



City of Westminster

Item No:	
Date:	14 October 2021
Licensing Ref No:	21/05642/LIPN - New Premises Licence
Title of Report:	101 Bell Street London NW1 6TL
Report of:	Director of Public Protection and Licensing
Wards involved:	Church Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	9 June 2021		
Applicant:	A1 Bottles Limited		
Premises address:	101 Bell Street London NW1 6TL	Ward:	Church Street
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application this is a commercial office which will be used for distribution of online sales of prosecco and champagne.		
Premises licence history:	This application is for a new premises, and therefore no premises licence history exists.		
Applicant submissions:	There are no submissions from the applicant.		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	N/A	N/A	N/A	N/A	N/A	N/A	N/A
End:	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Seasonal variations/ Non-standard timings:		The premises will not be opened to the public.					
Adult Entertainment:							

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health
Representative:	Maxwell Owusu Koduah
Received:	5 July 2021

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.

The applicant is seeking to supply alcohol for consumption off the premises Monday to Sunday 11:00 to 23:00 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. The hours requested to play recorded music may have the likely effect of causing an increase in Public Nuisance within the area

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Additional conditions, to replace those contained within the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety accompany this representation. Applicant is advised to study these conditions and discuss same if they are minded.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	06 July 2021		

I am neighbour to the property in question, 101 Bell St.
I have absolutely no faith there will be 'no change' and impact to the street and my quality of life. I understand the nature of the business and I cannot see how such an organisation will not result in increased noise levels. The premises will be receiving stock deliveries (no matter how small or infrequent), holding/organising this stock and then delivering to drivers on the street for collection. As opposed to acting as a business 'office', as implied in the application, it is essentially acting as a warehouse - facilitating in the businesses supply chain operation, with stock being delivered to and from the premises. In the interim, stock will have to be unpacked (processed in some manner) and moved, before leaving the premise. I cannot possibly see how these activities will not cause increased noise, let alone the increased traffic - stock being dropped off and picked up - resulting in further noise, traffic interruption and noise pollution.

I am particularly concerned by the business hours. Seven days a week from 11.00 until 23.00 as quoted. The prospect of this business (A1 Bottles Ltd.) coming into operation causes me stress and anxiety.

The proposed working hours (12 hour a day, including over weekends) are threatening to have a negative impact on my ability to rest. Based on the product type being sold, Thursday to Sunday will be their busiest time of business. As I stressed, I am required to rest and recuperate and over the weekend I am currently able to effectively relax and sleep - this very important for my health and my ability to perform in the way me and employers require. The increased traffic, noise and activity will impinge on this - I am very fearful of what it could do to my livelihood and health.

To reiterate, I am deeply opposed to this application.

Further submissions received

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	06 July 2021		

I am responding to the application made by A1 Bottles Ltd., Reference No. 21/05642/LIPN, to the City of Westminster. I am a neighbour to the property in question, 101 Bell St. and I have been very happy living at [REDACTED]. From what I have read, I have absolutely no faith there will be 'no change' and impact to the street and my quality of life. I understand the nature of the business (and its model) and I cannot see how such an organisations operations will NOT result in an increased level of noise and activity.

This will this will have a negative impact on my quality of life. The premises will be receiving stock deliveries (no matter how small or infrequent), holding/organising this stock and then delivering to drivers on the street for collection. As opposed to acting as a business 'office', as implied in the application, it is essentially acting as a warehouse - facilitating the businesses supply chain operation, with stock being delivered to and from the premises. In the interim, stock will have to be unpacked at the premises (processed in some manner) and moved, before again leaving the premise when a delivery comes in. I cannot possibly see how these activities will not cause increased noise, let alone the increased traffic - stock being dropped off and picked up - resulting in further noise and noise pollution and congestion. It is really disappointing to see this application even being entertained. I was particularly concerned by the businesses proposed working hours. Seven days a week from 11.00 until 23.00 as quoted. The prospect of this business (A1 Bottles Ltd.) coming into operation at 101 Bell Street, causes me tremendous stress and anxiety. With the proposed working hours (twelve hours a day, including over weekends) during vitally important time required for me to rest, it has been proposed that A1 Bottles Ltd. will be in operation. Based on the product type being sold, Thursday to Sunday will be their busiest time of business.

As I stressed, I strongly rely upon my ability to rest and recuperate and over the weekend I am currently able to effectively relax and sleep - this is very important for my health and my ability to perform in the way I and employers require for my work. The increased traffic, noise and activity will impinge on this - I am very fearful of this and what it could do to my livelihood and health.

Due to my demanding job, I am required to ensure I am not prevented from what is prescribed as a healthy amount of sleep. We can safely establish A1 Bottles operations will increase noise levels and in turn, will affect my sleep and my quality of life.

To reiterate, I am deeply opposed to this application. I have been a happy resident at [REDACTED] and I do not intend for my overall well-being to be hindered by this organisations proposed working operation.

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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 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. 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. 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. 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. 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

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>4. Off Licences Monday to Saturday: 08:00 to 23:00 Sunday: 09:00 to 22:30.</p>
Policy OS1 applies	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 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.

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.

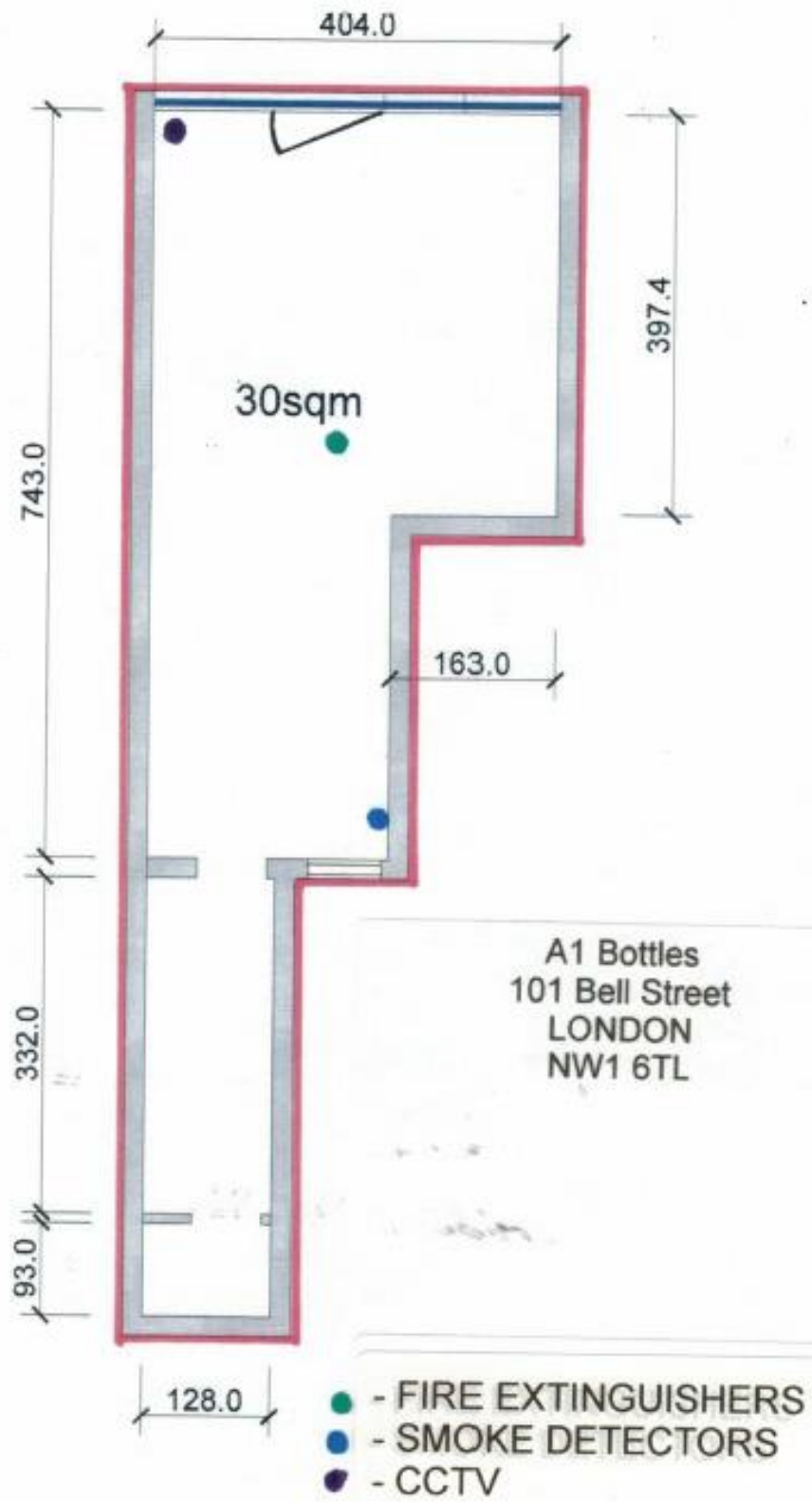
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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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	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	05 July 2021
5	Representation 1	06 July 2021



Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

9. The supply of alcohol shall be limited to prosecco and champagne
10. The sale of alcohol from the premises shall be for delivery only by a delivery personnel.
11. 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.
12. The premises licence holder will ensure that an age verification policy will apply whereby all delivery personnel 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.
13. All delivery personnel shall receive training in age restricted sales.
 - a. Induction training must be completed and documented prior to the delivery of alcohol by the rider.
 - b. Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
 - c. 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.
14. 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 is 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.
15. All delivery personnel shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
 - a. details of the time and date the refusal was made.
 - b. the identity of the rider refusing the sale.
 - c. details of the alcohol the person attempted to purchase.
 - d. This log/register will be available for inspection by a Police Officer or other authorised officer on request.
16. Delivery of alcohol shall be to a residential address or place of work No alcohol shall be delivered to a person in a public place (e.g. car park, street, corner, bus stop etc)
17. Delivery personnel will not be permitted to smoke in the immediate vicinity of the premises.
18. Delivery personnel will not be permitted to congregate in the immediate vicinity of the premises.
19. Delivery personnel will be instructed not to loiter in the vicinity of residential premises.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. 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.

22. 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.
23. 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.
24. Delivery shall be done by personnel employed directly by the licence holder or the licence holder himself
25. 25. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
26. Deliveries to the premises shall only take place between 07:00 and 23:00 hours



Resident Count: 239

Licenced Premises within 75 metres of 101 Bell Street, London NW1 6TL.				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/11207/LIPDPS	Turie Cafe	39 Lisson Grove London NW1 6UB	Cafe	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
20/00032/LIPVM	The Bell House	91 Bell Street London NW1 6TL	Public house or pub restaurant	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 23:30 Sunday; 10:00 - 22:30
17/00485/LIPV	Firebrand	41 - 43 Lisson Grove London NW1 6UB	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 12:00 - 23:00 Friday to Saturday; 12:00 - 00:00
21/05933/LIPDPS	The Globe Public House	47 Lisson Grove London NW1 6UB	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00

16/11829/LIPV	The Seashell Restaurant	Basement And Ground Floor 49 - 51 Lisson Grove London NW1 6UH	Cafe	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
17/11308/LIPVM	Not Recorded	20 Lisson Grove London NW1 6TT	Restaurant	Monday to Sunday; 07:00 - 23:00
16/05828/LIPDPS	Fahrenheit Burger And Champagne Bar	Basement And Ground Floor 20 Lisson Grove London NW1 6TT	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/02941/LIPT	The Perseverance	11 Shroton Street London NW1 6UG	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
20/03017/LIPDPS	Tesco Express (05565)	Nathanco House 24 Lisson Grove London NW1 6TU	Shop (large)	Sunday; 07:00 - 22:00 Monday to Saturday; 07:00 - 23:00