

Licensing Sub-Committee Report

Item No:	
Date:	25 October 2018
Licensing Ref No:	18/08646/LIPN - New Premises Licence
Title of Report:	Unit 29 Trocadero 13 Coventry Street London W1D 7AB
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	24 July 2018		
Applicant:	Global Vips Limited		
Premises address:	Unit 29 Trocadero 13 Coventry Street London W1D 7AB	Ward:	St James's
		Cumulative Impact Area:	N/A
Premises description:	According to the applicant, this is an application for a new premises licence for a convenience store which currently operates 24 hours a day. This application seeks to permit late night refreshment and the sale by retail of alcohol.		
Premises licence history:	This is an application for a new premises licence and therefore no history exists.		
Applicant submissions:	The applicants representative has sent the Licensing Service a letter which has been sent through to the resident. A copy of the letter can be found in Appendix 2 .		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:			None applied for.				

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	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:			None applied for.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:	None applied for.						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Daisy Gadd Senior Licensing Officer
Received:	31 July 2018
<p>I write in relation to the application submitted for a New Premises Licence for Unit 29, Trocadero, 13 Coventry Street.</p> <p>As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2003 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> · Public Nuisance · Prevention of Crime & Disorder · Public Safety · Protection of Children from Harm <p>This application seeks to permit the following licensable activities:</p> <ul style="list-style-type: none"> · Late Night Refreshment: <ul style="list-style-type: none"> o Monday to Sunday: 23:00 to 05:00 · Supply of Alcohol (Off): <ul style="list-style-type: none"> o Monday to Saturday: 08:00 to 23:00 o Sunday: 10:00 to 22:30 	

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely OS2, FFP2, HRS1 and CIP1.

With specific regard to the aspect of the application relating to the supply of alcohol for consumption off the premises, paragraph 2.5.26 of the Council's Statement of Licensing Policy acknowledges that alcohol loading from off licence sales is a significant problem in the West End and adversely affects the licensing objectives. Policy OS2 specifically relates to premises where the sale of alcohol is exclusively for consumption off the premises and is therefore relevant to the off sales element of this application. Policy OS2 states that "Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1, CH1 and HRS1 and other policies... provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Area". No information has been received which addresses this policy concern, and the Licensing Authority looks forward to the applicant providing further submissions in this regard.

Premises providing late night refreshment by way of take away for immediate consumption will be considered under policy FFP2. Part of this application seeks to permit late night refreshment on Monday to Sunday from 23:00 to 05:00. Paragraph 2.5.18 of the policy states that "Fast food premises which are open after 23:00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away". In respect of policy FFP2, it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas unless they are applications to vary within the Core Hours under Policy HRS1. Therefore, as stated in paragraph 2.5.20 of the policy, "the Licensing Authority considers that the grant of variations or new licences for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances". Consequently, it will be for Members to determine whether the applicant has demonstrated any genuinely exceptional circumstances that would allow to depart from policy, with specific regard to the aspect of the application seeking to permit late night refreshment.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	29 July 2018
Coventry House includes 18 residential properties in very close proximity to this retailer. The area is already very busy with revellers from the clubs and bars in the vicinity and is a recognised stress area. There are plenty of late night drinking venues in the area already and there is no need for further alcohol sales points. If permitted it would only lead to public nuisance and the crime and disorder that comes from it.	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy FFP2 applies:	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1. Policy OS2 applies:</p> <p>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.</p>
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> <p><u>For premises for the supply of alcohol for consumption off the premises:</u></p> <p>Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>

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

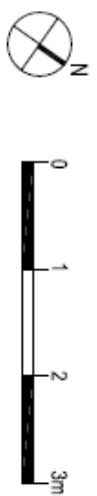
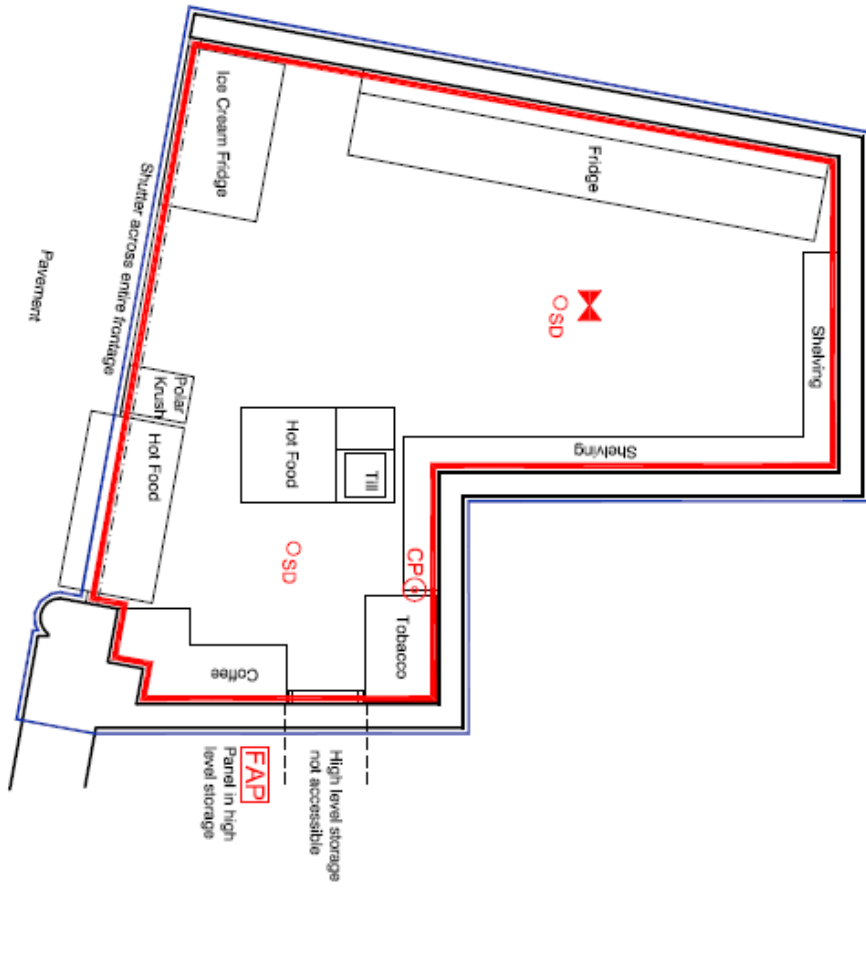
Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

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	April 2018
4	Licensing Authority Representation	31 July 2018
5	Resident 1	29 July 2018

Essentials - Ground Floor Plan
SCALE 1:50



- NOTES**
-DRAWING SHOWS EXISTING AS INSPECTED
-EXISTING FIRE ALARM SYSTEM TO BE MAINTAINED WHERE POSSIBLE AND UNPACKED WHERE NECESSARY
-ALL FIREWORKS TO BE REMOVED FROM PREMISES
-EQUIPMENT TO BE INSTALLED IN ACCORDANCE WITH TENANTS FIRE SPECIALIST
- KEY:**
- boundary of licensed premises
 - escape routes
 - licensable activities
 - 30 min fire rating
 - 60 min fire rating
 - area covered by emergency lighting (to BS5266)
 - maintained emergency lighting (to BS5266)
 - Fire Exit (normally illuminated Directional Arrow (green) normally illuminated)
 - OSD smoke detector
 - OSD heat detector
 - OSD call point
 - ESAP fire alarm panel
 - 3 fire water extinguisher
 - 2kg CO2 extinguisher
 - 6 fire foam extinguisher
 - fire shutter

LICENSING	
Client:	Essentials
Project:	Unit 29 Trocadero Centre 7-14 Coventry Str. W1D7DH
Drawing:	Ground Floor Plan
Proposed Licensing	
Drawing No.:	SMAA/030/800
Scale:	1:50
Size:	A4
Date:	July 2018
Rev:	

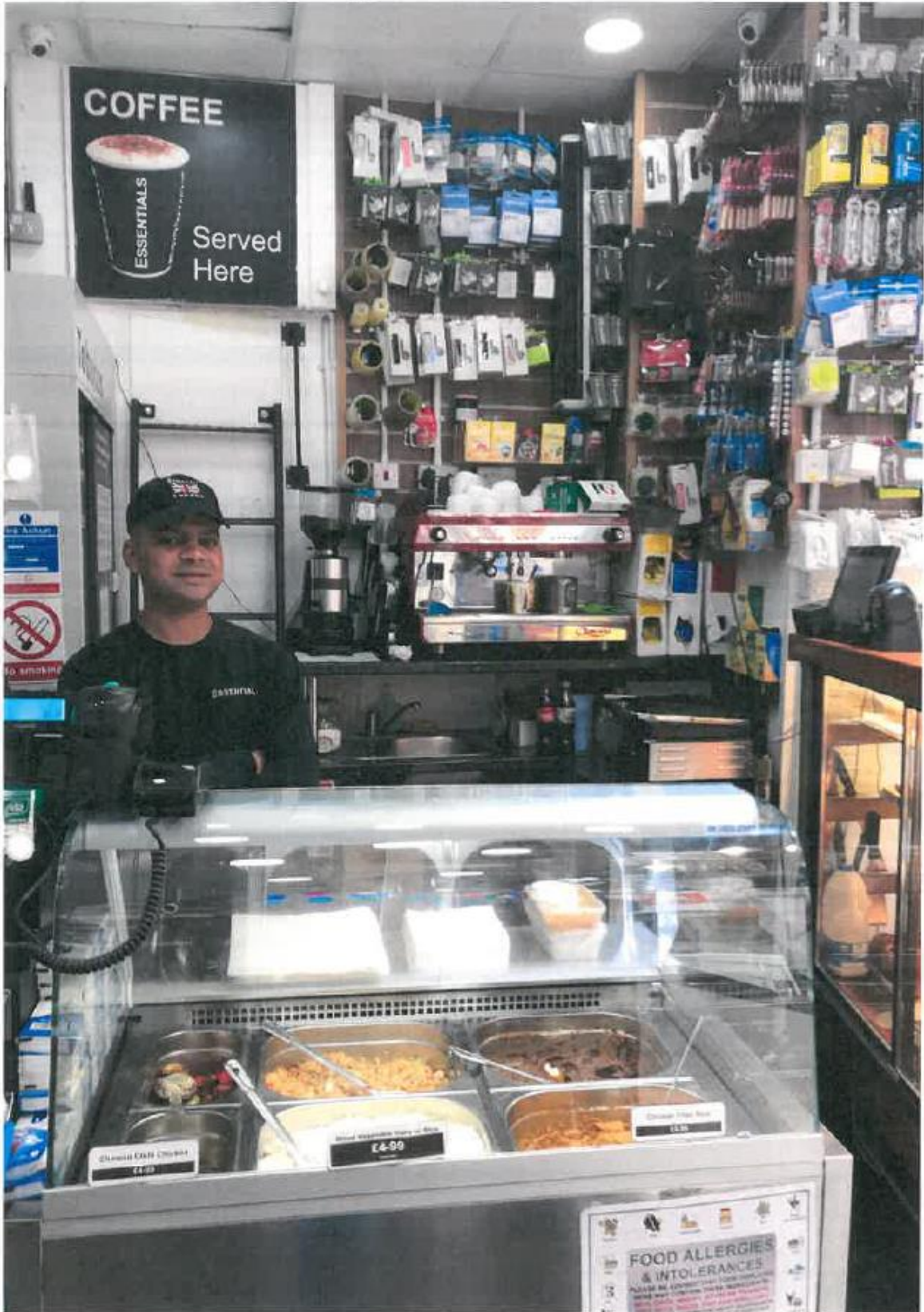
Covenmy Street



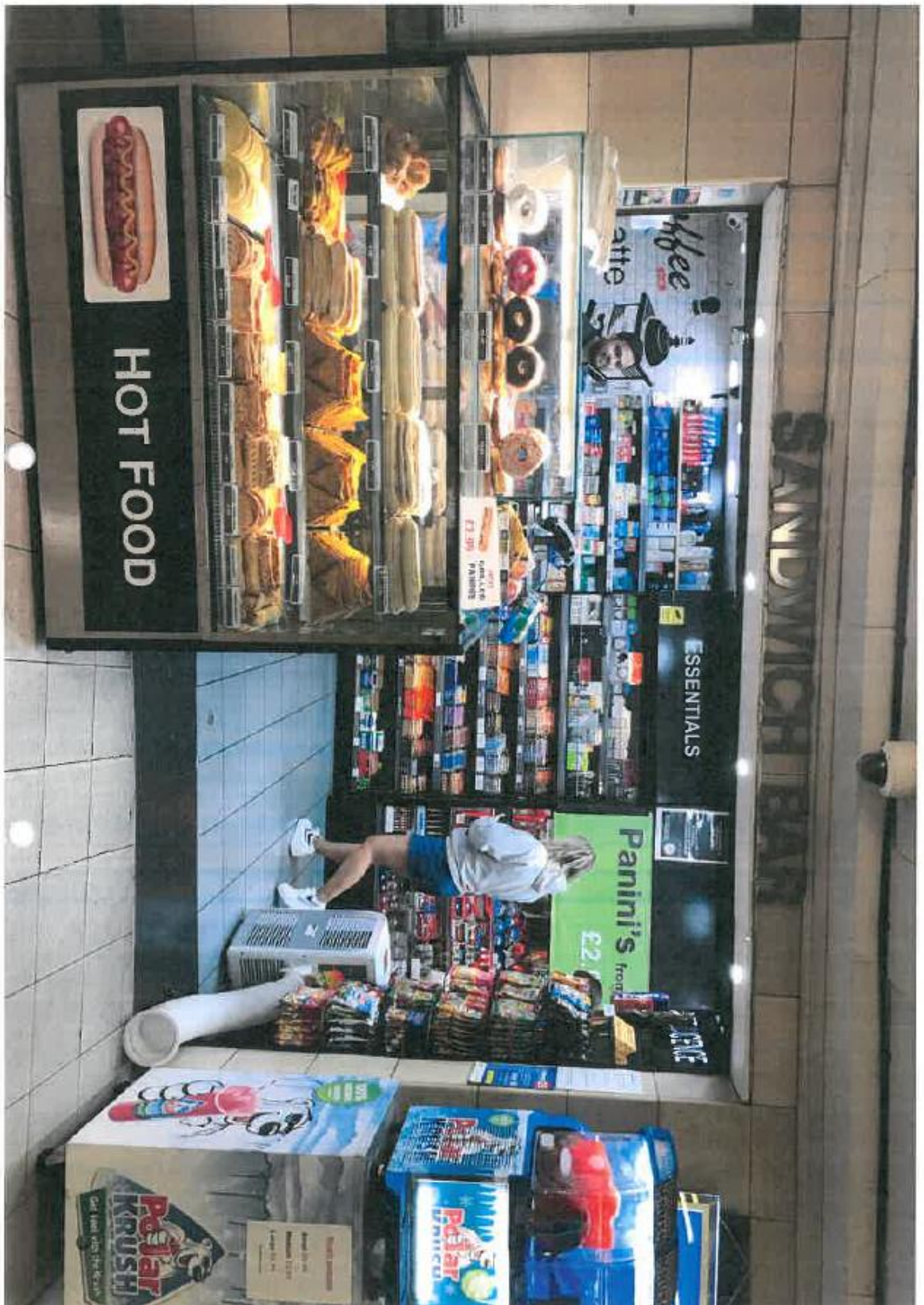
Covenry Street



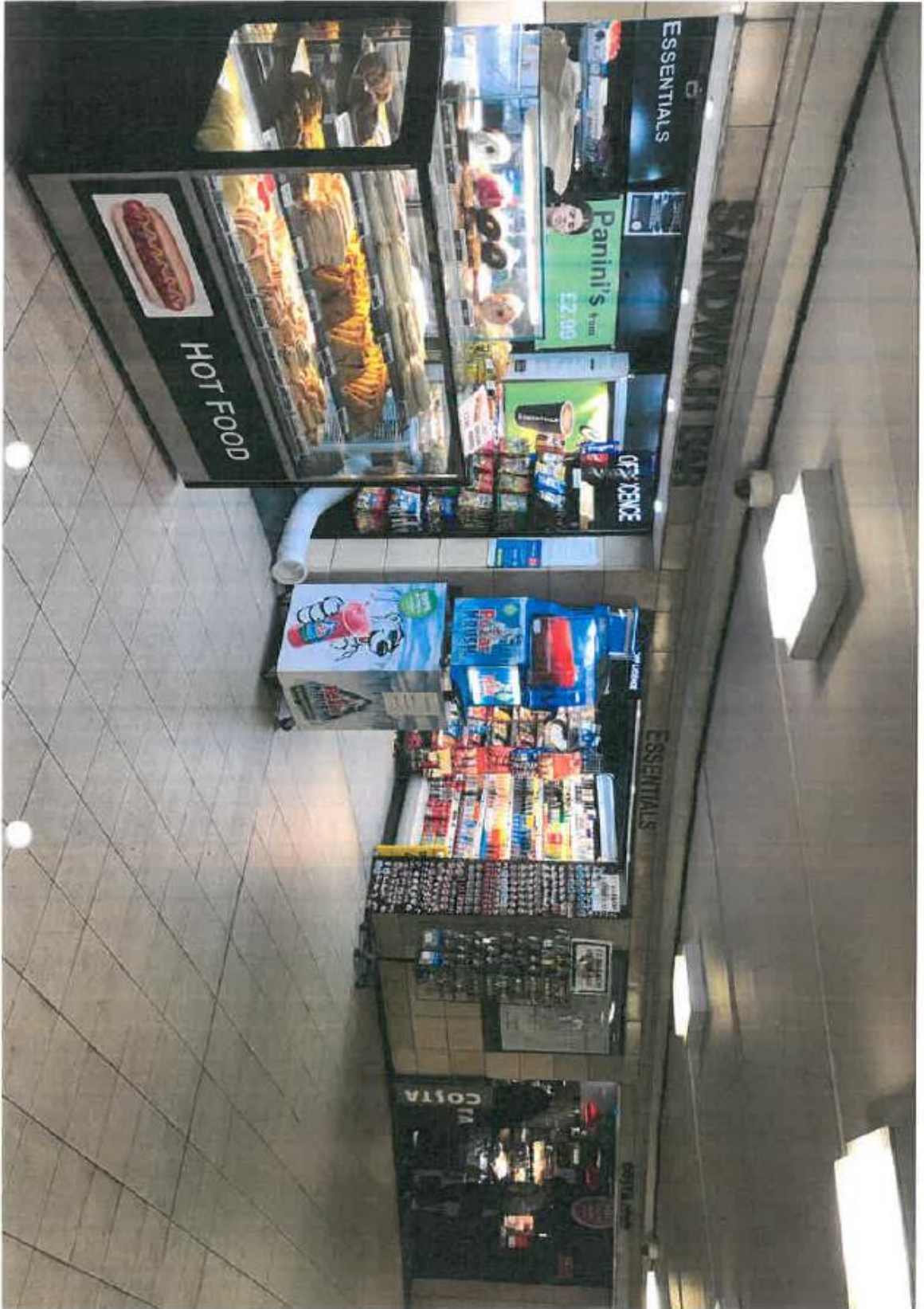
Coventry Street



Leicester Square



Leicester Square



Leicester Square



Letter from applicants representative to resident:

01 October 2018

LS/SH/P52249-3
Doc Ref: 2146617507

l.sharkey@popall.co.uk

0115 9538504

Dear [REDACTED]

Essentials, Unit 29, 13 Coventry Street, The Trocadero, Piccadilly Circus, London
New Premises Licence – 18/08646/LIPN

I act upon behalf of Mr Hadi Ahmad, who owns and operates the Essentials Convenience Store on Coventry Street. Mr Ahmed has been a business owner, operating within the area for many years, and you may be familiar with his shop within Leicester Square Tube which he has been operating for over 25 years. He has been operating the shop in Coventry Street for 3 years, although the location of the shop changed within the last 12 months.

I have received via Westminster City Council a copy of your letter of objection to Mr Ahmad's application for a premises licence. Your letter of objection references concerns regarding further alcohol sales. The application was for the sale of alcohol for consumption off the premises during core hours (namely, 8am to 11pm Monday to Saturday, Sunday 10am to 10.30pm) together with the sale of hot food and hot drinks between the hours of 11pm and 5am. I note that your concerns relate to the sale of alcohol.

The premises currently trade 24 hours a day and my client is particularly keen to add late night refreshment as up to 11pm they do sell hot food. After 11pm, they have to refuse the sales, although the food is still available to purchase but it has to be served cold. This can lead to conflict with customers not understanding why an item cannot be warmed up. On average, between 11pm and 5am, my client will have 50 customers, often 70 on a Friday and Saturday, requesting food to be warmed up. Some will still buy the food cold but others will decline to buy the food cold, although they will still buy other items whilst they are in the shop. However, often the customer is not happy.

Within my client's shop on Leicester Square, he has a licence to sell alcohol and he has advised me that 10% to 15% of all sales are alcohol sales. He believes that there is a need in this location as many hotels have opened and the closest off licence shop is Tesco's.

My client's price point means he will not be major competition for Tesco's, nevertheless he would like the ability to sell a limited range in his store. He believes that the majority of his customers will be tourists and locals who want to pop in to pick up the essentials, without having to visit a supermarket.

My client would be more than happy to meet with you to discuss your concerns. My client's mobile telephone number is 07956 922287.

If you have any questions for myself then please do not hesitate to contact me.

Yours sincerely

Lisa Sharkey
Poppleston Allen

Premises History

Appendix 3

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 consistent with the operating schedule

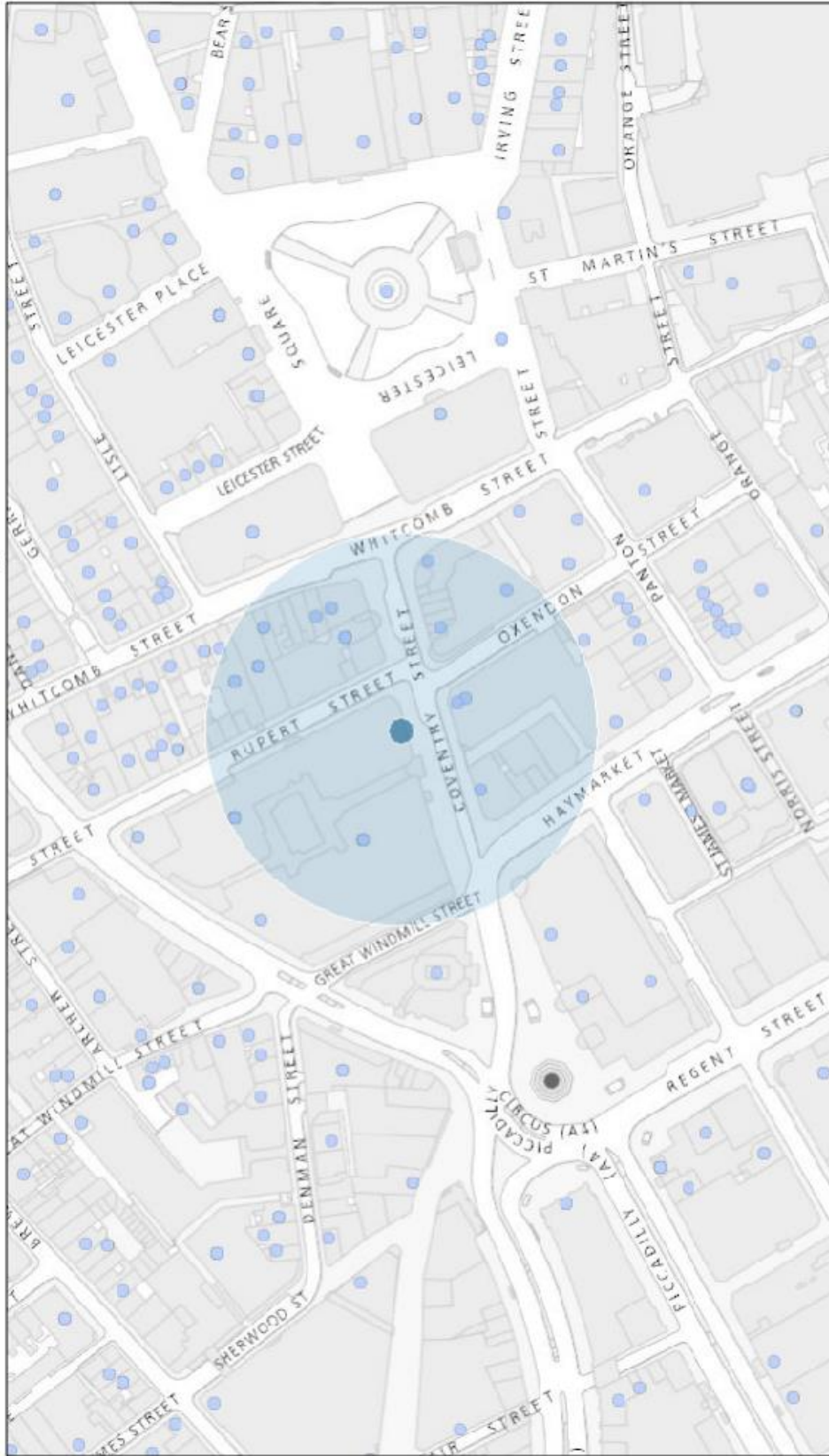
9. Licensable activities shall at all times be ancillary to the main function of the premises as a convenience store.

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 are 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. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
14. 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.
15. 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.
16. 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.
17. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
18. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed within the premises.
20. 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, proof of age card with the PASS Hologram and military ID cards.
21. 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
 - (g) any refusal of the sale of alcohol

(h) any visit by a relevant authority

22. 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 emergency service.
23. 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.
24. There shall be no primary cooking and late night refreshment food shall be limited to food reheated in a microwave operated by staff behind the counter or served from a heated display counter

Unit 29, Trocadero, 13 Coventry Street



October 17, 2018
● Live Licensing Act

1:2,000
0 0.015 0.03 0.06 mi
0 0.0275 0.055 0.11 km
© Crown copyright and database rights 2018 OS 00001698

Licence Number	Trading Name	Address	Time Period
18/04659/LIPDPS	TGI Fridays	25-29 Coventry Street London W1D 7AG	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:30 Sundays before Bank Holidays; 12:00 - 01:00
17/02769/LIPDPS	The Comedy Store	Ground Floor Right Haymarket House 1A Oxendon Street London SW1Y 4EE	Monday to Saturday; 09:00 - 05:00 Sunday; 09:00 - 01:00
12/03809/LIPVM	Aberdeen Steak House	21-22 Coventry Street London W1D 7AE	Monday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 00:00 Sundays before Bank Holidays; 10:00 - 01:00
18/01104/LIPVM	G. Casino Piccadilly	Upper Ground Floor To Third Floor 3-4 Coventry Street London W1D 6BL	Monday to Saturday; 10:00 - 10:00 Sunday; 12:00 - 12:00
18/02164/LIPDPS	Cafe De Paris	Basement And Lower Ground Floor 3-4 Coventry Street London W1D 6BL	Monday to Sunday; 09:00 - 06:00
06/10262/WCCMAP	Cornishe	32 Coventry Street London W1D 6BR	Monday to Sunday; 23:00 - 05:00
17/08106/LIPN	Unit 4 - Happy Bar And Grill	Trocadero 13 Coventry Street London W1W 7DH	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
18/00656/LIPN	Trocadero Hotel/Sky Bar & Restaurant	Trocadero 13 Coventry Street London W1W 7DH	Monday to Sunday; 00:00 - 00:00
18/07703/LIPT	Biagios	Unit F1 Basement Trocadero 13 Coventry Street London W1D 7DH	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
18/01877/LIPDPS	Picturehouse Central	Trocadero 13 Coventry Street London W1W 7DH	Monday to Sunday; 00:00 - 23:59
18/06928/LIPDPS	Five Guys	Trocadero 13 Coventry Street London W1W 7DH	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30