

Licensing Sub-Committee Report

Item No:	
Date:	16 May 2019
Licensing Ref No:	19/02892/LIPN - New Premises Licence
Title of Report:	Argyll News 21A Argyll Street London W1F 7TT
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
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1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	11 March 2019		
Applicant:	Mr Kamlesh Patel		
Premises:	Argyll News		
Premises address:	21A Argyll Street London W1F 7TT	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application form the premises will trade as a newsagents and convenience store.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	During consultation the applicant agreed to amend the start time for the sale by retail of alcohol from 08:00 Monday to Saturday to 10:00 Monday to Saturday. This is reflected in section 1-B .		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn</i>)
Representative:	PC Reaz Guerra
Received:	26 March 2019
<p>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 as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>There is insufficient detail within the operating schedule to promote the Licensing Objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p> <p>Following the agreement to amend the start time for the sale of alcohol to 10:00 hours and additional conditions, the Metropolitan Police Service withdrew their representation on the 8 April 2019.</p>	
Responsible Authority:	Licensing Authority (<i>Withdrawn</i>)
Representative:	Roxsana Haq
Received:	27 March 2019
<p>I write in relation to the application (19/02892/LIPN) submitted for a New Premises Licence for the following premises:</p> <p>21A Argyll Street, London W1F 7TT</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 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 the following:</p> <p><input type="checkbox"/> Sale by retail of alcohol for consumption off the premises</p> <p>Monday to Sundays 08:00 to 22:00</p> <p>The premises is located within the West End Cumulative Impact area and as such policy points CIP1, and OS2 must be considered.</p>	

We note the hours applied for licensable activities are within the Council's core hours for off-licences as per policy point 2.5.26.

“Core hours are those set out in the policy HRS1 which will generally be granted, subject to not being contrary to other policies in the licensing statement. For off-licences these hours are 08:00 to 23:00 on Monday to Saturday, and 10:00 to 22:30 on Sundays.”

Furthermore the Licensing Authority acknowledges that the applicant has offered conditions that go some way in mitigating the potential adverse effects on the licensing objectives, however, the applicant must demonstrate that they will not add to cumulative impact in the Cumulative Impact Area as per policy CIP1.

Unless the applicant can satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted, it will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact area.

Please accept this as a formal representation and I look forward to receiving any further submissions which will be forwarded on for Members information.

Following the agreement to conditions contained at Appendix 5, the Licensing Authority withdrew their representation on the 11 April 2019.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	8 April 2019
<p>As concerned local neighbours, we wish to register a strong OBJECTION to the application for a premises licence by Mr Kamlesh Patel for 20-21A Argyll Street, London W1F 7TT. The fundamental basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, but in fact counter the objective of prevention of crime, disorder and antisocial behaviour.</p> <p>Argyll Street lies within the Council Cabinet's approved plans of an area earmarked for the creation of a Piazza on Oxford Street, and Argyll Street has an emphasis on extending the Piazza whilst being decluttered and seating facilities added. Enabling the premises to sell alcohol would be detrimental to its aims and objectives, such as even more business waste being created and adding to the clutter which already poses health hazards for locals and tourists (see public A&E data for the area and alcohol related injuries for both users and victims).</p> <p>Furthermore, given the high number of injuries and deaths related to pedestrian accidents in the area (Oxford Circus bus-related injuries are one example within a stone's throw of the premises), the following statistics as reported by the Alcohol Education Trust only support the need for the licence application to be rejected in the interest of public safety in an area already renowned for accidents; '35% of all Accident & Emergency (A&E) attendance and ambulance costs may be alcohol related in England' and 'being impaired by alcohol is thought to be a contributory factor in 13% of pedestrian road deaths'. NHS Central London (Westminster) already has the highest number of 'prescription items per 100,000 population, for the treatment of alcohol dependence, prescribed in primary care and dispensed in the community, by Commissioning Region and Clinical Commissioning Group' of all of London, clearly highlighting</p>	

the extent of the already unacceptable high-availability and dependency on alcohol of vulnerables in the area.

As consumption is directly influenced by availability (as well as price and marketing), increasing alcohol availability in a high-density cumulative impact area will only worsen the issues mentioned thus reinforcing the need for this premises licence application to be rejected.

The application proposes that alcohol will be sold for consumption off the premises between 8:00am and 10.00pm, seven days a week. Granting a licence would provide a further source of alcohol within a high-density cumulative impact area already so heavily populated with licensed premises, that crime, disorder and public nuisance which have already reached problem levels for the poorly funded local police, would only increase further. The levels of crime that have been reached with the consumption of both alcohol and drugs in that proximity, have made it an area to be avoided; the Alcohol Education Trust reports that 'in the year ending March 2017, 40% of all victims of violence in England and Wales said their attacker was affected by alcohol at the time'. As reported by the Alcohol Change, 'in 2014-2016 in England and Wales, alcohol-related violent incidents made up 67% of violent incidents which take place at the weekend and 68% of those which take place during the evening and night', in relation to violent incidents '67% of those which took place in public spaces were alcohol-related', making it imperative for the licence to be rejected in the public space area which is extremely busy and already struggles with public safety, in order to prevent crime and disorder.

The area has unfortunately become home to an ever-growing homeless community, 'chuggers' (charity muggers), beggars, drunkards and drug dealers including children - for your reference please find attached soThe links between alcohol-availability and crime & disorder are empirically reported in data and studies, only reinforcing the further worsening of crime and disorder in the area (as opposed to prevention) as well as public safety, nuisance and exposing children to harm by granting this premises licence.

Residents, businesses and visitors in this area already suffer noise, nuisance and antisocial behaviour at all hours of the day and night, and it is totally unacceptable to expect them to continue to do so in an ever-increasing capacity.

In view of the above, we would urge the Licensing Authority to refuse the application.

As we encountered errors when submitting comments online using the portal, we look forward to your confirmation of receipt, and hearing from you regarding next steps.

Please see photographs attached to this representation at **Appendix 4**

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	8 April 2019

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance and prevention of crime and disorder.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recog-nised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cu-mulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

Supply of alcohol: Monday - Sunday 08.00-22.00

The application

We object to the application to the Sunday opening hour of 08.00 which is outside policy. Soho suffers from high levels of crime and disorder and anti-social behaviour, to allow the sale of alcohol from 08.00 will only exacerbate this existing problem. However, we would not object to the licence being granted from 10.00.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder.

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> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>
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 OS2 applies	<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>

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.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Objector's submissions
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

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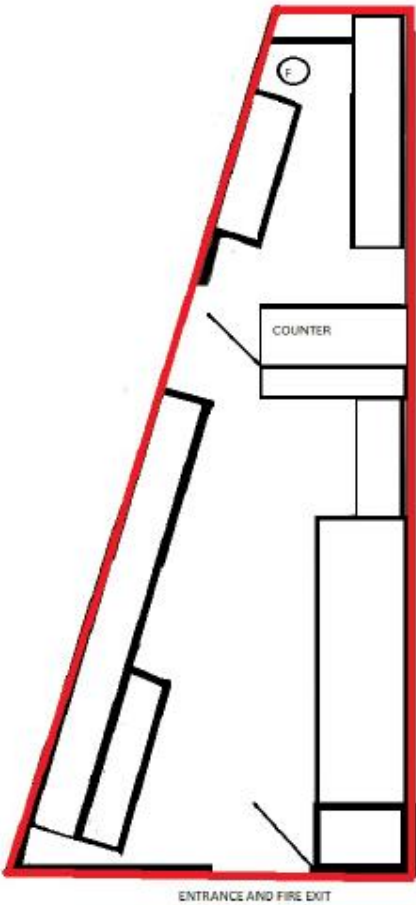
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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	Metropolitan Police Representation (<i>Withdrawn</i>)	26 March 2019
5	Licensing Authority Representation (<i>Withdrawn</i>)	27 March 2019
6	Representation 1	8 April 2019
7	Representation 2	8 April 2019

PREMISES; ARGYLL NEWS
21A ARGYLL STREET
LONDON
W1F 7TT

-  LICENSABLE AREA
- MAXIMUM 15% OF LICENSABLE AREA FOR ALCOHOL DISPLAY
-  FIRE EXTINGUISHER 1 X 4KG POWDER OR EQUIVALENT



Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

Objector's photographic submissions































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 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.

(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.

(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

None

Conditions proposed by the Licensing Authority and agreed by the applicant so as to form part of the operating schedule:

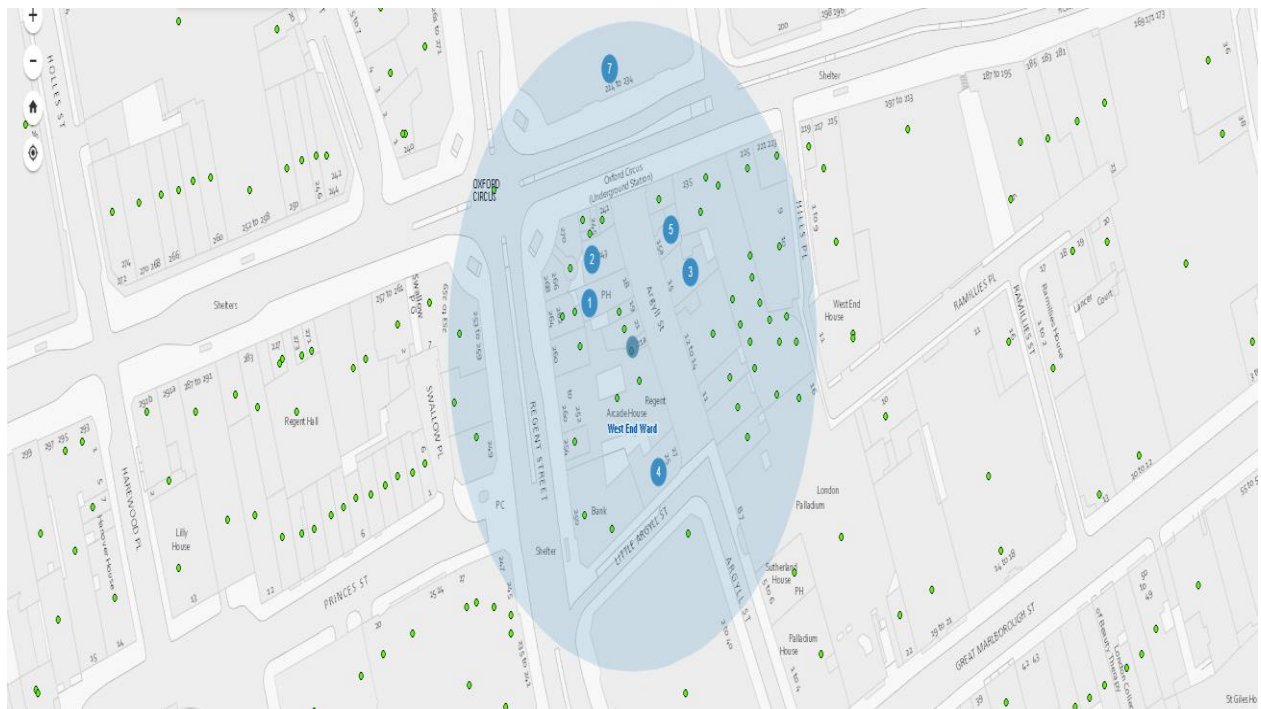
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.

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.
7. 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.
8. A 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 is open.
9. 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
10. No beer, lager or cider with an ABV of 5.5% or more shall be sold at the premises, save that this prohibition shall not apply to premium beer, lager or cider.
11. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003
12. Training Records shall be correct and made available for inspection upon receipt of request from the Police or an authorised Officer of the Licensing Authority.
13. 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.

14. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
15. Outside 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 customers.
16. A notices must be displayed in the premises explaining that it is an offence for persons under the age of 18 to purchase alcohol.
17. A panic alarm and system shall be installed and maintained at the premises.
18. A burglar alarm system shall be installed and maintained at the premises.
19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. No miniature bottles of spirits of 20cl or below shall be sold from the premises.
21. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day save that this restriction does not apply to newspapers and magazines or dairy or baker products.
22. No licensable activities shall take place at the premises until the premises has 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.
23. 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.
24. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.
27. 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.
28. No single cans or bottles of beer or cider shall be sold at the premises except premium products.
29. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule:

30. 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.
31. 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.
32. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
33. On the Day of London Pride:-
 - i. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
 - ii. The premises will not externally advertise local promotions of alcohol.
 - iii. No sales of alcohol in bottles or glass containers are made during this period.
 - iv. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.



Resident Count: 2

Premises within 75 metres of 21a Argyll Street, London, W1F 7TT				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/02059/LIPDPS	The Argyll Arms Public House	Ground 18 Argyll Street London W1F 7TP	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00

09/05133/LIPCH	Angus Steak House	241 - 243 Oxford Street London W1D 2LU	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 00:00 Sundays before Bank Holidays; 10:00 - 01:00
12/04512/LIPV	Bigger & Better Ltd T/a Cafe Fred	15A Argyll Street London W1F 7TW	Cafe	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/07917/LIPVM	Bella Italia	Basement North West And Ground Floor 25 Argyll Street London W1F 7TS	Restaurant	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 03:00 Good Friday; 09:00 - 01:30 Christmas Day; 09:00 - 01:30
13/07109/LIPT	Wok To Walk	15 Argyll Street London W1F 7TN	Takeaway food outlet	Monday to Sunday; 09:00 - 05:00
18/09221/LIPN	Top Shop	214 Oxford Street London W1C 1DA	Not Recorded	Monday to Sunday; 08:00 - 00:00
06/07875/WCCMAP	Top Shop	Whole Building 214 Oxford Street London W1C 1DA	Department store	Monday to Sunday; 09:00 - 23:00