

Licensing Sub-Committee Report

Item No:	
Date:	13 May 2021
Licensing Ref No:	21/01568/LIPN - New Premises Licence
Title of Report:	18 - 22 Finchley Road London NW8 6EB
Report of:	Director of Public Protection and Licensing
Wards involved:	Abbey Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 5000 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 March 2021		
Applicant:	Quick Commerce Ltd		
Premises address:	18 - 22 Finchley Road London NW8 6EB	Ward:	Abbey Road
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form The premises will be stocked with convenience goods including alcohol for packaging and delivery to fulfil customer orders made Online or via an App.		
Premises licence history:	This is an application for a new premises licence and therefore has no licence history.		
Applicant submissions:	There will be no customer access to the premises.		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			Off the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	23:59	23:59	23:59	23:59	23:59	23:59	23:59
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	23:59	23:59	23:59	23:59	23:59	23:59	23:59
Seasonal variations/ Non-standard timings:		Members of the public will not have access to the premises at any point in time.					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	23 March 2021
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>This representation is based on the Operating Schedule and the floor plan of the premises, which is titled with the address. It is not clear which floor the warehouse is located, clarification is sought.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> To allow the Supply of Alcohol 'off' the premises Monday to Sunday 00:00-23:59 hours. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> The provision and hours proposed for the Supply of Alcohol may cause an increase in Public Nuisance in the area. <p>As detailed in the Statement of Licensing Policy https://www.westminster.gov.uk/node/20023 the core hours for off licences are as follows:</p> <ul style="list-style-type: none"> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. <p>The 24 hours trading is beyond this, however the premises will operate as a click and collect premises between 09:30-16:30 hours daily and deliveries to customers can be made at any time of the day. A condition has been proposed limiting this. However, in the summary of the application it states there will be no customer access. Clarification is required.</p> <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions are proposed below:</p> <ol style="list-style-type: none"> All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. There shall be no self service of alcohol by members of the public on the premises. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises for click and collect customers 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 or other form of identification that complies with any mandatory condition that may apply to this licence. Deliveries to the premises shall only take place between 07:00 and 23:00 hours. To amend your proposed condition 4 from '<i>An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request</i>' to '<i>An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products and refused sales of alcohol (by either way of delivery or click and collect from the premises). This log/register shall be made available for inspection by a police officer or other authorised officer on request.</i>' 	

The granting of the new Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the area.

Responsible Authority: Metropolitan Police Service

Representative: Reaz Guerra

Received: 22 March 2021

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The hours sought exceed Westminster's Core Hours Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives.

An officer from this unit will be in contact with you shortly to discuss the application

It is for these reasons that we are objecting to the application.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to

	<p>impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>For the purpose of Clauses A and B above, the Core Hours for applications for the premises use type as defined within this policy are: Off licences Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p>
Policy OS1 applies	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).</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, marriage and civil partnership, 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	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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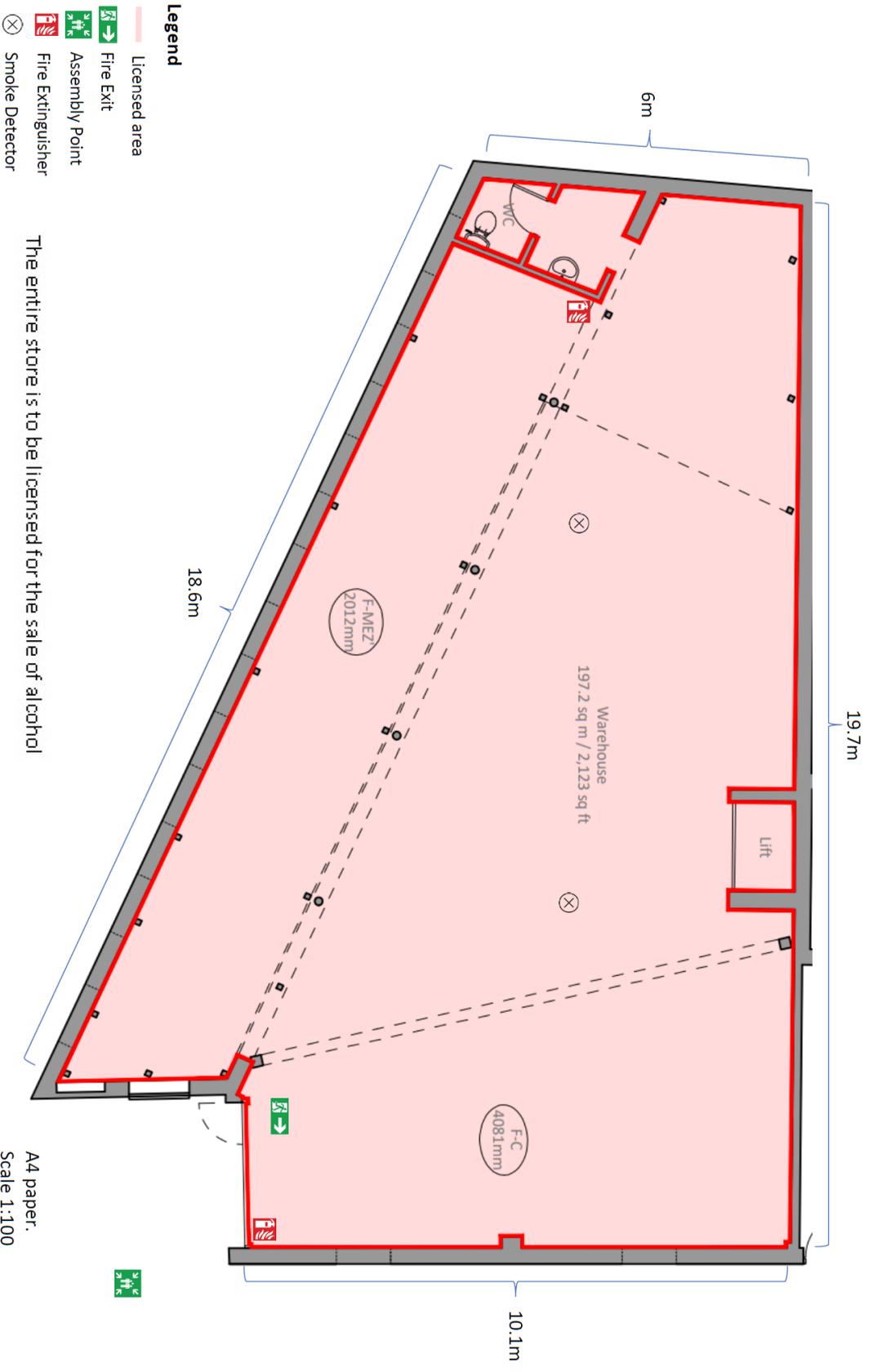
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Representation	23 March 2021
5	Metropolitan Police Representation	22 March 2021

18-22 Finchley Rd, St John's Wood, London NW8 6EB

197.2m²



The entire store is to be licensed for the sale of alcohol

A4 paper.
Scale 1:100
1cm = 1m

Applicant Supporting Documents

Appendix 2

None

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or

officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The sale of alcohol from the premises shall be for delivery only by a delivery rider.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request.
13. There shall be no signage or advertisement or promotional material affixed to the outside of the premises that give any reference to the sale of alcohol taking place at the premises.
14. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
15. All delivery riders shall receive training in age restricted sales.
 - Induction training must be completed and documented prior to the delivery of alcohol by the rider.
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.Training records will be available for inspection by a police officer or other authorised officer on request. Training records will be electronically stored by the licence holder for a period of 12 months.
16. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
17. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
 - details of the time and date the refusal was made;
 - the identity of the rider refusing the sale;
 - details of the alcohol the person attempted to purchase.This log/register will be available for inspection by a police officer or other authorised officer on request.

18. Members of the public will not be allowed to enter the premises save for the purpose of click and collect between the hours of 0930 and 1630.
19. Delivery of alcohol shall be to a residential address or place of work.
20. Riders will be permitted to collect orders and deliver by pedal bike, electric bike (or other electric vehicle) only.
21. Riders will not be permitted to smoke in the immediate vicinity of the premises.
22. Riders will not be permitted to congregate in the immediate vicinity of the premises.
23. Riders will be instructed not to loiter in the vicinity of residential premises.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
26. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly
27. 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.
28. The premises licence holder shall not sell super-strength beer, lager, cider or spirit mixtures with an alcohol content over 5.5% ABV (alcohol by volume) save for products agreed (email will suffice) with the police This restriction shall not apply in respect of the specialist branded, premium priced products - for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.
29. All delivery riders will be employed directly by the licence holder or a group company of the licence holder

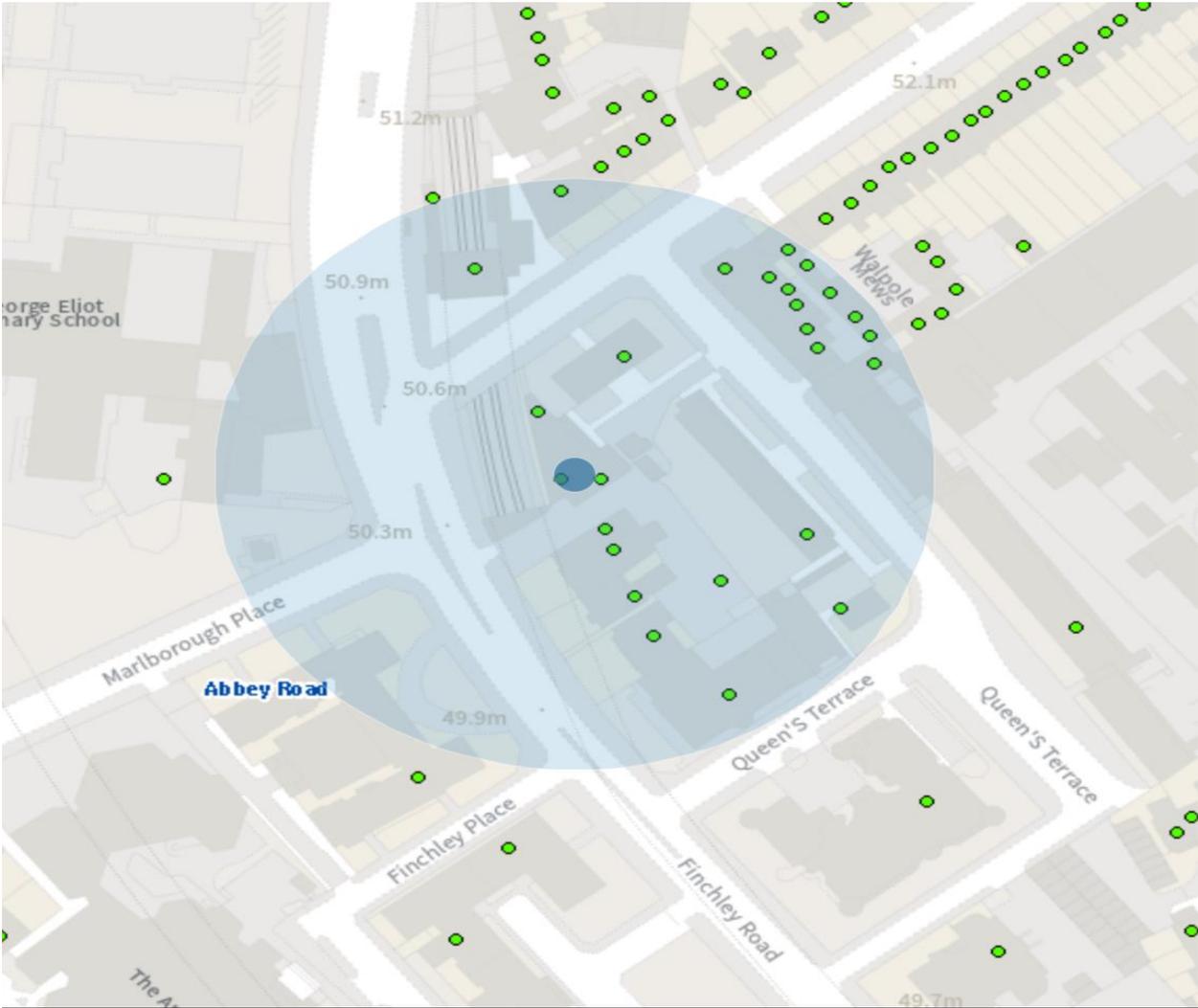
Conditions proposed by Environmental Health and agreed by the applicant so as to form part of the operating schedule

30. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
31. Deliveries to the premises shall only take place between 07:00 and 23:00 hours save that this restriction does not apply to deliveries of bread and milk

Conditions proposed by the Police

32. After 23:00 hours, all delivery riders/drivers acting on behalf of the premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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 an authorised officer of the Council throughout the preceding 31 day period. BWV must be activated prior to the point of delivery of alcohol and record the delivery

rider/driver verifying the customers identity and age where the customer appears to be under 25.



Resident count: 119

There are no licensed premises within 75 metres of 18 - 22 Finchley Road, London, NW8 6EB