

Licensing Sub-Committee Report

Item No:	
Date:	9 th June 2016
Licensing Ref No:	16/03507/LIPN - New Premises Licence
Title of Report:	Sainsburys Supermarkets Limited Grove House 88 - 94 Westbourne Grove London
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 April 2016		
Applicant:	Sainsbury's Supermarket Limited		
Premises:	Sainsburys Supermarkets		
Premises address:	88 - 94 Westbourne Grove London W2 5RT	Ward:	Bayswater
		Cumulative Impact Area:	YES
Premises description:	A supermarket which is to sell a broad range of groceries, Household products and alcohol.		
Premises licence history:	This is new application for premises licence. The existing Sainsburys stores will be demolished and this application is intended to replace the current licence 15/00554/LIPDPS.		
Applicant submissions:	Nothing further than application as of publication.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			OFF
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations:		None					
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:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations:		None					
Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	David Nevitt
Received:	5 th May 2016
<p>I refer to the above application which seeks a Premises Licence to include the following Licensable activities:</p> <p>The Supply of Alcohol 'Off' the premises 0700hrs-2300hrs, 7 Days a Week.</p> <p>The applicant has proposed Conditions which are under consideration.</p> <p>I wish to make Representations on the following grounds:</p> <p style="text-align: center;">Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>The premises is located in the Queensway/Bayswater Cumulative Impact Area. The hours sought are in excess of the 'Core Hours' as defined in the City Council's Licensing Policy. The application will need to be adjudicated at a Hearing of the Licensing Sub-Committee.</p>	
Responsible Authority:	Metropolitan Police
Representative:	Pc Marriot
Received:	27 th April 2016
<p>Application 16/03507/LIPN – Sainsburys – 88 Westbourne Grove, W2</p> <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>The venue is situated in the Queensway and Bayswater cumulative impact area, 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>The following conditions listed below are those that police would like you to attach to your operating schedule as I believe they will address police concerns in relation to crime and disorder.</p> <p>On the Sunday and Monday of the Notting Hill Carnival:</p> <ul style="list-style-type: none"> A. There will be no sale of alcohol in glass vessels from the premises; and B. There will be no external advertisement of alcohol promotions at the premises. C. There shall be no sale of alcohol from the premises after 20:00 hours. <p>The hours for sale of alcohol you have applied for are also beyond the sale of core hours which are:</p> <p>Mon – Sat 0800-2300 Sun – 1000-2230</p>	

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	4 TH May 2016		

I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted in its current form, would be to harm the licensing objective of prevention of public nuisance. I also object on the basis of the 'cumulative impact' of the existing licensed premises in this area.

Introduction

[REDACTED]
[REDACTED]
[REDACTED]

There are three flats in the block in which I live. Noise late at night and early in the morning from e.g. deliveries to the premises is a noise nuisance to residents trying to sleep or relax.

The application

The application is for a supermarket convenience store, to replace the current convenience store after the building has been redeveloped. Accordingly, the premises currently has a premises licence under Licensing Act 2003, and currently benefits from planning permission, with certain restrictions. Due to the redevelopment, a new premises licence is sought (the application on which I make this representation), and a planning application has also been made.

I am keen to ensure that the hours for sale of alcohol, the hours of opening, and the times at which deliveries to the premises are permitted are appropriate, proportionate, and compliant with the City Council's Statement of Licensing Policy 2016.

Sale of alcohol is sought from 7am to 11pm Mon-Sun. The opening hours are proposed to be the same. Although a number of conditions are proposed with the application, there is nothing proposed to limit times for deliveries to times when residents are less likely to be disturbed.

I have the following points to make:

1. The opening time is very early, particularly on a Sundays, bank holidays and public holidays. Although I appreciate that a convenience store will want to open early – and currently does so- 7am is very early to open and to sell alcohol, particularly on Sundays, bank holidays and public holidays.
2. The premises is situated in a 'cumulative impact area' as designated in the City Council's Statement of Licensing Policy. The application therefore engages Policy CIP, the 'cumulative impact' policy, and Policy OS2.
3. An opening time and commencement time of 7am for sale of alcohol Mon-Sun does not comply with Policy HRS1. No explanation is provided in the application as to why the operating hours should be outside of 'core hours'. Perhaps the time for sale of alcohol should be amended to comply with 'core hours'.
4. An opening hour of 7am means that staff will be arriving even earlier than this, with the potential for associated noise.

5. A terminal hour of 11pm on a Sunday seems late.

6. Very importantly, and regardless of what hours are permitted for the licence to operate, deliveries and other servicing are liable to cause a nuisance unless appropriate conditions are imposed. My experience of the operation of the current licence is precisely this. We have been experiencing a chronic noise nuisance from the deliveries to the Sainsbury's store since 2009. The lorries and vans arrives past 11pm, many a times leave the engine running while the trolley cages are loaded and unloaded which adds to the noise. My family has been woken up several times due to the noise and we are unable to leave our windows open during the summer months due to the loud noise and disturbance from Sainsbury. A history of noise complaints against Sainsbury's is available with the Westminster Noise Team

7. I attach a couple of photographs demonstrating the late night deliveries. Deliveries frequently take place as late as 12.30 am and at times, as early as 5am. More photos and videos of late night deliveries available at request.

Proposed conditions

1. Although there is no condition on the current licence restricting servicing times, condition 17 on planning permission ref: 14/10572/FULL states that 'All servicing for the retail (Class A1) unit hereby approved must take place between 07.00 and 22.00 Monday to Saturday and 10.00 and 16.00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)'. Whilst noting for the record that this condition does not appear to be fully complied with, we would like a condition on the licence setting out the same hours, but also including bank holidays and public holidays, as follows:

'No servicing shall take place between 22.00 and 07.00 on the following day on Monday –Saturday, or between 16.00 and 10.00 on the following day on Sundays, bank holidays and public holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building'

The current planning permission (ref: 14/10572/FULL) does not permit customers to be on the premises before 8am on Sundays, bank holidays and public holidays. I feel very strongly that some respite for residents should be available on these days, and so propose a condition as follows:

'Customers shall not be permitted on the premises before 07.00 or after 23.00 Mon-Sat, or before 08.00 or after 22.30 Sundays, bank holidays and public holidays.'

Conclusion

For the reasons stated, I am opposed to the application being granted in the terms applied for.

Thank you for considering the contents of this letter. I look forward to being kept informed of any developments, including the date of the hearing if matters cannot be resolved.

██████████

Name:	John Zamit		
Address and/or Residents Association:	SEBRA – Resident Group		
Status:	Valid	In support or opposed:	Opposed
Received:	3 rd May 2016		

SEBRA objects to grant of Premises Licence as proposed by applicant

We consider that sale of alcohol should be restricted to WCC 'core Hours' for 'off sales' so as to be same as other outlets in the Queensway / Bayswater Stress Area.

We agree with representation attached from Sue Semlani and in respect hours of operation and of

deliveries hours - we have witnessed on several occasions large Sainsbury's truck delivering / collecting past 23.00 and causing noise nuisance etc, especially from numerous movements of 'stacking trollies'

3. Policy & Guidance

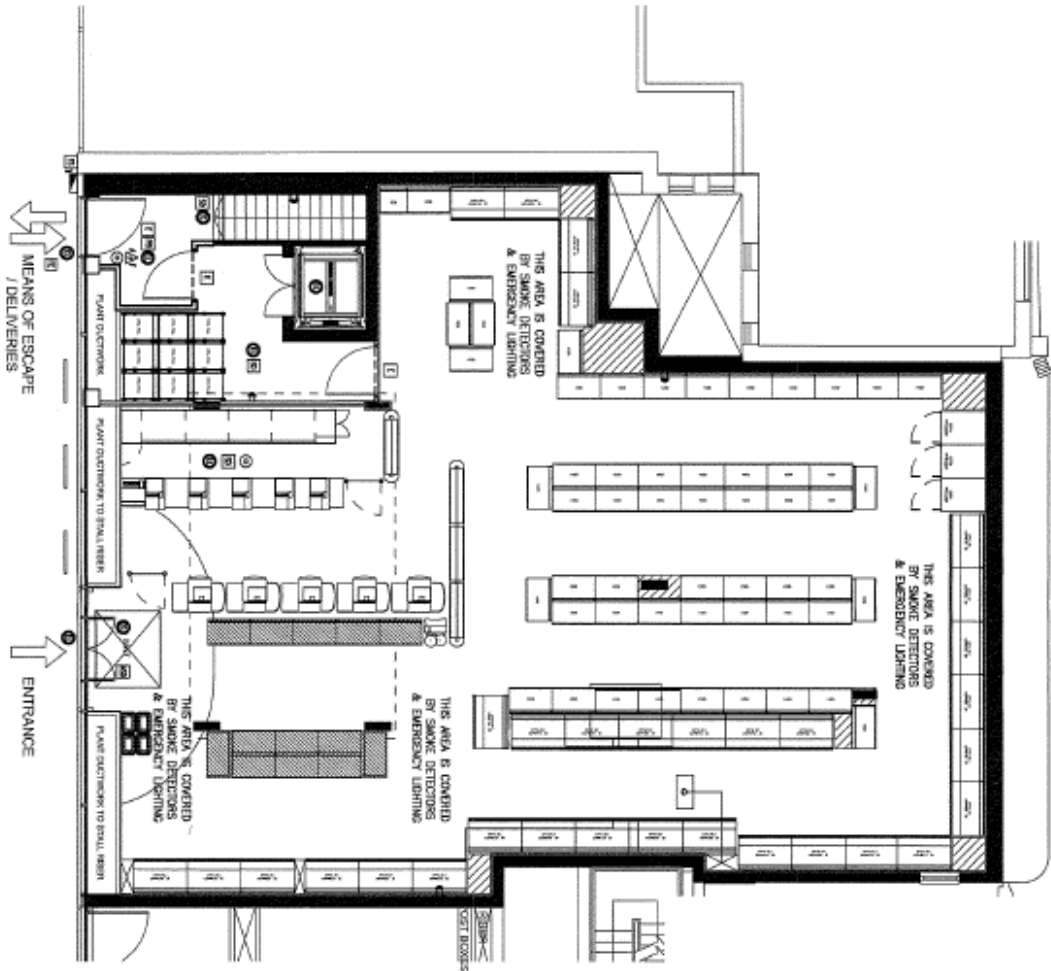
The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy OS2 applies	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.
Policy HRS1 applies	Applications for hours outside the core hours will be considered on their merits
Policy CIP1 applies	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

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents – None
Appendix 3	Premises history – Current Licence
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk



SITE PLAN
NO. 124784

NO. 124784

REVISIONS

NO.	DESCRIPTION
1	ISSUED
2	REVISED
3	REVISED
4	REVISED
5	REVISED
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124784
WESTBOURN GROVE
WESTMINSTER

PROPOSED
GROUND FLOOR
STORE PLAN

Sainsbury's
247846501-1

None



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Bayswater
UPRN: 100023484111

Premises licence

Regulation 33, 34

Premises licence number:

15/00554/LIPDPS

Original Reference:

05/04824/LIPCV

Part 1 – Premises details

Postal address of premises:

Sainsbury's
Grove House
88 - 94 Westbourne Grove
London
W2 5RT

Telephone Number: 0207 792 5201

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Unrestricted

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Unrestricted

Sale by Retail of Alcohol

Monday to Sunday:

07:00 to 23:00

The opening hours of the premises:

Monday to Sunday:

07:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Sainsbury's Supermarkets Limited
33 Holborn
London
EC1N 2HT
Business Phone Number: 0207 695 6000

Registered number of holder, for example company number, charity number (where applicable)

03261722

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Mohamed Rifaz Jamaldeen

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 005582
Licensing Authority: Slough Borough Council

Date: 4th February 2015

This licence has been authorised by Mrs Sumeet Anand-Patel on behalf of the Operational Director - Premises Management.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

6. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

7. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

Monday to Sunday - 07:00 to 23:00

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
8. CCTV cameras will be maintained with particular emphasis on alcohol display areas. The precise position of the cameras may be agreed with the police from time to time.
9. There will be no sales of beers or ciders with alcohol content over 5.5% by volume.
10. No more than 15% of sales area shall be used to any one time for the sale, exposure or display of alcohol.
11. The applicant will at all times maintain adequate levels of staff and uniformed security. Such staff levels will be disclosed, on request, to the licensing authority and police.
12. All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced.
13. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.
14. Intoxicants to be secured outside of permitted hours by a secure lockable shutter.

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Bayswater
UPRN: 100023484111

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/00554/LIPDPS

Part 1 – Premises details

Postal address of premises:

Sainsbury's
Grove House
88 - 94 Westbourne Grove
London
W2 5RT

Telephone Number: 0207 792 5201

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Sale by Retail of Alcohol

Monday to Sunday: 07:00 to 23:00

The opening hours of the premises:

Monday to Sunday: 07:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption off the Premises.

Name and (registered) address of holder of premises licence:

Sainsbury's Supermarkets Limited
33 Holborn
London
EC1N 2HT

Registered number of holder, for example company number, charity number (where applicable)

03261722

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Mohamed Rifaz Jamaldeen

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 4th February 2015

This licence has been authorised by Mrs Sumeet Anand-Patel on behalf of the Operational Director - Premises Management.

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 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.
10. 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.
11. 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 trading area of the premises (and for the avoidance of doubt this does not include the 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.
12. 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.
13. There shall be no self-service of spirits except for spirit mixtures with an ABV not exceeding 5.5% ABV
14. There shall be no sale of beer, lager or cider with an ABV content of 5.5% ABV or above save for premium products which have been agreed with the police (email authority will suffice).
15. 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
16. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
17. 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.
18. The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security will be disclosed, on request, to the licensing authority and police.
19. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

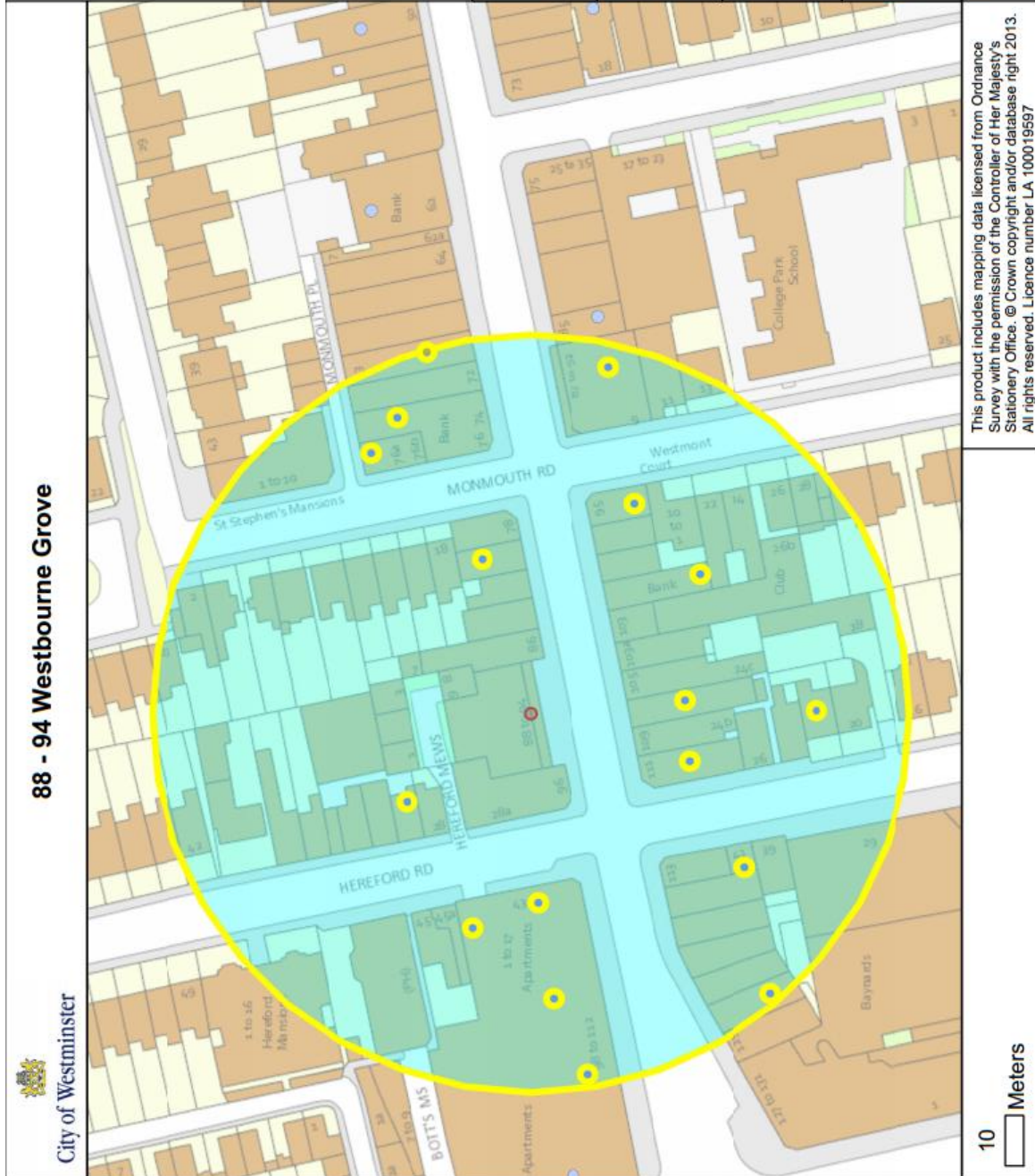
Conditions proposed by the Environmental Health

None submitted

Conditions proposed by the Police but not agreed with applicant

On the Sunday and Monday of the Notting Hill Carnival:

21. There will be no sale of alcohol in glass vessels from the premises; and
22. There will be no external advertisement of alcohol promotions at the premises.
23. There shall be no sale of alcohol from the premises after 20:00 hours.



Residential / Proposed Residential	333
Under Construction	n/a
Other Uses	n/a
Proportion Residential of all Uses	%AllUses%
Data Source: Uniform Database Date: 26/05/2016	

Premises within 75 metres of: 167-169 Wardour Street

Licence number	Name of Premises	Premises Address	Licensed Hours
15/02486/LIPDPS	Commander	Flat B 43A Hereford Road London W2 5AH	Thursday to Saturday 10:00 - 00:00 Monday to Wednesday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
16/00028/LIPDPS	Byron	101 Westbourne Grove London W2 4UW	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
06/11786/WCCMAP	Rodizio Rico	107 Westbourne Grove London W2 4UW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/02298/LIPDPS	Bit Me Pizza	95 Westbourne Grove London W2 4UW	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00
15/00554/LIPDPS	Sainsbury's	Ground Floor 80 Westbourne Grove London W2 5RT	Monday to Sunday 07:00 - 23:00
16/01281/LIPT	Ping Pong	70 Westbourne Grove London W2 5SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
06/11706/WCCMAP	Inaho Restaurant	First Floor And Second Floor Maisonette 22 Hereford Road London W2 4AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/01914/LIPN	Not Recorded	Flat 3B Third Floor 121-123 Westbourne Grove London W2 4UP	Monday to Sunday 10:00 - 23:30
14/02177/LIPVM	Bestone	98A Westbourne Grove London W2 5RU	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
13/03006/LIPDPS	Artisan Du Chocolat	87-93 Westbourne Grove London W2 4UL	Monday to Thursday 10:00 - 19:00 Friday 10:00 - 20:00 Saturday 10:00 - 20:00 Sunday 12:00 - 17:00
15/05402/LIPDPS	Cote	104 Westbourne Grove London W2 5RU	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00 Sundays before Bank Holidays 12:00 - 23:30
14/10029/LIPDPS	Planet Organic	Flat 2 76A Westbourne Grove London W2 5SH	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
16/01943/LIPDPS	W2 Express	76 Westbourne Grove London W2 5SH	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
14/11306/LIPDPS	The Phoenix	30 Hereford Road London W2 4AJ	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
15/12081/LIPDPS	Carluccio's	Ground Floor East And Mezzanine 108 Westbourne Grove London W2 5RU	Monday to Saturday 08:00 - 00:30 Sunday 09:00 - 00:00
10/08943/LIPD	Saran Supermarkets	41 Hereford Road London W2 4AB	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
13/01175/LIPT	Loco Mexicano	111A Westbourne Grove London W2 4UW	Monday to Saturday 12:00 - 00:00 Sunday 12:00 - 23:00

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Ms Selani Objection	May 2016
5	SEBRA Obejection	May 2016
6	Police Rep	May 2016
7	EH Rep	May 2016
8	Notice of Hearing to all	May 2016
9	Emails to and from Police and Solicitor	May 2016