



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	10 February 2022
Licensing Ref No:	21/05015/LIPN - New Premises Licence
Title of Report:	Z B Retail 48 Belgrave Road London SW1V 1RG
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 May 2021		
<b>Applicant:</b>	Mr Choudhry Farhan		
<b>Premises:</b>	Z B Retail		
<b>Premises address:</b>	48 Belgrave Road London SW1V 1RG	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Victoria Special Consideration Zone
<b>Premises description:</b>	The premises intends to operate as a convenience store selling alcohol for consumption off the premises.		
<b>Premises licence history:</b>	The premises applied for a premises licence in 2008 (08/07230/LIPN) however the licence was refused. The full history can be found at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	During consultation, the application provided additional information to address the Special Consideration Zone. This can be found at <b>Appendix 2</b> .		
<b>Applicant amendments:</b>	During consultation, the applicant amended the hours for the retail sale of alcohol from 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 Sunday to the timings stated at 1-B.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	10:00
<b>End:</b>	22:00	22:00	22:00	22:00	22:00	22:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>		N/A					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	07:30	07:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		N/A					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Emanuela Meloyan
<b>Received:</b>	21 June 2021

I write in relation to the application submitted for a new premises licence for 48 Belgrave Road, London SW1V 1RG.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

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

The application seeks the following:

**Supply of Alcohol**  
Monday to Saturday – 08:00 to 23:00  
Sunday – 10:00 to 22:30

**Hours open to the Public**  
Monday to Sunday – 07:30 to 23:00

The premises are within the Victoria Special Consideration zone and as such Policy SCZ1 applies.

Policy SCZ1 states:  
“A .In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule”

For the purpose of Clause A, the designated Special Consideration Zone for this application is Victoria.

In order to fully assess the application, the Licensing Authority request the applicant provide further clarification on how the premises intend to operate and in particular further submissions relating to the key local issues as identified at paragraph D56 of the Policy, and how these are to be addressed.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service ( <i>Withdrawn 13 December 2021</i> )
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	21 June 2021

Representations are made as the proposal may undermine the licensing objectives on Public Nuisance, Public Safety and Protection of Children from Harm.

The applicant has submitted some undertakings which will need to be converted into enforceable conditions. Also it is not clear if the premises has been constructed for the proposed use.

The applicant is therefore requested to contact the undersigned to discuss the above and also to arrange a site visit after which additional conditions may be proposed.

**Following the applicant's agreement of conditions with the Metropolitan Police, Environmental Health withdrew their representation on 13 December 2021.**

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 23 June 2021</i> )
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	11 June 2021

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

There is insufficient detail 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. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

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

**Following an agreement of conditions with the applicant, the Metropolitan Police withdrew their representation on 23 June 2021.**

<b>2-B Other Persons</b>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	21 June 2021		

I wish to object to this application on the following grounds.

- 1) This part of Belgrave Road is surrounded by hotels, some of which are currently occupied by asylum seekers and rough sleepers during the pandemic lockdowns. There are already numerous establishments nearby where alcohol can be obtained (pubs, supermarkets and convenience stores). However this application moves the availability of alcohol further away from the centre of Pimlico in Warwick Way and Wilton Road towards an essentially a residential area.
- 2) Pimlico already has a problem with street drinking and anti-social behaviour which can only be exacerbated by another venue retailing alcohol from 8am in the morning (Monday - Saturday and 10 on Sundays).
- 3) There is are school premises across the road from the premises, which reinforces the need to prevent ASB resulting from the retailing of alcohol.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy SCZ1 applies</b>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> <li>• West End Buffer.</li> <li>• Queensway/Bayswater.</li> <li>• Edgware Road.</li> <li>• East Covent Garden.</li> <li>• Mayfair.</li> <li>• Victoria.</li> </ul>
<b>Policy HRS1 applies</b>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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</li> </ol>

	<p>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>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>1. <b>Casinos:</b> Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</p> <p>2. <b>Cinemas, Cultural Venues and Live Sporting Premises:</b> Monday to Sunday: 9am to 12am</p> <p>3. <b>Hotels:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</p> <p>4. <b>Off licences:</b> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>5. <b>Outdoor Spaces:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>6. <b>Pubs and bars, Fast Food and Music and Dance venues:</b> Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.</p> <p>7. <b>Qualifying Clubs:</b> Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>8. <b>Restaurants:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>9. <b>Sexual Entertainment Venues and Sex Cinemas:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy SHP1 applies</b></p>	<p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1,</p>

	<p>PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.</p> <p>4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meeting the definition of a shop in Clause C.</p> <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.</p> <p>4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a shop in Clause C.</p> <p>C. For the purposes of this policy:</p> <p>1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.</p> <p>2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop.</p> <p>3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.</p>
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#### 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

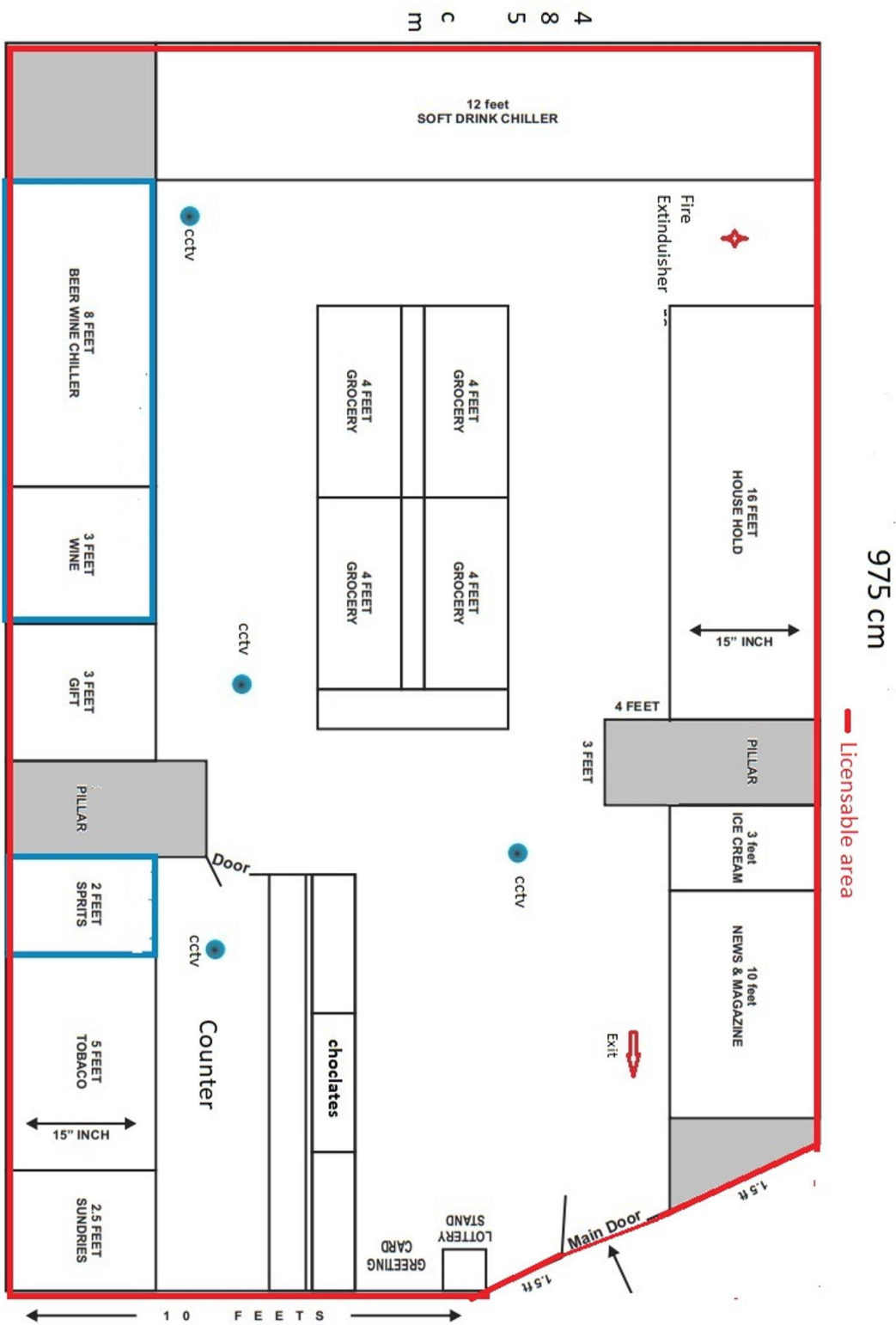
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	The Licensing Authority	21 June 2021
<b>5</b>	Environmental Health Service ( <b><i>Withdrawn 23 December 2021</i></b> )	21 June 2021
<b>6</b>	Metropolitan Police Service ( <b><i>Withdrawn 23 June 2021</i></b> )	11 June 2021
<b>7</b>	Interested party 1	21 June 2021



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**Applicant's response to the Special Consideration Zone**

**From:** Retail24 zb

**To:** Meloyan, Emanuela: WCC

**Subject:** Re: [Potential Spam:]Re: 21/05015/LIPN -48 Belgrave Road, London, SW1V 1RG

**Date:** 24 June 2021 13:41:36

dear sir /madam

thanks for your email.

i am responding you email regarding d56 policy.

i will propose licencing hour to be reduce to 9am till 10pm so it will effectively reduce chances of nuisance in day and violence at night. these licensing hours are within core licensing hour and will not have impact on special consideration zone.

no delivery of stock will be offloaded after 9pm.

begging will not be allowed outside or inside of shop. signage will be placed on window about stop begging.

customers will be advised not to give any money to baggers.

baggers will be banned to enter the premises and asked to leave the areas otherwise reported to police.

staff will be trained to followed these procedures.

display stock of alcohol will be in the view of staff and covered by cctv all the time. Spirits will be placed behind the counter. it will help to deter theft .

signage to inform customers to respect neighbourhood and do not drink outside premises will be placed in closed vicinity of shop. Drunk peoples will be refused sales of alcohol and no consumption of alcohol will be allowed outside premises.

in case of patron getting violent or abusive , police help will be seek.

no alcopops will be sold at premises to discourage children attraction to alcohol drinks and there gathering outside premises.

no strong beers and small bottles of spirits will be sold at premises.it will help street drinkers away from premises to combat anti-social behaviour.

shop floor will be kept clear of all hurdles and obstacle at all time. entrance and front of the door will be kept clear and safe at all time by ensuring no slip or trip hazard and no singular hard object accessible to general public.

staff will be trained on emergency processes in case of injuries on following the first aid routine.

staff will be trained on first aid .the process will also involve in getting support from emergency services and escalation process within.

your view on this email will be much regarded.

kind regards

Farhan

**From:** Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>

**Sent:** 23 June 2021 13:59

**To:** Retail24 zb <zbretail24@hotmail.co.uk>

**Cc:** Steward, Michelle: WCC <msteward1@westminster.gov.uk>; Licensing: WCC <Licensing@westminster.gov.uk>

**Subject:** RE: [Potential Spam:]Re: 21/05015/LIPN -48 Belgrave Road, London, SW1V 1RG  
Dear Sir/Madam

Thank you for your reply to the Licensing Authority Representation dated today, however the points raised have not been addressed and we seek further information.

In order to fully assess the application, the Licensing Authority request the applicant provide further clarification on how the premises intend to operate and in particular further submissions

relating to the key local issues as identified at paragraph D56 of the Policy (as below), and how these are to be addressed.

*D56 - The local issues that need to be considered by applicants are:*

*Serious violence at night.*

*Anti-social behaviour at all times of the day (street drinking and begging).*

*Incidents relating to ambulance call outs to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.*

*Theft and noise at night.*

Since your premises are within the Special Consideration zone the above points can have a further impact on the licensing objectives and therefore the Licensing Authority would like to understand how you have planned to address these aspects as per the guidance within the Licensing Policy 2021.

Our licensing policy can be found via the link below:

<https://www.westminster.gov.uk/licensing/licensing-policy-and-strategy/cumulativeimpactassessment>

**Thank you**

**Regards,**

**Emanuela Meloyan**

Senior Licensing Officer

Licensing Service

Public Protection and Licensing

Westminster City Council

15th Floor City Hall

64 Victoria Street

London, SW1E 6QP

( 07814 986596

( 0207 641 6500 (Call Centre)

\* [emeloyan@westminster.gov.uk](mailto:emeloyan@westminster.gov.uk)

[Westminster.gov.uk](http://Westminster.gov.uk)

**From:** Retail24 zb <zbretail24@hotmail.co.uk>

**Sent:** 23 June 2021 11:41

**To:** Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>

**Subject:** [Potential Spam:]Re: 21/05015/LIPN -48 Belgrave Road, London, SW1V 1RG

Dear madam/sir,

Thank you very much for your email. I understand as a responsible authority you have duty to ask questions re promoting licensing objectives. You have concern over 4 licensing objectives, I have covered these points in my original application however as a responsible retailer operating in the area for over 13 years, I will try to give comprehensive answers of your objection.

Public Nuisance :

· As covered in my original application I will have Signage to politely inform customer to respect neighbourhood and refrain from undue activity in late hours to prevent noise and nuisance and to leave the premises quietly. Premises will strictly operate sale of alcohol during the permitted licensing hours. No superstrength 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 and cans. This condition will be met by the shop and no drink over recommended alcohol by volume recommendations will be sold. No consumption of alcohol will be allowed at the premises at any time. The alcohol sold will be always in sealed containers. No bottle of spirits less than 70 cl will be sold to make it difficult for street drinker and baggers to buy

spirits at low prices. The above actions will be enough to deter street drinkers/beggars away from premises. No promotion of alcohol will be advertised. premises will be closed at 11pm so there will be no nuisance at night time.

- Prevention of Crime & Disorder:
  - 24 hour cctv recording with 31 days of storage will be place to monitor public area of premises and will be available to law enforcement agencies. Drunk people will be refused sales of alcohol and staff will be trained to deal with drunk or unruly customers. Any refusal of alcohol sale and incident of disorder will be logged.
- Public Safety:
  - Public service area within the shop will be kept clear . All notices relation to public health and safety will be displayed. DPS will ensure that health and safety regulation are met according to legislation Any danger to public will be reported to police emergency line.

The premises has already installed CCTV system covering proposed alcohol location. All entry points are covered by the CCTV system which will help identify every person, CCTV will be installed at exit points to help comprehensively cover all areas. Outside premises cctv will be installed to cover immediate outside premises entrance and will record 24 hours. CCTV system currently stores recording with date and time for the last 31 days and will continue doing so. All staff will be trained to copy the required footage by police or other local authority and will be available anytime required by the authority.

- Protection of children from harm:
    - Proper statutory signage will be installed to raise the awareness and stop under age buying of alcohol. All cashiers will be instructed, through training that sale shall not be made to any customer who looks under 25 unless evidence is produced in form of acceptable form of IDs such as passport, National identity cards, driving license, proof of age card with PASS logo, military id with photo and date of birth. This was covered in the licensing objectives application and staff will be trained on think 25 policy and refreshed every 6 months to keep it alive in the store. All tills will have prompt for the staff when selling alcohol as reminder to execute challenge 25 policy and approve or deny sale accordingly. Shop is already operating strict age restricted policy for relevant products already on sale such as tobacco and lottery tickets. No spirits less than 70cl will be sold to help deter under age attraction due to high price.
- i am looking forward to your response regarding my email.

kind regards

Farhan

**From:** Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>

**Sent:** 21 June 2021 16:39

**To:** zbretil24@hotmail.co.uk <zbretil24@hotmail.co.uk>

**Cc:** Steward, Michelle: WCC <msteward1@westminster.gov.uk>; Licensing: WCC <Licensing@westminster.gov.uk>

**Subject:** 21/05015/LIPN -48 Belgrave Road, London, SW1V 1RG

Dear Applicant,

I write in relation to the application submitted for a new premises licence for 48 Belgrave Road, London SW1V 1RG.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

Public Nuisance  
Prevention of Crime & Disorder  
Public Safety

Protection of children from harm

The application seeks the following:

**Supply of Alcohol**

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Monday to Sunday – 07:30 to 23:00

The premises are within the Victoria Special Consideration zone and as such Policy SCZ1 applies.

Policy SCZ1 states:

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For the purpose of Clause A, the designated Special Consideration Zone for this application is Victoria.

In order to fully assess the application, the Licensing Authority request the applicant provide further clarification on how the premises intend to operate and in particular further submissions relating to the key local issues as identified at paragraph D56 of the Policy, and how these are to be addressed.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

***Thank you***

***Regards,***

***Emanuela Meloyan***

*Senior Licensing Officer*

Licensing Service

Public Protection and Licensing

Westminster City Council

15th Floor City Hall

64 Victoria Street

London, SW1E 6QP

( **07814 986596**

( **0207 641 6500** (Call Centre)

\* **emeloyan@westminster.gov.uk**

**Westminster.gov.uk**

**Premises History****Appendix 3**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
08/07230/LIPN	New premises application  Retail sale of alcohol for consumption of the premises Monday to Sunday 00:00 to 00:00	20.11.2008	Refused by Licensing Sub-Committee

There is no temporary event notice 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. Signage to politely inform customer to respect neighbour in close vicinity of shop and refrain from undue activity in late hours to prevent noise and nuisance.

**Conditions proposed by the Metropolitan Police and agreed with the applicant so as to form part of the operating schedule.**

10.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) 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. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
16. 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 and cans.
17. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
18. 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.

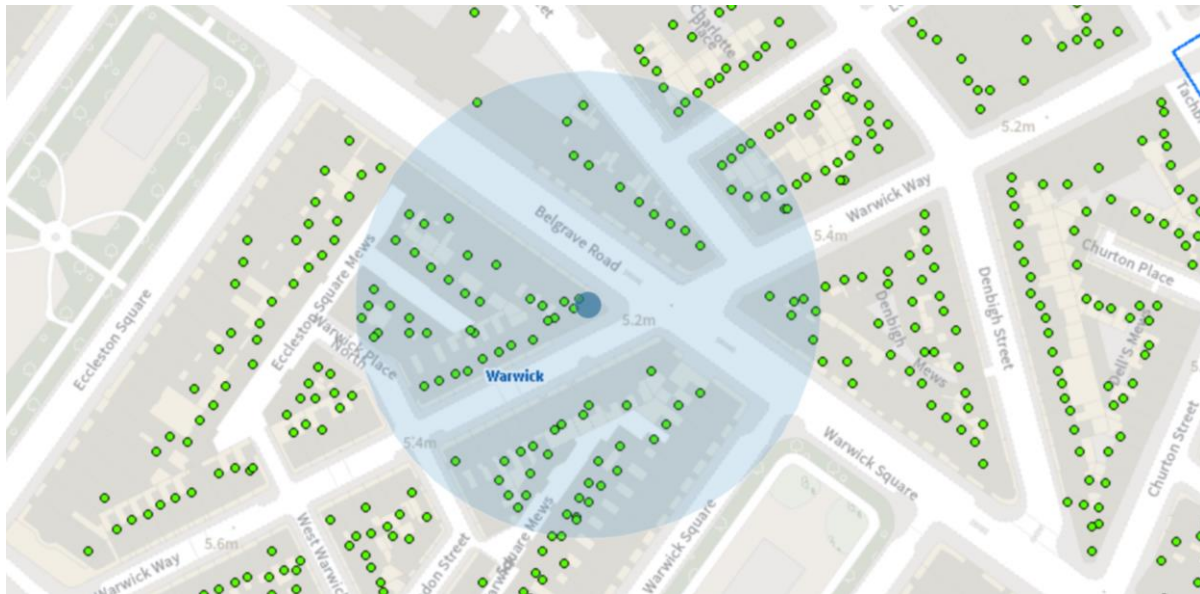
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
20. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
21. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. 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. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced
22. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.

**Conditions proposed by the Environmental Health**

None

**Residential Map and List of Premises in the Vicinity**

**Appendix 5**



Resident: 203

<b>Licensed premises within 75 metres of 48 Belgrave Road, London, SW1V 1RG</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
07/01079/WCCMAP	Victoria Stanley House Hotel	19-21 Belgrave Road London SW1V 1RB	Hotel, 3 star or under	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/01285/LIPT	Marquis Of Westminster	50 Warwick Way London SW1V 1RY	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
07/03028/WCCMAP	Belgrave House Hotel	28 - 32 Belgrave Road London SW1V 1RG	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
20/11051/LIPV	Eureka	Basement To Ground Floor 46 Warwick Way London SW1V 1RY	Shop	Monday to Sunday; 10:00 - 23:00