	10:00
<b>End:</b>	19:00	19:00	19:00	19:00	19:00	18:00	18:00
<b>Seasonal variations/ Non-standard timings:</b>			None.				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	10:00	10:00
<b>End:</b>	19:00	19:00	19:00	19:00	19:00	18:00	18:00
<b>Seasonal variations/ Non-standard timings:</b>			None.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	12 <sup>th</sup> June 2018
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The applicant has submitted a floor plan of the premises dated May 2018.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"><li>1. To provide for the Supply of Alcohol 'Off' the premises Monday to Friday between 08.00 and 19.00 hours, Saturday and Sunday between 10.00 to 18.00 hours.</li></ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"><li>1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.</li></ol> <p>The applicant has provided conditions in support of the application but these do not address the licensing objective of prevention of public nuisance.</p> <p>A site visit will be required to fully assess the impact the application may have on the area.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>The Environmental Health Service have proposed the following conditions which have been agreed by the applicant:</p> <ul style="list-style-type: none"><li>• There shall be no advertising of the 'Off' sales of alcohol immediately outside the premises.</li><li>• There shall be no direct sales of alcohol to the public on the premises.</li><li>• Collections and deliveries of alcohol is permitted only between 08.00 hours and 19.00 hours Monday to Friday and 10.00 hours and 16.00 hours Saturday.</li><li>• A direct telephone number for the designated premises supervisor shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.</li></ul>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	7 June 2018
<p>Our objections relate to the following:</p> <p>There are insufficient conditions to promote the licensing objectives</p> <p>I can discuss this matter with you at a convenient time for us both.</p>	

<b>2-B Other Persons</b>			
<b>Representation 1</b>			
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	13 June 2018		
<p>I totally object to this Application.</p> <p>I live at Flat D, 37 York Street and my bedroom like most of my neighbours backs onto Durweston Street, so unacceptable traffic noise and pollution would be generated by delivery lorries and customers's cars, seven days a week. Unacceptable.</p> <p>The proposed site is in an extremely constricted space and surrounded by residential property. Traffic manoeuvres would cause noise, pollution and extreme congestion. Unacceptable.</p> <p>Veolia lorries use Durweston Street for collections from Marylebone Apartments. One of their lorries recently destroyed a large part of our railings at 37 York Street together with damage to the fabric of our building. I have asked Garnet Gordon at WCC to investigate the possibility of bollards on the east/west corners of the York Street entrance to Durweston Street but have had no response. The risk of further damage due to increased traffic flow is extremely worrying. Unacceptable.</p> <p>Has the proposed site been inspected by WCC?</p> <p>I confirm that I am willing to attend any hearing regarding this application.</p> <p>Please confirm that you have received this email.</p>			
<b>Representation 2</b>			
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 June 2018		
<p>I wish to make a representation to the Licensing Team in respect of the application from Katlist Limited and 7 Durweston Street London W1H 1EN dated 16 May 2018 I am an interested party under the legislation as I own a residential property in the Mews.</p> <p>I am very concerned that even though there are 9 licences premises in the immediate vicinity, and a total of 21 in the surrounding streets, an application is being considered for more. The others are in a main street, but this site is not only in a residential Mews but in the corner of a cul de sac. The Mews goes nowhere and this site is in the corner furthest from the entrance. It is not possible even to park there during the day.</p> <p>In addition, this location has been spilling out into the Mews with private parties and use of alcohol for some time. This has been a very unwelcome disruption to my Tenants to an otherwise peaceful place. Nobody has made complaints to Environmental Health in the interests of tolerating neighbours in their private activities.</p> <p>However, my main concern is that if this application is granted my current tenant who has a child will terminate their Tenancy as they will be seriously disrupted by any licences premises so close to their home. . I will then lose rent by a reduction in potential tenants that may consider taking the property.</p> <p>I have already received complaints from my current tenants about drinking and partying out in the Mews from this applicant premises. This is likely to increase if a Licence is approved coupled with parking congestion and noise in a Mews that has daytime parking restrictions and is formed as Cul de sac.</p> <p>I have owned my property for over 25 years and do not feel that the character of the Mews should now be so radically changed to the direct disadvantage to those residential owners that have been there far longer, within a predominantly residential area. The applicants</p>			

should either acquire an already Licensed premises in the surrounding streets, or make a fresh application on a Main Street rather than within the confines of a Mews which they have already informally abused.

### Representation 3

<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
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<b>Received:</b>	13 June 2018
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#### 1. Description of the site:

Durweston Street is a mews of mainly Georgian construction that consists entirely of garages with living accommodation above. The proposed premises are the lower-ground-floor garage of No. 7 Durweston Street, also known as The Marylebone Apartments, the only modern building in the mews. A front-door at the east end of No. 7 gives access to flats above the shops that front Crawford Street. Access to its garage is at the back, through a wide opening (with a collapsible metal gate) in the north-west corner. The level area inside the opening is (I'm guessing) about 10 metres long by 6 metres deep, with a ramp that leads left, down to the garage. The applicant was unable to register the application on the Council's website under the address 7a Durweston Street, because 7a does not exist as a separate address. The west side of the mews consists of old garages (all in use), with flats above, these accessed by an external stairway and cat-walk. There are more garages with flats above on the east side. Through an arch on the east side, there's an inner yard – more garages – backing onto residential properties fronting Crawford Street, Gloucester Place and York Street. Number 8 Durweston Street (next to 39 York Street), which must once have been a stables with living quarters above, is now the two-storey offices of four businesses: one solicitor, one accountant, and two property-management companies.

#### 2. The prevention of crime and disorder

Durweston Street has an entrenched problem day and night with on-street drinkers and rough sleepers, who like its seclusion, especially in the inner part, where the proposed off-licence would be located. The Application is for a shop selling alcohol seven days a week from 8 a.m. to 7 p.m. Monday to Friday, and from 10 a.m. to 6 p.m. at a weekend. The Applicant says that his shop would be an 'internet business' – but he is applying for general off-licensing terms and hours, and I don't see anything in the 2003 Licensing Act that would prevent the shop supplying customers who came in on foot and carried their drinks out into the mews, or that would prevent private drivers ordering on line, and turning up in their cars to collect. This is an unsuitable location for an off-licence.

#### 3. Public safety

The road from York Street to Crawford Street runs down the east side of Durweston Street. There are kerbs to right and left of the roadway as it enters the mews, but these end where the individual garage doors begin. The roadway between the kerbs in and out of Durweston Street is only just wide enough for the wheelbase of an ordinary passenger car. Wider vehicles, including vans and large cars, must mount the kerbs. At present, the only wide vehicle required to enter Durweston Street is the Veolia rubbish truck – which has wiped out the railings outside 37 York Street more than once already. At the south end of Durweston Street, there is an iron bollard in the pavement which is bashed most days of the week. Any vehicle – large or small – entering Durweston Street must line up to drive in at an exact right-angle to the traffic on the busy main road. Approaching on the nearside, a vehicle must swing out into oncoming traffic to take this awkward turn. Drivers often misjudge it. Add in the nearly-non-existent pavements at either end of the mews, and no pavements at all once you're inside, and anyone on foot on Durweston Street is at serious risk of injury. Of course, the staff at No. 8 Durweston Street, and people with homes or garages in the mews come and go on foot, but the footfall is actually very much

higher than that would indicate. About 30,000 commuters use Marylebone Station every day, walking to and from their offices further south through the quieter parts of Marylebone. A high proportion of these pedestrians choose the route from the back of the Marylebone Old Town Hall down to Seymour Street, through the line of old mews lanes at the back of Gloucester Place. The traffic in Durweston Street is already dangerous. A delivery-based business would make it even more so.

4. Public nuisance

i) All the garages opening onto Durweston Street, apart from No. 7, are single garages with ancient pairs of huge wooden doors (each 120cms wide) that open into the roadway. The space outside each garage is already just enough to allow the vehicle kept there to get in and out, assuming the polite co-operation of adjoining tenants. The lay-out of the mews, and the single-yellow-lines around it, make it clear that the space between the garages is for momentary manoeuvring only. Indeed, given the number of pedestrians walking through, and local residents coming and going, there is no scope for anyone to hang about, whether on foot or in a vehicle. Garage-tenants often have to wait for a neighbour to get clear, before they can get their car in or out of their garage. Any vehicles servicing a business in the garage of No. 7 would obstruct the garages that line the east and west sides of the mews, causing great inconvenience and annoyance. This problem would be exacerbated by the lifting of controlled parking on single yellow lines in the evenings and at weekends. The scope for friction between legitimate stakeholders is great.

5. The protection of children from harm

The flats above the garages are all occupied, several of them by families with children. Space at this location is already so very tight, that vehicles associated with a delivery-business on this site would normally have to manoeuvre and/or idle for extended periods, to juggle space with other stake-holders. Given the well-acknowledged dangers to children’s brain and lung development caused by NO2 diesel pollution, it’s unreasonable to allow a delivery-based business into this extremely limited space. We already know that children would be adversely affected. Moreover, the additional coming and going, during the proposed long and troublesome commercial hours inside this very limited space would cause noise and disturbance to residents, including children. Children, who at present can come and go with a reasonable amount of supervision, would need to be escorted from their front doors, on account of the increase in traffic from a commercial enterprise in this location.

Conclusion

Durweston Street is a well-used local residential amenity with a huge amount of pedestrian through-traffic. The proposed business is a shop – selling alcohol - operating 7 days a week, and reliant on delivery vehicles. Apart from the noise and extra pollution from delivery-vehicles coming and going within this very tight space, and no doubt idling in the yard while they juggle space with other drivers, the proposed hours are an outrage. Why on earth should residents in this mews have to bear commercial delivery traffic from 8 a.m. to 7p.m. 5 days a week, and from 10 till 6 on a weekend? I earnestly ask you turn this Application down.

Representation 4			
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	13 June 2018		

I would like to register an objection to application 18/05602/LIPN for a license to sell alcohol on the following grounds:

1/ I am worried about the disturbance of constant traffic to/from the premises, whether that is deliveries or pick-ups. It is said on the application that it will be operating 7 days a week.

2/ There is no clear demarcation of where the alcohol will be stored on the plan submitted. The premises is very small for a an alcohol off-licence business which it is claimed will be operating 7 days a week - will deliveries be every day, multiple times a day, as well as pick-ups?

3/ I note that the person listed as responsible for oversight of these premises is only 23 years old - what experience or support he will have in doing this, and I am worried, that despite CCTV being available that the premises could easily become a target for crime. Also, will Mr Frederick Holt listed in the application be on site during all the opening times listed? Is this in line with employment legislation?

Also the street traffic has increased a lot in the last 2 years.

There is a health and safety issue in case of a fire or access for an ambulance to park in front for my front door has there is no pavement outside of my front door I step out on to the road has it is a mews , which was not meant for a lot traffic and only To use by residents to park there cars.

I was also sent a notification letter addressed to 'Development Site at 25-28 Durweston Street Garages. Can someone please tell me why this address is designated a 'Development Site'? There appear to be no current planning applications out for this, but have there been any in the past? Can you send me a link to them?

#### Representation 5

<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 June 2018		

I act as managing agent for Speen Property Trust, the owner of the residential and garage properties at 9-29 Durweston St. My client objects to the application as the proposed use is not suited to the location. The width of the street and, in particular, the entrances at each end make it difficult for vehicles entering, exiting and turning. Delivery and customer vehicles will quite likely be van size or larger. Further, my client's properties suffer from people urinating in doorways and the ramp leading down to the courtyard. The street is frequented at all times of day and night by vagrants and an alcohol sales outlet will only make the problem worse.

#### Representation 6

<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	11 June 2018		

As the owner of Flat B, 37 York Street, I object to this application on the grounds that

1. there is no requirement for such a facility in this residential area
2. there is plenty of available retail space nearby for such a facility if needed
3. it would have a material impact on traffic (deliveries) and noise in this residential area which would be detrimental to the nature of the area.

#### Representation 7

<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	5 June 2018		

I completely object to have a warehouse style alcohol business in the mews behind my home. The mews street is not big enough to receive lorries or vans. The entrance is too narrow. We are the corner house to the mews. Also the hours will create a constant noise

disturbance in the mews when the area should be quiet. This disturbs those living near by like myself. I completely object.

Following the submissions sent to the interested parties on 11 July 2018 the following submission was made:

It's the deliveries I disagree with

Bottles make noise being moved as do delivery vans.

The st entrance is narrow and often our walls of our homes get scratched.

Mews echo sound ! So any deliveries are exaggerated !

So any business that takes large deliveries creates extra noise which is unacceptable to the quiet demise of living in and close by the premises. Especially bottles.

I am not in favour of this licence for this reason.

### Representation 8

<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 June 2018		

Please find attached my objections to the above subject matter application.

Please note that the on-line comments section for making comments is not working and an error pops up when you try to submit a comment. I am hopeful that there might be an extension of the deadline for comments due to this issue.

I would like to highlight that that part of the premises occupied by Katlist are located underneath my flat ie, my flat is on top of the garage occupied by the Applicant and currently there is a lot of noise due to early morning deliveries and weekend working. If the application is approved, the nose will only increase which would be unreasonable. This application will impact on privacy, traffic, road access and noise generated by the proposal.

I would be grateful if the case worker could contact me to clarify and discuss this application further. My mobile number is below.

### Representation 9

<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	11 June 2018		

I would like to object to this premise obtaining this license, on the basis of:

1. The prevention of crime and disorder - There is already a tendency for on-street drinking and boisterous behaviour due to the concealed public space provided by mews, this would only increase the problem.
2. Public safety: the narrow roads in mews mean that pedestrians always have to take care when walking, especially when large vehicles have to partially go over the pavement. The auto trader business on this same mews, already has cars constantly parked in the mews. This business is likely to attract more vehicles to Durweston street, increasing the dange to pedestrians.
3. The prevention of public nuisance: this is a yard with single garages at ground level (apart from the open garage space under No. 7), and living accommodation above. It is



completely unsuited to house a commercial operation with delivery vehicles coming and going 7 days a week from early till late. It would indeed be a public nuisance.

### 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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Planning comments
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

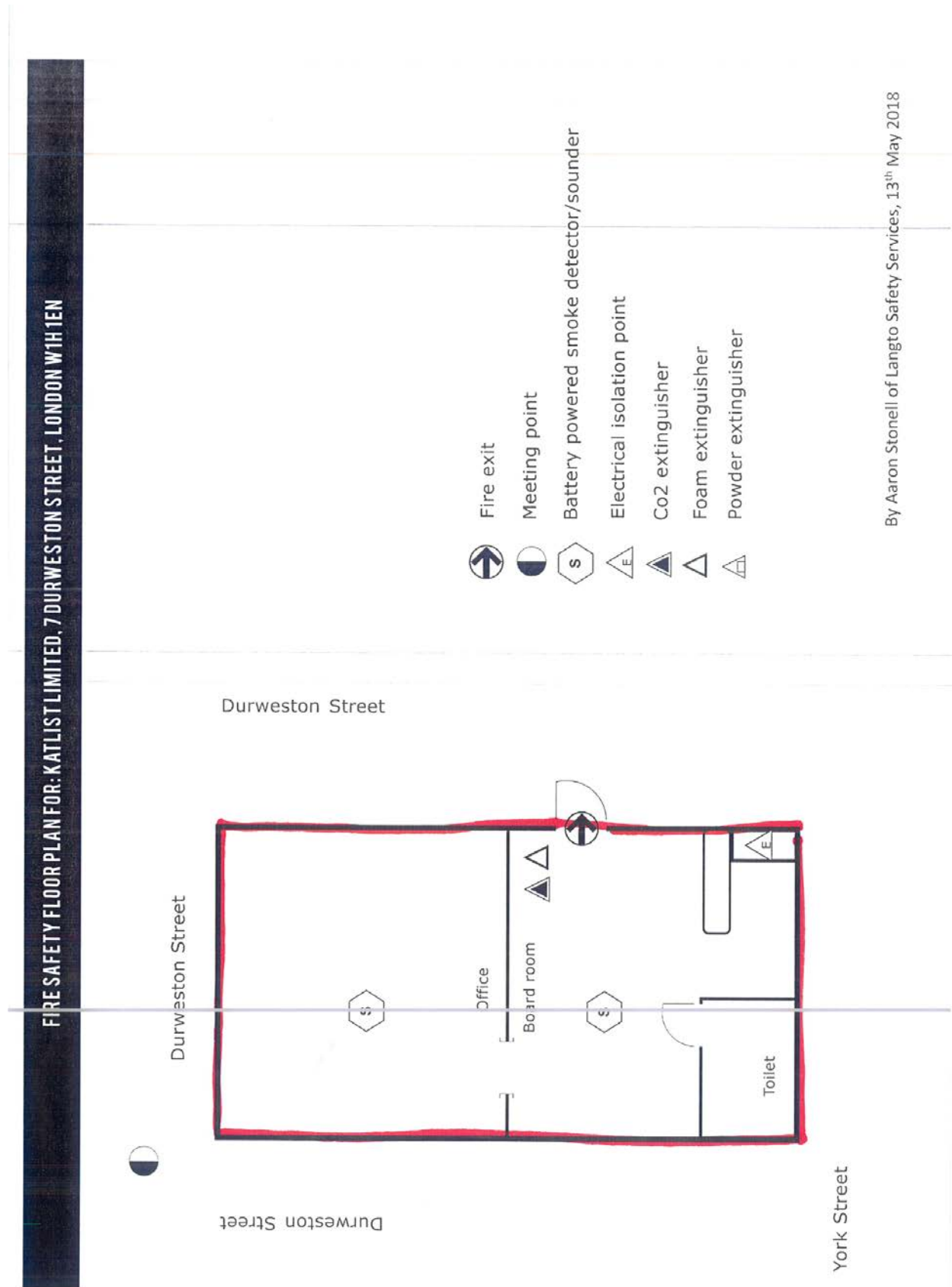
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Representation – Environmental Health Service	13 June 2018
<b>5</b>	Representation – Metropolitan Police Service	7 June 2018
<b>6</b>	Representation 1	13 June 2018
<b>7</b>	Representation 2	12 June 2018
<b>8</b>	Representation 3	13 June 2018
<b>9</b>	Representation 4	13 June 2018
<b>10</b>	Representation 5	12 June 2018
<b>11</b>	Representation 6	11 June 2018
<b>12</b>	Representation 7	5 June 2018
<b>13</b>	Representation 8	12 June 2018
<b>14</b>	Representation 9	11 June 2018

Premises Plans

Appendix 1



### Applicant Supporting Documents

The applicant has supplied the following comments which have been passed to all interested parties:

Dear Resident,

We act for the applicant, Katlist Limited, who have recently applied for a new premises licence at the above premises, where they operate an internet sales business selling personalised bottles of alcohol at premium prices.

We have been forwarded copies of your representations from Westminster City Council's Licensing team. Having read them all, we would like to offer some clarification and address some of your concerns.

May we start by confirming the address of the premises. Although the application form states the address as 7a Durweston Street, we can confirm that the correct address is in fact **7 Durweston Street**. As Westminster City Council's online application system did not have a confirmed reference for 7 Durweston Street we had to apply for the application at the nearest address, 7a. The premises is in fact an office in a news of other offices and garages. This was made clear to WCC at the time of submission of the application and is found on the description on the application form as well. The correspondence we are receiving from WCC states the correct address so if there has been any administrative confusion on WCC's standardised letter to you we can only apologise, but that is out of our hands.

Our client's main business is that of a marketing company and they have been operating this company from this address for over four years. The introduction of personalised alcohol bottles is indeed a small addition to their already flourishing marketing agency. The client holds the UK agency rights for Ciroc (a wonderful French vodka) so all marketing for Ciroc in the UK must go through the client. The personalised bottles will be ordered online only, personalised on site and then taken to a distribution centre via their packaging partner.

The personalised bottles range in size with the classic 70cl being the most popular and affordable. The personalisation is done using a laser machine which is very quiet (almost silent) and with the machine only able to produce approximately 3 personalised bottles an hour, the process is extremely time consuming which keeps productivity levels at a low each day. The packaging partner is then called to pick up the orders from Durweston Street, take them away to be packed, and delivery of the item then takes place (not from the site). The only thing that happens on site is the printing. The packaging company collects the bottles to be shipped (once a day) from the premises, before 6pm each day (usually earlier) so as not to cause a nuisance to the local residents.

We can assure you that there will be no sort of wholesaling taking place with persons at the premises, in fact no public are permitted on the premises to purchase alcohol immediately; this premises shall not operate as a traditional off licence and there will be no sales of alcohol for immediate consumption of alcohol.

Although we have gone some way to describe the operation of this premises, we would also like to invite you to attend the premises, meet the applicant, discuss your concerns and see the operation first hand. We are very keen to build good relationships with you. If you would like to meet, please advise me of your availability over the next couple of weeks and we shall arrange a suitable time and date for all.

If you should have any further queries, please feel free to contact me directly.

Kind Regards,

Sumeet  
LT Law

**Planning Comments:**

On 13<sup>th</sup> June 2018 the planning department contacted licensing with the comments:

I am writing to ensure that all concerned with the processing of this Premises Licence application, but especially the applicant, are made aware that the lawful use of the premises in planning terms is a Class B1 office. From the documents I have seen the applicant may be intending to use the premise as a Class A1 shop where members of the public can visit to purchase alcoholic goods - a use which does not have the benefit of planning permission. If this is correct and if the use commences without the benefit of planning permission, it is very likely that enforcement action under the planning acts would be considered for the cessation for the use.

The Licensing Service responded by forwarding the information supplied by the applicant:

We can confirm that the public will not be permitted to enter the premises to purchase alcohol directly; it will indeed be an internet based business only where orders are placed online and delivered to the customer.

**Premises 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 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.
  - (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.
- (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.
  - (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:**

- 6. All sales of alcohol, for consumption off the premises, shall be ancillary to the use of the business as a warehouse and office.
- 7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 8. Before the order is accepted, a declaration will be required from the person placing the order to confirm that they are over 18 years of age.

9. A condition of contract shall be in place between the premises licence holder and any third party delivery company that ID verification shall be required when orders are delivered. A Challenge 25 proof of age scheme shall be operated 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.
10. 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.
11. 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.
12. Notices shall be prominently displayed at all exits requesting delivery drivers to respect the needs of local residents and businesses and leave the area quietly.
13. 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) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
14. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
15. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

**Conditions proposed by the Environmental Health Service and agreed by the applicant:**

16. There shall be no advertising of the 'Off' sales of alcohol immediately outside the premises.
17. There shall be no direct sales of alcohol to the public on the premises.
18. Collections and deliveries of alcohol is permitted only between 08.00 hours and 19.00 hours Monday to Friday and 10.00 hours and 16.00 hours Saturday.
19. A direct telephone number for the designated premises supervisor shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.



**Premises within 75 metres of 7 Durweston Street**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
17/11841/LIPCH	Monkey And Me	Basement And Ground Floor 115 Crawford Street London W1H 2JF	Restaurant	Monday to Wednesday; 10:00 - 23:30   Monday to Saturday; 10:00 - 01:00   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sunday; 12:00 - 01:00
07/01520/WCCMAP	Monkey And Me	Basement And Ground Floor 115 Crawford Street London W1H 2JF	Restaurant	Monday to Wednesday; 10:00 - 23:30   Monday to Saturday; 10:00 - 01:00   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 01:00   Sunday; 12:00 - 22:30
14/07886/LIPT	Savoy Market	Ground Floor 116 Crawford Street London W1H 2JJ	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
15/01453/LIPDPS	Two Point Bar & Kitchen	26 Crawford Street London W1H 1LL	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00