

Licensing Sub-Committee Report

Item No:	
Date:	16 January 2020
Licensing Ref No:	19/12450/LIPN - New Premises Licence
Title of Report:	20 Queensway London W2 3RX
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 September 2019		
Applicant:	Yeo Dairy Café Limited		
Premises address:	20 Queensway London W2 3RX	Ward:	Lancaster Gate
		Cumulative Impact Area:	Queensway
Premises description:	According to the application form the premises will be a café comprising of a ground floor internal customer space, including customer seating, a counter / servery and customer WC. At the rear of the premises are back of house areas and the kitchen. There is a small external seating area at the front of the premises		
Premises licence history:	The premises were previously licensed 16/02670/LIPDPS for 'Off' sales and Late Night Refreshment trading as "Lords Food and Wine". This licence was surrendered in January 2017. The premises also traded tables and chairs outside without the authority of a tables and chairs licence due to the immediate area being private forecourt. A full licence history for the premises appears at Appendix 3.		
Applicant submissions:	<p>The Applicant is a renowned family-owned farming and dairy company based in the UK. The applicant recently acquired this premises and began operating the ground floor as a cafe in May 2019, serving the company's premium dairy products and a menu of hot food, hot drinks and a selection of pastries, cakes and biscuits.</p> <p>This application seeks to permit the sale of alcohol only from 10am to 11 pm, Monday to Saturday and from 10am to 10.30pm on Sunday.</p> <p>The Applicant is conscious of their location within Westminster's Queensway Cumulative Impact Area. In light of this, the applicant has included an extensive schedule of robust conditions in this application to ensure the premises will not add to cumulative impact and to promote the licensing objectives at all times. In particular, the applicant proposes to only serve alcohol with food, save for a small area within the premises hatched on the plans.</p> <p>Furthermore, the sale of alcohol shall at all times be ancillary to the premises operating as a cafe/retail shop. Consumption of alcohol shall only be by customers seated and a waiter/waitress service shall be provided. In addition to these measures, the applicant has proposed conditions addressing proof of age, CCTV, no super-strength alcohol save for premium products and various other measures to ensure public safety and prevention of public nuisance.</p>		

	<p>Taking into the account the robust measures proposed in the application, along with the modest size of the premises and proposed hours within Westminster's core hours policy, the Applicant considers that the grant of this Premises Licence would not add to cumulative impact.</p> <p>The Applicant has carried out pre-consultation with Ian Watson, Senior Environmental Health Practitioner and Alan Lynagh, District Surveyor.</p> <p>Following consultation, the applicant amended the start time for the sale of alcohol on a Sunday to 12:00</p>
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1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
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:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	23 October 2019

I refer to the application for a New Premises Licence for the above premises.

The premises are located within the Queensway Cumulative Impact area as stated in the City of Westminster's Statement of Licensing Policy.

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 23.00 hours and Sunday between 10.00 to 22.30 hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the Queensway CIA.

Responsible Authority:	Metropolitan Police Service (withdrawn 7 November 2019)
Representative:	Caroline Cockshull
Received:	25 October 2019

With reference to the above, I am writing to inform you, that the Metropolitan Police, as a Responsible Authority, make a representation against this application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime & disorder. We have concerns that this application will cause further policing problems in an already demanding area.

As per my previous email the start time applied for on a Sunday is outside of WCC core hours. If the start can be brought within the core hours then the Police may be able to withdraw their representation.

Following an amendment to the start time for the sale of alcohol on a Sunday, the Metropolitan Police withdrew their representation on 7 November 2019

Responsible Authority:	Licensing Authority
Representative:	Angela Seaward
Received:	25 October 2019

I write in relation to the application submitted for a new premises licence for 20 Queensway, London, W2 3RX .

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 has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from harm

The application seeks the following Licensable Activities:

Sale of Alcohol (on and off the premises) Monday to Sunday 10:00 - 23:00
Opening Hours Monday to Sunday 07:00 – 23:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PB2.

At present, the hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises, Westminster's core hours are as follows:

Monday to Thursday: 10:00 – 23:30

Friday and Saturday: 10:00 – 00:00

Sunday: 12:00 to 22:30

The Licensing Authority would encourage the applicant to consider reducing the Sunday hours for licensable activities to be in line with those of Westminster's Core Hours Policy, HRS1

The application currently has no provision for a winding down period, paragraph 2.3.6 advises that applicants should carefully consider the hours that they will wish to operate each licensable activity and when to close their premises for the entry of customers and when to require them to leave. They should consider each licensable activity separately and carefully and reflect this in their Operating Schedules. The Licensing Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. The benefits of "winding down" periods (after the last sales of alcoholic drinks, while food and non alcoholic drinks are still available, when the volume and tempo of music is reduced and the levels of lighting are increased). These are very widely recognised as helping to reduce crime and disorder and public nuisance. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave.

The application proposes to operate as a café with a provision of a bar as indicated in the hatched area of the plan submitted. The area currently has proposed to condition separately so to have no ancillary use, therefore the application in part will fall within PB2 of the Councils Policy. The policy is to refuse applications in the Cumulative Impact Area other than applications to vary hours within the Core Hours under HRS1.

Paragraph 2.5.3 of the policy advises that the council is particularly concerned that a premises do not even in part come to operate as a bar within the cumulative impact area.

The applicant is encourage to provide further submissions on how the hatched area will be operated and if the alcohol consumed outside will be ancillary to a food purchase, also will the area be limited to a number of persons seated within this area.

The Licensing Authority also notes that the applicant has applied for the Sale of Retail of Alcohol on and off the premises, the application form described the proposed operation of the premises as a cafe and therefore would encourage the applicant to provide further submissions and information as to the proposed operation of 'Off Sales' from the premises and how this is intended to be operated and controlled from the premises, to ensure that the is no adverse impact within the West End Cumulative impact area.

Furthermore the Licensing Authority notes the following proposed conditions;

- *All tables and chairs shall be removed from the outside area by 23.00 hours each day.*
- *Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables*

The applicant is encouraged to provide further submissions on where the outside seating area is to be located, currently the plans do not highlight this. Also if the outside area will be ancillary to a meal and served by waiter/waitress.

I look forward to receiving further submissions.

Please accept this as a formal representation.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████████████ ██████████ ██████████
Received:	5 October 2019

The ██████████ and the ██████████ wish to lodge an objection to this application. The premises are situated within the WCC 'Queensway/ Bayswater Stress Area' and as many residents live in Queensway as well as in the surrounding area we are concerned as to potential noise and nuisance etc in the area as well as potential for crime and disorder. We object to hours applied for sale of alcohol for persons taking food on Sunday as WCC 'Core Hour policy' is for sale of alcohol to be from noon. We note 'off sales' applied for and we are not happy as there is far too many premises in Queensway with 'Off Sales' licences. If 'Off Sales' permitted we would require condition re no sales of beer or cider over 5.5% APV and all sales in sealed containers with a Challenge 25 in operation. We understand that the premises are to be run as a restaurant so we would want standard conditions that alcohol to be ancillary to main meal and to persons seated with waiter / waitress service at all times.

We do not know what extraction ventilation exists for cooking smells etc but no doubt WCC EH Department will investigate this point. We are not clear as to area in front of premises is private forecourt or not,

We also would want standard CCTV conditions, no noise or odour emanating from premise affecting nearby flats above and opposite, delivery hours controlled to say only between 0800 and 20.00 with Sundays & Bank Holidays 10.00 to 18.00.

We would also want no refuse or recycling collections to take place between midnight and 08 00.

Other model conditions required such as, windows & doors to be in closed position after 21.00 notices displayed asking customers to leave quietly etc. Also need condition that after 23,00 tables & chairs outside taken inside premises

As always we are more than happy to meet up with the application and/or their agent to discuss their application and are content for this email setting out our concerns and contact details to be forward onto to them

3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
Policy CP1 applies	(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. (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.
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

	<p>policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy PB2 applies	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.

4. Equality Implications

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

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

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

5. Appendices

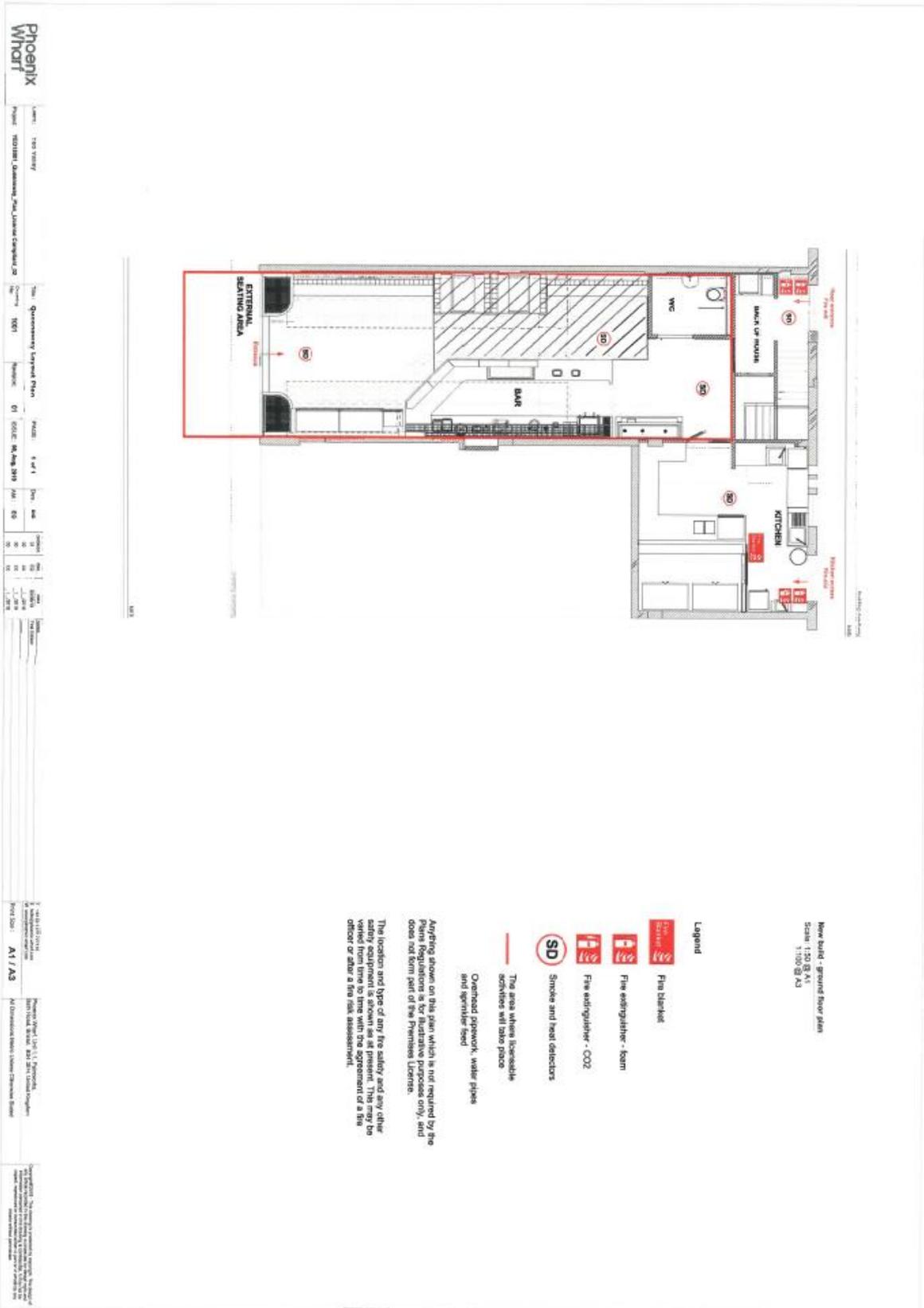
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Submission from interested party
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity
Report author:	Kevin Jackaman Senior Licensing Officer

Contact:	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk
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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	Environmental Health Service Representation	23 October 2019
5	Metropolitan Police Service Representation (withdrawn)	25 October 2019
6	Licensing Authority Representation	25 October 2019
7	Interested Party Representation	5 October 2019



Pre application report



City of Westminster

Office Name: Ian Watson
 Designation: Senior Practitioner
 Environmental Health (Licensing)
 Date: 11/7/19
 Contact number: 020 7641 3183
 Email: iwatson@westminster.gov.uk
 Signed: Ian Watson
 Uniform Ref Number: 19/06954/PREAPM

Trading name of business and Address: Yeo Valley, 18-20 Queensway, W2 3RX Reference Number if Applicable: 19/06954/PREAPM		
Premises Licence: No	Applicant/Solicitor: David Inzani Poppleston Allen Solicitors	CI Area: Yes Queensway
Type of Business: Cafe/Retail Proposed Licensed Areas: Ground Floor. Proposed Activities: Supply of Alcohol 'On' and 'Off' the premises. Proposed Alcohol Hours Monday to Saturday 10.00 to 23.00 hours and Sunday 10.00 to 22.30 hours.		
<p>Pre application advice purpose: To comment on appropriate conditions including capacities for a new premises licence for the above premises. Advise on technical suitability and policy implications in advance of the appropriate application.</p> <p>Issues discussed and actions taken:</p> <p>Inspection carried out by Ian Watson (Environmental Health – EH) and Alan Lynagh (District Surveyor – DS) of the ground floor plans to fully assess the proposed operation. The findings are detailed below.</p> <p><u>District Surveyor Comments</u></p> <p>Means of Escape:</p> <p>The proposed arrangement has a single entrance from Queensway with inward opening doors. This will allow a maximum safe capacity of 60 persons excluding staff although the current seated capacity is 30 persons.</p> <p>General Advice</p> <ul style="list-style-type: none"> • All protected exit routes to be provided with a minimum of 30 minutes fire separation to other parts of the premises. 		

- Fire detection and alarm system within the premises is in accordance with BS 5839 Part 1 2002 Category L2 protection (this is advisory but this would give good flexibility with capacities and approval).
- All Fire doors protecting escape routes will be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.
- Every escape route (other than those in ordinary use) will be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4.

Public Facilities and Capacity

The licensed area will be ground floor only with a single accessible toilet for public use. The maximum capacity required is up to 60 persons excluding staff. It may be proposed that tables and chairs will be provided outside the premises.

Licensing Policy:

The premises are located within a recognised cumulative impact area and therefore policy CIP1, HRS1, PB2 will apply unless an ancillary alcohol condition is proposed or the licence to be personal to the operator. Policy PB2 states that it is the licensing's authority's policy to refuse applications in the CIA other than to vary hours within the core hours.

Policy PB2 applies to premises being used exclusively or primarily for the supply of alcohol for consumption on the premises.

Policy 2.4.2 states that policies CIP1 and PB2 are intended to be strict and will only be overridden in genuinely exceptional circumstances.

Therefore, appropriate conditions will need to be proposed to address the supply of alcohol on the premises along with conditions to address the licensing objectives of Public Safety, Prevention of Public Nuisance, Crime and Disorder and Protection of children from Harm.

Whilst it is not proposed to restrict the licence by an ancillary food condition it is advised that the consumption of alcohol is by persons seated and that a waiter/waitress service is available.. This style of operation should prevent the premises becoming a vertical drinking establishment.

Nuisance

The premises were previously licensed 16/02670/LIPDPS for 'Off' sales and Late Night Refreshment trading as a Spar supermarket, this licence was surrendered in early 2017. The premises also traded tables and chairs outside without the authority of a tables and chairs licence due to the immediate area being private forecourt.

There are no historic or current records of nuisance stated for either deliveries or collections.

It was stated at the meeting that deliveries would occur at the rear of the premises where there is a loading area for all the premises in the block.

Licensing Position:

It is advised that any plan submitted as part of the application shows that the 'On' sale of alcohol covers the small area of private forecourt where tables and chairs will be positioned.

Proposed conditions.

To address policy and the licensing objective of Public Safety, Prevention of Public Nuisance, Crime and Disorder and Protection of Children from Harm the following model conditions are proposed.

- The licensed area shall remain under the management of the premises licence holder and limited to their personal use.
- The supply of alcohol shall remain ancillary to the premises operating as a Café/retail shop.
- The consumption of alcohol shall only be by persons seated.
- A waiter/waitress service shall be provided.
- Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- A Challenge 21 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.
- Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
- All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
- 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.
- There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- All sales of alcohol for consumption off the premises shall be sealed containers only and shall not be consumed on the premises.
- All tables and chairs shall be removed from the outside area by 23.00 hours each day.
- 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 preceding 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 premise 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.
- 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.
- 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No rubbish including bottles shall be removed or placed in an outside area between 23.00 hours to 07.00 hours Monday to Sunday.
- No deliveries to the front of the premises shall take place between 20.00 and 07.00 hours on the following day.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 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.

Police may request.

- 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, which 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 visit by a relevant authority or emergency service.

Conclusions

Due to the proposed hours and operating style then policy is very strict especially as the premises are located within a cumulative impact area. Conditions have been proposed to ensure that the premises will not trade exclusively or primarily for the supply of alcohol for consumption on the premises.

Conditions have also been proposed to address the licensing objectives including Prevention of Crime and Disorder in line with police concerns. The works and capacity condition will allow the responsible authorities comfort in assessing the premises on completion.

As part of the application process it is advised that the other responsible authorities will also need to assess the proposals and may wish to make additional comments.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Introduction

I write on behalf of the [REDACTED] and the [REDACTED] who have submitted a joint representation in respect of this application.

[REDACTED] has asked me to represent them at the hearing on Thursday 16th Jan. Unfortunately, I will be recovering from an operation and it is highly likely that I will be unable to attend. I am therefore providing this written submission to assist Members and the parties. [REDACTED] will attend the hearing.

The application

[REDACTED] representation states that 'The premises are situated within the WCC 'Queensway/ Bayswater Stress Area' and as many residents live in Queensway as well as in the surrounding area we are concerned as to potential noise and nuisance etc in the area as well as potential for crime and disorder'.

The representation went on to propose a number of measures which may alleviate the concerns and the potential impact of the application. A meeting subsequently took place at the premises where all these points were discussed. Agreement was reached on all matters except one (the question of the hatched area). Mr Inzani on behalf of the applicant subsequently confirmed a number of agreed additional conditions:

- 1. No fumes, steam or odours shall be omitted from the licence premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.*
- 2. No deliveries to the premises shall take place between 20.00 and 07.00 hours on the following day except for deliveries of fresh goods and bread.*
- 3. No collections of waste or recycling materials from the premises shall take place between 00.00 and 07.00 hours.*
- 4. Windows and external doors shall be kept closed after 22.00 hours except for the immediate access and egress of the persons.*

Issue in dispute

[REDACTED] representation states that 'we would want standard conditions that alcohol to be ancillary to main meal and to persons seated with waiter / waitress service at all times.'

This would bring the application in line with policy RNT2.

The relevant conditions proposed by the applicant in the application are (my emphasis):

- 2. The sale of alcohol for consumption on the premises will be ancillary to the sale of **food with the exception of those customers in the hatched area** as indicated on the licensing layout drawing. In the hatched area, substantial food shall be available at all times during the permitted hours.*
- 3. The consumption of alcohol on the premises shall only be by persons seated.*
- 4. A waiter/waitress service shall be **provided**.*

The issue is the status of the hatched area. ██████ would prefer that condition 2 required sale of alcohol to be ancillary to a table meal throughout the premises, although would consider a form of wording which didn't require a 'table meal' (e.g. 'substantial food'), given the nature of the premises.

██████ is opposed to the relaxation proposed for the hatched area. Although the hatched area may appear to be a relatively small proportion of the overall floor space on the plans, it is in fact a significant proportion of the seated area where alcohol may be consumed. ██████ recalls that approx. 14 of the 26 seats are in this area i.e. over 50%. This leads to the potential for over half the capacity (albeit relatively small) to be drinking without food. This would be contrary to Policy CIP(i) and a genuine exception would need to be established.

██████ would like to emphasise that this is important for two reasons. Firstly, there is a significant amount of residential accommodation above and opposite the premises, including large blocks. Secondly, ██████ has worked assiduously on numerous licence applications in the CIA to limit the extent of any new bar use. He is rightly concerned at the precedent permitting potential bar use to this extent, noting that customers could go on to drink elsewhere.

As Members will be aware, the Statement of Licensing Policy does anticipate instances where a premises may wish to sell alcohol without a table meal, but not as a pub/bar so as to fall within PB2. The relevant parts of the policy are set out below (my emphasis):

2.4.18 Policy CIP1(ii) states that these premises are subject to other policies, and must demonstrate that they will not add to cumulative impact in the cumulative impact area. Hours policy HRS1(ii) states that applications for hours within the "core hours" set out in the policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

2.4.19 Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.

2.4.20 The council however recognises that this will not always be the case. The availability of alcohol at lunchtime or in the early evening in premises where alcohol is ancillary to other uses of the premises and not associated with sustained or high alcohol consumption to later hours may not be likely to add to cumulative impact in the cumulative impact area.

2.4.21 The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.

2.4.22 Examples of appropriate conditions to ensure that alcohol consumption is appropriately regulated may include conditions that (i) only permit the sale of alcohol ancillary to the provision of food, or ancillary to other activities at the premises, or to the operation of the premises as a whole. (ii) require service of alcohol to be only by waiter or waitress to seated persons, and without the provision of a physical bar or facility for self service, (iii) require the licensed area to remain under the management of the premises licence holder with the licence being limited to their personal use (iv) require the consumption

of alcohol to be restricted to an area which is an integral part of the premises with access to that area only through the premises and with no direct access to the street.

The application does not fall within these parameters.

I should be extremely grateful if you would distribute this accordingly. [REDACTED] will attend the hearing and will be happy to assist the Sub-Committee.

Premises History**Appendix 4**

Application	Details of Application	Date Determined	Decision
05/08684/LIPN	New licence application	16.11.2005	Granted under delegated authority
06/00103/LIPDPS	Variation of DPS	12.12.2005	Granted under delegated authority
06/12770/WCCMAP	Master licence	12.12.2005	Granted under delegated authority
10/02715/LIPDPS	Variation of DPS	07.05.2010	Granted under delegated authority
14/02124/LIPVM	Minor variation – additional conditions	08.04.2014	Granted under delegated authority
15/01121/LIPT	Transfer of premises licence – Blackmore Retail Limited to A.F. Blackmore and Son Ltd	27.02.2015	Granted under delegated authority
16/02670/LIPDPS	Variation of DPS	16.05.2016	Granted under delegated authority (Licence surrendered 16.01.2017)

There is no appeal history

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

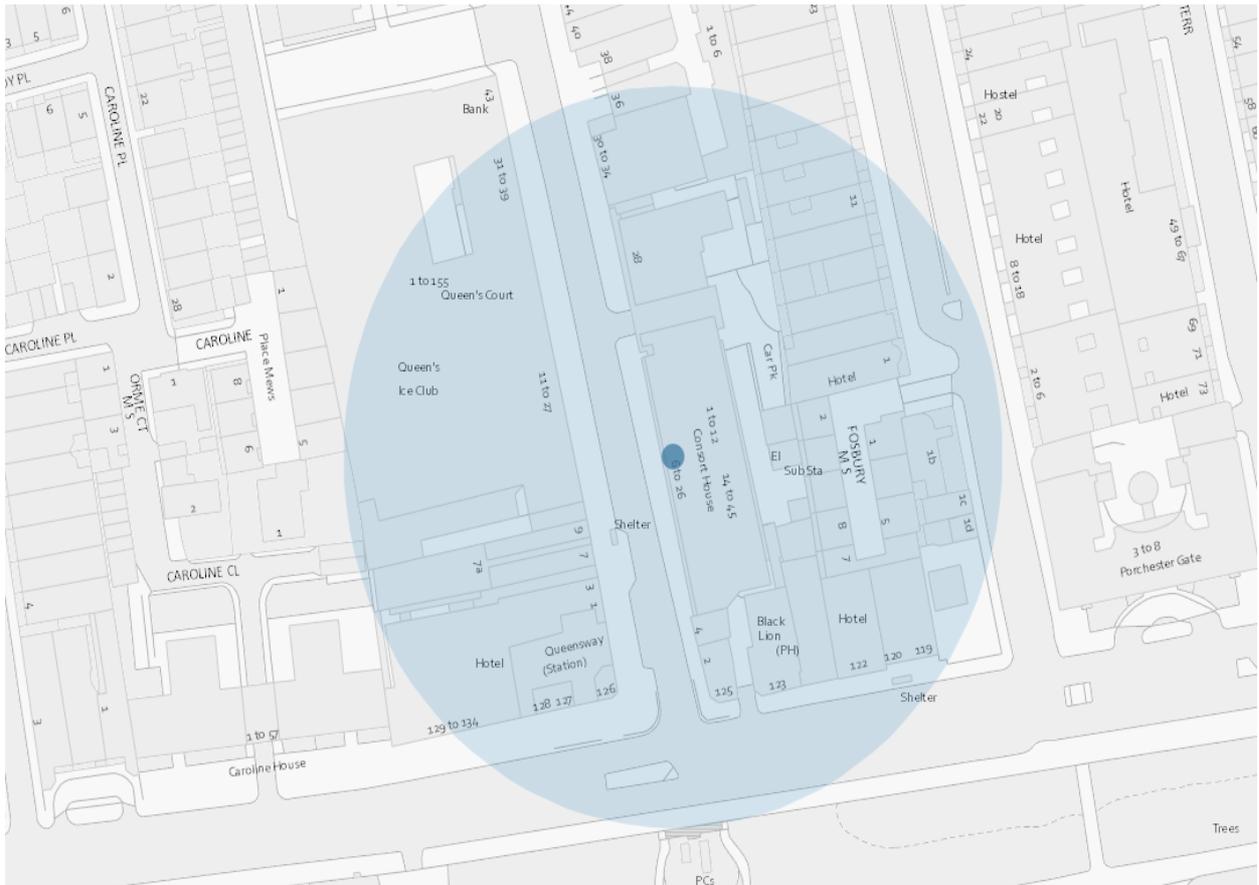
9. The supply of alcohol shall remain ancillary to the premises operating as a Cafe/retail shop.

10. The sale of alcohol for consumption on the premises will be ancillary to the sale of food with the exception of those customers in the hatched area as indicated on the licensing layout drawing. In the hatched area, substantial food shall be available at all times during the permitted hours.
11. The consumption of alcohol on the premises shall only be by persons seated.
12. A waiter/waitress service shall be provided.
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A Challenge 21 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.
15. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
16. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
17. 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.
18. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
19. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them unless they are seated in the designated external seating area detailed on the plans.
20. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
21. All tables and chairs shall be removed from the outside area by 23.00 hours each day.
22. 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 preceding 31 day period.

23. 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 premise 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.
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. 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.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No rubbish including bottles shall be removed or placed in an outside area between 23.00 hours to 07.00 hours Monday to Sunday.
29. No deliveries to the front of the premises shall take place between 20.00 and 07.00 hours on the following day.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. 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, which 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 visit by a relevant authority or emergency service.
32. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
33. 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.

Conditions proposed by the Environmental Health

None



Resident count: 325

Licensed premises within 75 metres of 20 Queensway, London, W2 3RX				
Licence Number	Trading Name	Address	Premises Type	Time Period
06/10112/WCCMAP	Mandarin Kitchen	14-16 Queensway London W2 3RX	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/11442/LIPN	Not Recorded	10 Queensway London W2 3RX	Shop (large)	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:00
18/08878/LIPT	Del Casa	27 Queensway London W2 4QJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
13/08953/LIPT	Royal China Chinese Restaurant	13 Queensway London W2 4QJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

18/03595/LIPV	Queens Ice Bowl	Queens Ice Club 17 Queensway London W2 4QP	Ice rink	Monday; 09:00 - 23:30 Tuesday; 09:00 - 23:30 Wednesday; 09:00 - 23:30 Thursday; 09:00 - 23:30 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00
15/02559/LIPN	La Docta	Unit A15 Queensway Market 23 - 25 Queensway London W2 4QJ	Shop	Monday to Sunday; 10:00 - 20:30
10/06611/LIPT	Food Basics Limited	28 Queensway London W2 3RX	Restaurant	Monday to Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30
16/05528/LIPDPS	Grand Royale	1-9 Inverness Terrace London W2 3LD	Hotel, 3 star or under	Monday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 00:00
06/09836/WCCMAP	New Fortune Cookie	1 Queensway London W2 4QJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/01793/LIPDPS	Hilton London Hyde Park Hotel	129 Bayswater Road London W2 4RJ	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
15/04940/LIPRW	Aubaine Hilton London Hyde Park Hotel	129 Bayswater Road London W2 4RJ	Restaurant	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00
17/06728/LIPN	Queensway Food Wine	31-31A Queensway London W2 4QJ	Shop	Monday to Saturday; 07:00 - 00:00 Sunday; 08:00 - 00:00
06/10311/WCCMAP	Taza Take Away	35A Queensway London W2 4QJ	Shop	Monday to Sunday; 10:00 - 00:00
06/10289/WCCMAP	Kalinka	35	Shop	Monday to

		Queensway London W2 4QJ		Saturday; 11:00 - 20:00 Sunday; 12:00 - 18:30
15/03800/LIPT	Queensway Food & Wine	37 Queensway London W2 4QJ	Food store	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
11/06692/LIPDPS	Caps News	35B Queensway London W2 4QJ	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30