



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

31 March 2022

21/14599/LIPN - New Premises Licence

145-147 Edgware Road  
London  
W2 2HR

Director of Public Protection and Licensing

Hyde Park

City of Westminster Statement of Licensing Policy

None

Roxsana Haq  
Senior Licensing Officer

Telephone: 020 7641 6500  
Email: rhaq@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 December 2021		
<b>Applicant:</b>	Fancy Delivery UK Limited		
<b>Premises:</b>	Trading name has not been provided from the applicant.		
<b>Premises address:</b>	145-147 Edgware Road London W2 2HR	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Edgware Road
<b>Premises description:</b>	According to the application this premises intends to operate as a grocery delivery company. The style of operation that the applicant intends is both online and instore.		
<b>Premises licence history:</b>	This application is for a new premises, and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	The applicant has stated that they propose to operate as an instore and online grocery service that requires the Sale by Retail of Alcohol Monday to Sunday 08:00 to 00:00. Additional conditions have also been proposed which can be seen at <b>Appendix 4.</b>		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Sale by retail of alcohol</b>					<b>On or off sales or both:</b>		Both
<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>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Hours premises are open to the public</b>							
<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>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	06 January 2022 ( <b>withdrawn 07 February 2022</b> )

**145-147 Edgware Road, London, W2 2HR**

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

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

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

The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety 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.

Conditions, in addition to those contained within the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety below. The applicant is advised to study these conditions and discuss them if they are minded to support the application.

**Proposed Environmental Health Conditions**

1. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
2. 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
3. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises
4. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises
5. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises
6. Deliveries shall only be made to a bonafide residential or business addresses
7. Delivery drivers/riders shall wait inside the premises between deliveries/ for deliveries
8. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a

responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises

9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
10. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close from the Licence by the licensing authority

Please contact me if you wish to discuss these further.

**Following agreement of conditions, the Environmental Health Service withdrew their representation on 07 February 2022. The agreed conditions can be found at Appendix 4.**

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	14 January 2022

Dear Andrew

145-147 Edgware Road, London, W2 2HR (21/14599/LIPN)

With reference to the above application, 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.

There is insufficient detail contained within the operating schedule to promote the licensing objectives.

It is for these reasons that we object to this application.

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	01 January 2022		

Not appropriate to have a food delivery as part of a residential block as we will feel the effects of this. Noise, safety, hygiene concerns which we already experience with other businesses of this type already in the building, therefore having another one of these will only add to the current problems.

3.	<b>Policy &amp; Guidance</b>
The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Special Consideration Zones Policy SCZ1 applies</b>	<p><b>Edgware Road Special Consideration Zone</b></p> <p>D51. Edgware Road area is 0.10km<sup>2</sup> in size, accounting for 0.4% of the borough's footprint. The local issues that need to be considered by applicants are:</p> <ul style="list-style-type: none"> <li>• Serious violent crimes at night.</li> <li>• Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.</li> <li>• Drug dealing at night.</li> <li>• Robberies at night.</li> <li>• Theft incidents at night.</li> <li>• Noise nuisance at night.</li> </ul> <p>D52. The incidents recorded between 2017 and 2019 were nearly four times the borough's average rate of incidents per square kilometre.</p>
<b>Hours Policy HRS1 applies</b>	<p><b>A.</b> 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>B.</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><b>1.</b> 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><b>2.</b> 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><b>3.</b> 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><b>4.</b> The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li><b>5.</b> The proposed hours when any music, including incidental music, will be played.</li> <li><b>6.</b> 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><b>7.</b> 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><b>8.</b> Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li><b>9.</b> The capacity of the premises.</li> <li><b>10.</b> 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> </ol>

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 are expected to be covered by Temporary Event Notices or variation applications.

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:

**1. Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

**2. Cinemas, Cultural Venues and Live Sporting Premises:** Monday to Sunday: 9am to 12am

**3. Hotels:** 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.

**4. Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

**5. Outdoor Spaces:** 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.

**6. Pubs and bars, Fast Food and Music and Dance venues:** 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.

**7. Qualifying Clubs:** 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.

**8. Restaurants:** 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.

**9. Sexual Entertainment Venues and Sex Cinemas:** 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><b>D.</b> 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><b>E.</b> For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Delivery Centre Policy DC1 applies</b></p>	<p><b>A.</b> Applications for a delivery centre outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1,</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1,</li> <li>3. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone,</li> <li>4. The premises are not located in a predominantly residential area, and</li> <li>5. The application and operation of the venue meeting the definition of a delivery centre in Clause D.</li> </ol> <p><b>B.</b> Applications for a delivery centre within the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1,</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1,</li> <li>3. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone,</li> <li>4. The premises are not located within a predominantly residential area, and</li> <li>5. The application and operation of the venue meeting the definition of a delivery centre in Clause D.</li> </ol> <p><b>C.</b> Applications that do not meet Clause A or B will be considered on their own merits, subject to other relevant policies within this statement and the following considerations:</p> <ol style="list-style-type: none"> <li>1. The likelihood of the effect of the grant of the licence for a delivery centre on the licensing objectives and whether the applicant has demonstrated that they will meet the criteria and considerations within policies CD1, PS1, PN1 and CH1.</li> <li>2. The proposed hours for the operation of the delivery centre, whether they are beyond the Core Hours as set out in Policy HRS1 and if so, what are the reasons for the additional hours and what has the applicant proposed as measures that will mitigate or eliminate any potential impact on the licensing objectives and residents in the vicinity of the premises.</li> <li>3. If the application is located within: <ol style="list-style-type: none"> <li>a. the West End Cumulative Impact Zone, have they demonstrated that they will not add to cumulative impact, or,</li> <li>b. a designated Special Consideration Zone, have they demonstrated that they have taken account of the issues identified in that area and put forward proposed mitigation measures in relation to those issues in accordance with Policy SCZ1,</li> </ol> </li> <li>4. Whether the premises are located within a predominantly residential area and if so: <ol style="list-style-type: none"> <li>a. whether the applicant has engaged with local residents and/or local resident/amenity societies on the proposed application and the operation of the premises prior to submitting the application to the council, and</li> <li>b. whether the applicant has put forward sufficient control measures within</li> </ol> </li> </ol>

the operating schedule to mitigate or eliminate the potential impact on residents in the area and the licensing objectives that have been identified as part of the pre-application engagement with residents or following receipt of relevant representations following the statutory consultation period.

**5.** Whether the delivery personnel working from the delivery centre are directly employed by the applicant or whether the delivery service element of the operation will be provided by a third party.

**6.** How will the applicant ensure that the operation of the premises and the delivery service, operated directly by them with their own staff does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act.

**7.** If a third party will provide the delivery service element of the operation on behalf of the applicant what are the contractual arrangements with that third party to ensure that the operation of the delivery service from the delivery centre does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act.

**8.** The operation and management of the proposed delivery centre from the premises.

**9.** The types of vehicles that will be used for the delivery of alcohol and/or late-night refreshment and whether they will likely create public nuisance.

**10.** When will deliveries to the delivery centre or waste collection take place.

**11.** The history of the applicant's operation of licensed premises and the premise's operation in relation to any impact on the licensing objectives, breaches of any terms and conditions of a licence, any reviews of a licence or offences committed under the Act.

**12.** In addition to Sub-clause 6 and 7 above what measures the applicant or the third party providing the delivery service has put forward to mitigate the specific risk of public nuisance by the operation of the delivery service at the premises or at the end point of delivery.

**13.** In addition to sub-clause 6 and 7 above what specific measures and processes the applicant or the third party providing the delivery service has put forward to mitigate the risk from the delivery of alcohol to children to ensure that they are protected from harm.

**D.** For the purposes of this policy a delivery centre is a premises that's primary function is to temporarily store alcohol and/or to prepare hot food and hot drink, so that it is available when ordered for transportation to a customer's residential or workplace location.

**E.** For the purposes of Clause A.4 B.4 and C reference to 'a predominately residential area' means an area of the city in which housing is the predominant use.

#### 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

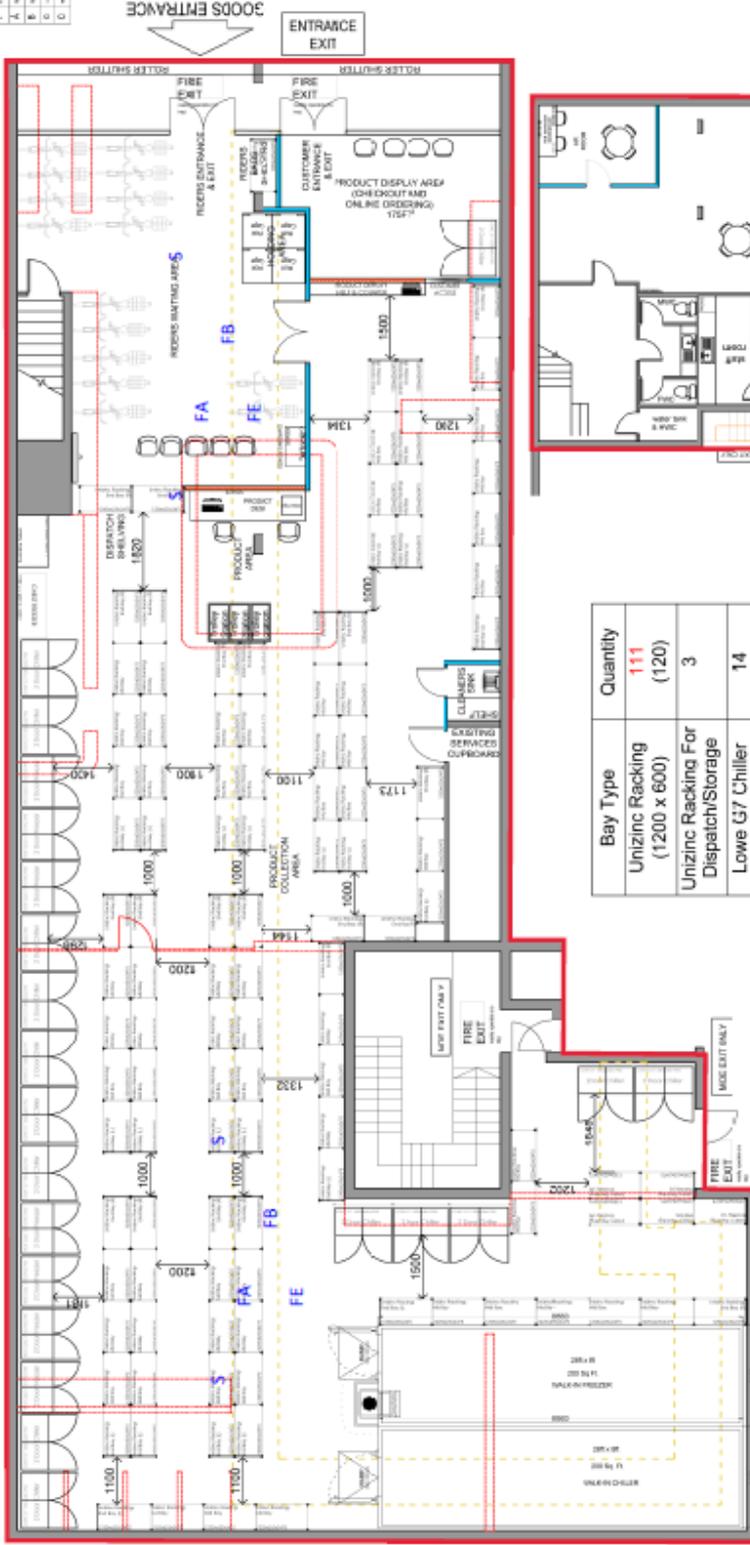
<b>Report author:</b>	Roxsana Haq Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:rhaq@westminster.gov.uk">rhaq@westminster.gov.uk</a>

**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	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Consultation <b>(withdrawn 07 February 2022)</b>	06 January 2022
5	Metropolitan Police Service	14 February 2022
6	Interested Party 1	01 January 2022

Revision	Date	By	CHK
A	18/11/17	DR	DR
B	20/11/17	DR	DR
C	14/12/17	DR	DR
D	16/12/17	DR	DR



PROPOSED GROUND FLOOR LAYOUT PLAN 1:100 @ A3

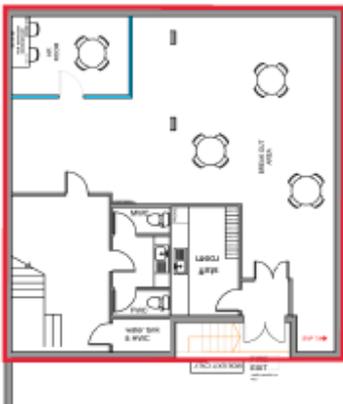
- REV BUILDING REGS & FIRE SAFETY NOTES:**
- All travel distances have been calculated and comply with Table 2 on page 34 of the Approved Document B, Vol 2.
  - All alterations to the building fire detection system to be designed and installed to BS 5839 pt1.
  - All alterations to the building emergency lighting system to comply with BS 5266 pt1.
  - Walls and ceilings in circulation spaces to have class 0 surface spread of flames, with class 1 in other spaces.
  - All new stairs to be installed as part of requirements stated under part C, and to have dampers where penetrating fire rated construction.
  - Close works are complete the owners and users of the building acknowledge that every requirement to carry out structural assessment under the 1990.

HAZARD	REASON	COMMENTS / ACTION
...	...	...

Bay Type	Quantity
Unizinc Racking (1200 x 600)	111 (120)
Unizinc Racking For Dispatch/Storage	3
Lowe G7 Chiller (1320x640)	14 (14)
True GDM Freezer (1197x759)	9 (7)
Chest Freezer	1
Walk in Chiller (28ft x 8ft)	200ft <sup>2</sup>
Walk in Freezer (28ft x 8ft)	200ft <sup>2</sup>

Area	m <sup>2</sup>	ft <sup>2</sup>
Gross Internal Area (GIA)	533	5737
Product Collection Area	326	3509
Click & Collect Area	16.2	175

PROPOSED BASEMENT FLOOR LAYOUT PLAN 1:150 @ A3



**IMPORTANT:** Locable advice can take place anywhere within the red line. The position of loose furniture and equipment is shown for diagrammatic purposes only. Firefighting assessment is indicated but may be moved subject to the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.

**LEGEND**  
 S = Smoke Detector  
 FA = Fire Alarm  
 FB = Fire Blanket  
 CO2 = Fire Extinguisher

**LAYOUT**

**gopuff**

**CUBE**

145/147 EDGWARE ROAD, PADDINGTON, LONDON W2 2HR

PROPOSED GROUND AND BASEMENT FLOOR LAYOUT PLAN

ADDRESS: SC 110 D

## **Applicant Supporting Documents**

## **Appendix 2**

The applicant has provided the following presentation.

**IN THE CITY OF WESTMINSTER**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR A NEW GROCERY STORE AND DELIVERY SERVICE PREMISES LICENCE**

Gopuff, 145-147 Edgware Road, London W2 2HR

**APPLICANT'S SUPPORTING BUNDLE**

**INDEX**

Summary of Application	Page: GB-001
Proposed Conditions	Page: GB-007
Operational Overview	Page: GB-010
Age Restricted Products Training With associated Refusal Policy	Page: GB-013
Safety Training	Page: GB-020
Staff Awareness Poster	Page: GB-024
Map of Delivery Areas	Page: GB-25
Letter to Mrs Sonia Kobeissi	Page: GB-26
Extracts from Statement of Licensing Policy	Page: GB-027

**IN THE CITY OF WESTMINSTER**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR A NEW GROCERY STORE AND DELIVERY SERVICE PREMISES LICENCE**

Gopuff, 145-147 Edgware Road, London W2 2HR

**SUMMARY OF APPLICATION**

**The application**

1. The Applicant, Fancy Delivery UK Limited t/a Gopuff, is an experienced global operator of licensed grocery stores and delivery services. In central London, the Applicant currently operates 19 licensed premises, with a further 17 licensed premises nationally. Attached to this summary, is an Operational Overview of the application site, that provides an insight into the proposed operation of the Premises.
2. The application site is a former café and tea rooms, catering to walk in customers. It is located within a rank of commercial units in a high-street setting (site outlined in yellow below):

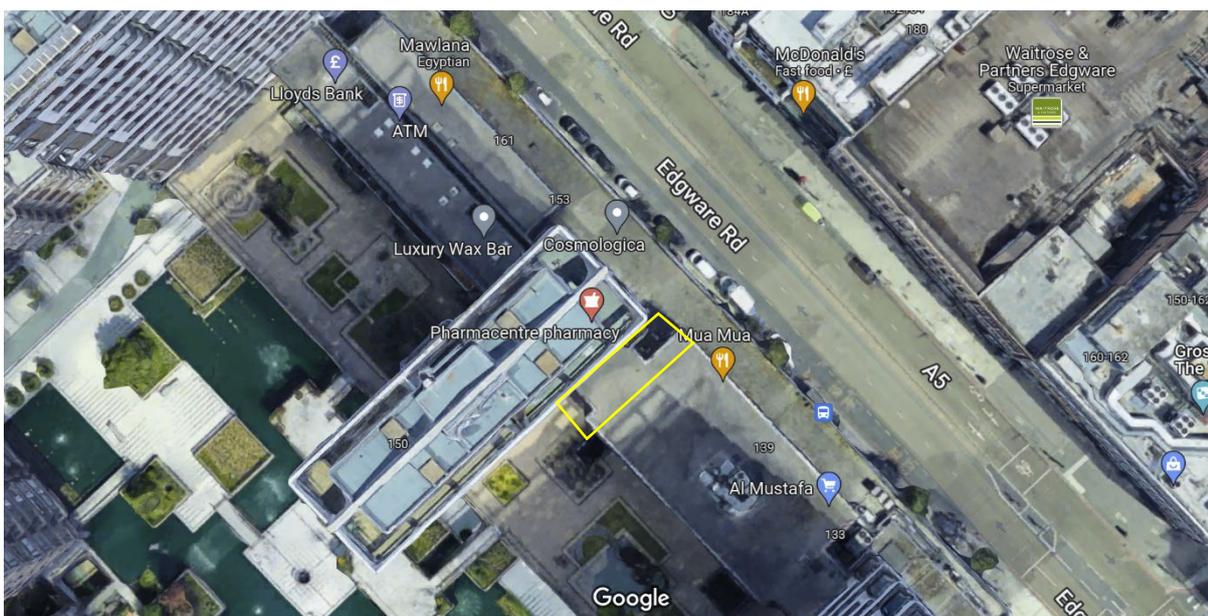
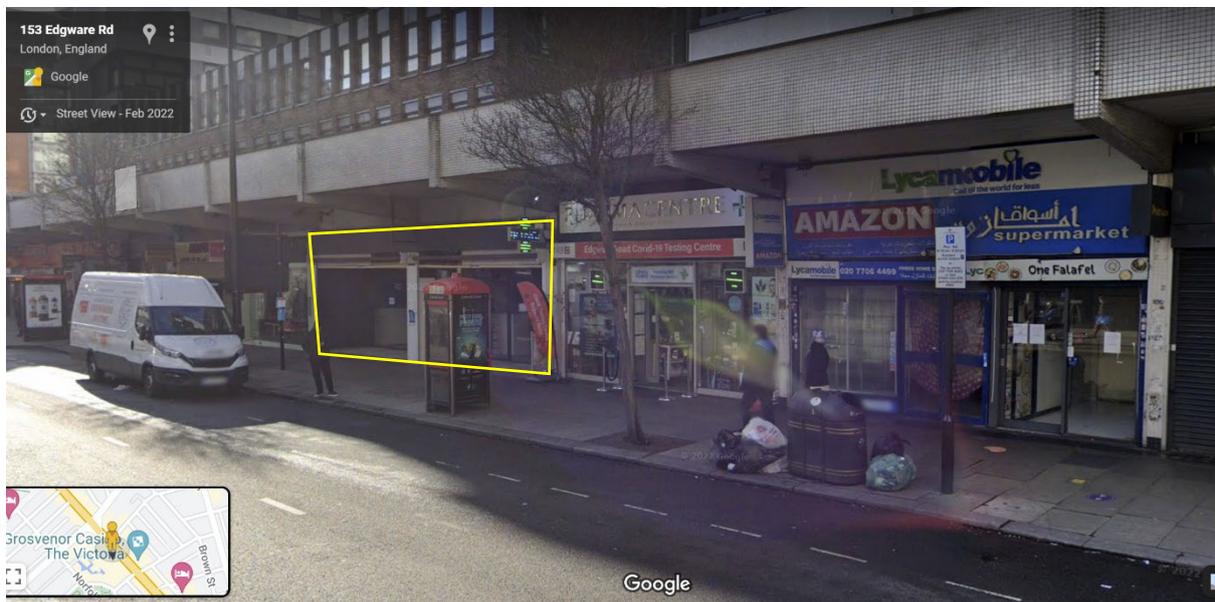


Image of site circa December 2021:



Image of site circa February 2022:



3. The site is overlooked by a number of residential apartments that share this mixed-use road, as can be seen in the following image:



#### **Proposed Hours**

4. The Application is for the “Off Sale” of alcohol only, between the hours of 8am and midnight daily. The Premises itself will ultimately operate 24 hours a day for customer deliveries; however, it currently operates from 8am to 2am daily with 24-hour operating coming into effect in the next 12 weeks. Customers can access the store for the purposes of shopping on-site, by way of the ordering terminals provided, between the hours of 8am and 10pm (the Premises operates reduced hours for public access on Sundays, dependant on demand).

#### **Delivery Area**

5. The Applicant currently has 4 sites operating in surrounding areas N7, SW8, W3, and SE1. Please see the attached map showing the delivery area for these sites, along with the delivery area for the Application site. All of these sites are currently trading between 8am-2am and most of them hold 24-hour licences.

## Engagement

6. A Representation was received from the Environmental Health Officer. This was withdrawn following discussions with the Applicant and the agreement of appropriate conditions that would enshrine the Applicant's best practice on the Premises Licence. Please see the attached Consolidated Proposed Draft Conditions document.
7. A Representation was received from the Police and after engagement with the Applicant, conditions requested by the Police were agreed and further conditions were proposed by the Applicant. Please see the attached Consolidated Proposed Draft Conditions document.
8. The Applicant has considered the Representation made by a local resident and has identified the concerns raised. In response to these concerns, and in line with the best practices employed by the Applicant, the Applicant proposes the following additional condition:

*"Only electric or pedal powered vehicles shall be used by delivery drivers/riders delivering products sold from the Premises, to customers."*

9. Further, the Applicant puts forward for the Committee Members' consideration, the attached Safety Training and Age Restricted Products Training documents, along with the example staff awareness poster that will be displayed prominently around the Premises. These policies and posters are supported by the contracts in place between the Applicant and their team of drivers, which state:

*"You must comply at all times with the Company's rules, policies and procedures in respect of health and safety, food safety, data protection, and harassment, and any other policies which the Company may notify you are relevant to your engagement, copies of which are available on request."*

10. The applicant will consider any other reasonable conditions as they adopt a partnership approach to all stakeholders interested in their operation.

### **Conclusion**

11. The Applicant has engaged constructively with officers during this application process and intends to do so in the long-term should this licence application be granted. Also, the Applicant has taken consideration of the concerns raised by the local resident mentioned above. In order to address the concerns raised by parties during the Consultation Period, the Applicant has proposed and agreed robust Conditions; breach of which can result in an unlimited fine or up to 6 months in prison, or both.

12. If any issues do arise, they will be ironed out quickly by this responsible, experienced operator. This approach serves the best interests of all involved and, in the applicant's view, it is simply the neighbourly thing to do.

13. The licensing sub-committee is respectfully invited to grant the Application to the extent set out in the Application papers, together with the suite of amended Proposed Draft Conditions - all of which are designed to promote the licensing objectives in an appropriate and proportionate manner.

**MARCUS LAVELL**  
**Consultant Barrister**  
**Keystone Law**

22 March 2022

# CONSOLIDATED PROPOSED DRAFT CONDITIONS

1. All staff will be fully trained in their responsibilities and with regard to the promotion of the licensing objective in particular sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
2. A CCTV system is in operation for the warehouse, to provide security and identify any culprit who is intent in causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All current security measures will remain in operation. All staff will be fully trained in the operation of the CCTV to ensure it is operational all the hours of trade. Images will be made available to the police or authorised licensing officer from the council on request.
3. All potential customers must verify on the payment page of the website that they are at least 18 years of age. If the applicant is in any doubt as to the age of the customer, they will only deliver the alcohol if the owner of the card that made the payment is present at the delivery address; Orders will only be dispatched to bona fide addresses,
  - No deliveries will be made to an open space,
  - All sales of alcohol for delivery must be paid for by credit card, debit card (pre-paid or otherwise) or electronic payment,
  - Details of the order (including the type, amount of alcohol, name and address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the ~~printout dispatched with the order~~ **electronic receipt provided to the customer, [proposed amended wording to reflect updated “app” ordering system]**
  - All delivery drivers and riders must allow any police or authorised local authority officers to inspect any alcohol,
  - Deliveries only made to those over the age of 18.
4. A challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not look 25 years old. They will be required to prove by way of photographic ID, either a passport or driving licence that they are at least 18. The card used for purchase will also be checked against the ID provided. If the business is in any doubt then the delivery of alcohol will not be made, and a full refund will be issued. Postal/carriage deliveries will only be made once a verified payment method has been established, and the customer has confirmed they are 18 or over when making the purchase.

## **Additional Conditions Agreed with EHO**

5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
6. 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.
7. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises.
8. The premises Licence Holder shall ensure that riders/drivers will not be permitted to

congregate in the immediate vicinity of the premises.

9. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises.
10. Deliveries shall only be made to a bonafide residential or business addresses.
11. Delivery drivers/riders shall wait inside the premises between deliveries/ for deliveries.
12. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close from the Licence by the licensing authority.

#### **Additional Conditions Agreed with Police**

15. MC48 - A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. MC29 - 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.
17. MC01 - 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.
18. MC02 - 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.

#### **Additional Conditions Proposed Following Discussions with Police**

19. There shall be a dedicated waiting area within the premises for delivery drivers waiting to collect customer orders for delivery. Delivery drivers are not to congregate outside of the premises. ~~Between the hours of 9pm and 8am, drivers smoking outside of the premises shall be limited to 5 at any one time.~~ No longer applicable, please see condition 9 above.

20. All vehicles shall be stored inside the premises between deliveries and walked out to the road. Drivers are to be regularly reminded they are not to cycle on the pavement at all.

**Additional Condition Proposed Following Consideration of Resident's Representation**

21. Only electric or pedal powered vehicles shall be used by delivery drivers/riders delivering products sold from the Premises, to customers.



**Gopuff’s Operational Overview of 145-147 Edgware Road, W2 2HR**

This document provides an overview of who we are, how we plan to operate our site at 145-147 Edgware Road, W2 2HR (the “Site”) and how we manage our fulfilment and delivery operations to ensure we meet our responsibility to local residents to minimise noise and disruption and to also safely deliver age verified products in full accordance with our legal and regulatory obligations.

If you have any questions regarding issues not covered by this document please don’t hesitate to reach out to us at the following e-mail address: stef.webb@gopuff.com

.....

**Who are we?**

We’re a full service on demand grocery company that delivers all of your daily needs, including fruit and vegetables, frozen foods, cleaning and home products, over-the-counter medications, baby and pet products, snacks and drinks, as well as alcohol. We store about 4,000 products at each of our sites and we fulfill all deliveries made on our app directly from our own sites using our own drivers. Our customers range in age from younger people in their 20s to the elderly, with new parents and customers over 35 comprising our fastest growing customer groups! During the COVID-19 pandemic, customers valued Gopuff’s contact-free delivery, and the ability to purchase a COVID test kit, soup and tissues all in the same order. From day-to-day to sick days, Gopuff is there for our customers in an instant.

We were founded in 2013 and are now serving customers in more than 1,000 cities in the United States, United Kingdom, France and Spain. We currently have 36 sites across the United Kingdom in London, Birmingham, Bristol, Cambridge, Cardiff, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield.

**What will be the opening hours at the Site?**

We’re already trading from this site between 0800-0200 and plan to eventually fulfill customer orders made online via the Gopuff app from the Site 24 hours a day. We currently serve walk-in customers attending the site to order and collect items between 0800-2200, with reduced trading hours on Sundays.

**How do customers purchase products from the Site?**

Walk-in customers order products from the Site’s inventory from our tablets in the store and our team of associates will then pick and pack the customer’s order. Customers can also order products for delivery to their home or office from the Site via the Gopuff app.

**How do we deliver orders to customers?**

We deliver orders from our sites using our own professional, trained drivers. We do not use companies such as Uber Eats, Just Eat or Deliveroo to deliver orders to customers.

All our deliveries from this Site will be made by our drivers operating bicycles, eBikes or electric mopeds which we provide to our drivers. Our fully electric mopeds are energy efficient and generate little to no noise and are regularly maintained by us.

We have a dedicated indoor area at the Site for our drivers with toilet facilities and other amenities. So, unlike most grocery and takeaway delivery operators, our drivers won't be loitering outside or in close vicinity to the Site while they await orders and therefore will not generate noise and nuisance for local residents and businesses.

We are committed to operating responsibly in the communities in which we serve. Ensuring we are a good neighbour and minimising disruption to our community is one of our key priorities. Our neighbours are our customers and we provide training to our drivers on acceptable behaviour and what to avoid in or around our sites to minimise noise and disruption to the local area, including not loitering outside the Site or nearby residential properties. We also have signage affixed at the Site to remind our drivers to be courteous when entering and exiting the Site and the wider complex. Our on-site team also provide regular reminders about this to our drivers.

### **Do we sell alcohol?**

Yes, albeit alcohol products form only a small proportion of the overall number of products stored at our sites. We plan, subject to approval, to fulfill alcohol orders from the Site between the hours of 08:00 - 00:00.

### **How do we meet age restricted legal requirements?**

The safety and wellbeing of our customers is of utmost importance to Gopuff. We take our responsibility to ensure age restricted products such as alcohol are not delivered to people under the minimum legal age very seriously.

It's Gopuff policy to check the customer's ID for all orders containing age restricted products, even if the customer looks older than the legal age for buying those items.

For customers purchasing age restricted products at our retail sites, our store associates will ask the customer to present valid ID before they are provided with their order. For customers purchasing age restricted products for delivery via our app, customers are notified in the app before placing an order of the requirement to present valid ID upon delivery of the order, and are sent further reminders ahead of delivery. The receipt attached to package flags to our drivers that an order contains an age restricted product and our delivery app that our riders use also notifies them and prompts them to check the customer's ID.

We only accept the following types of IDs from customers: Passport; European Union photocard driving license; Photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram; and National identity card issued by a European Union member state (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland.

### **What is our refusal process where we cannot verify the age of a customer purchasing an age restricted product?**

We have a specific refusals policy in place which all our store associates and drivers must follow.

Our store associates and drivers will refuse to provide or deliver an order if:

- Valid ID is unable to be provided.
- The customer is underage (alcohol & tobacco products: <18 years).
- For sales of alcohol products, the customer appears to be drunk or under the influence.

When a sale/delivery is refused on the above grounds, we do not deliver or provide the entire order to the customer and the customer will be refunded in full. Our store associates record the refusal in the store's

alcohol refusals logbook and our drivers record the refusal in our driver app at the point of delivery. We retain a consolidated record of all refusals by our drivers centrally.

We provide dedicated training to all our store associates and riders on our age restricted product policy during their onboarding. This training is repeated quarterly. We also have signage affixed at our sites to remind store associates and drivers to undertake ID checks and our on-site management team also provide regular reminders.

# Age Restricted Products: EduMe Training

You will learn...

What are age restricted products?

How to verify identification

Liability

Verifying using goDrive

Let's go!



Some products are age restricted due to UK laws e.g. alcohol, tobacco, sex toys.

Keep going 👍



# Age Restricted Products: EduMe Training

## Sale of Restricted Products

In the UK it is illegal to sell any age restricted product to individuals that are **under the age of 18**.

We must check identification to verify a customer's age before handing over any age restricted goods.

OK 😊



## Let's review what we know so far!

Age Restricted Products

Take the quiz 🍷

Learner then goes on to 'take the quiz' & is asked 2 questions at this point:

Choose the correct answer



QUESTION 1 OF 2

In the UK, what age do you need to be over to legally buy restricted products?

15

21

18

Choose the correct answer



What product(s) would you need to ask for ID for here?

Nappies

Tobacco

Alcohol

Steaks

# Age Restricted Products: EduMe Training



## Checking ID

- When a customer comes to the door, ask them to show the front of their ID but DO NOT take the ID from them
- Check the front of the ID at a safe distance
- Check the date of birth indicates the person is 18 or over
- Check the photo is a true likeness of the customer & hologram is present and genuine
- If there are any doubts, or there is reason to suspect the document is forged or borrowed, the sale or service of age restricted products must be refused.

## Denying Handover

- ID is invalid or fake
- ID is expired
- Customer is underage
- Customer is intoxicated

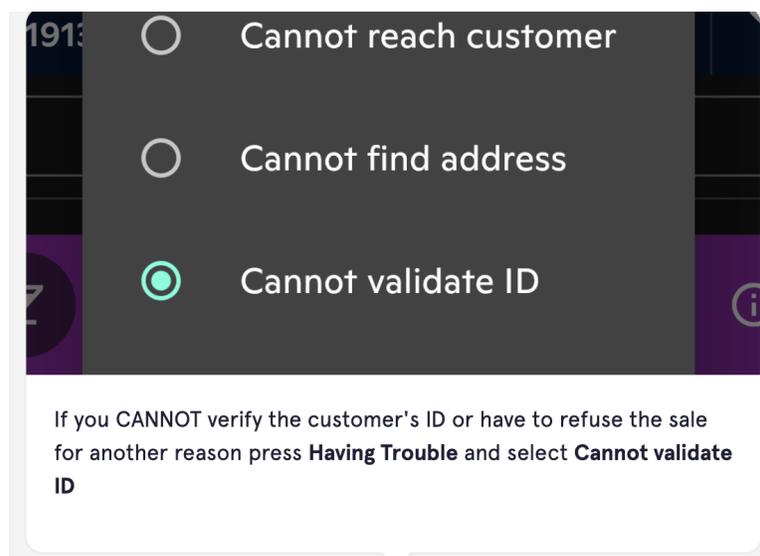
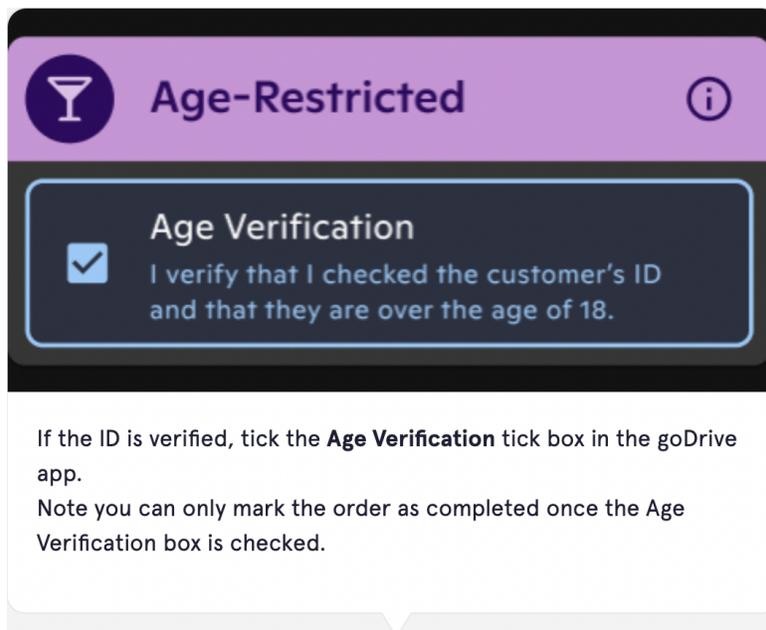
# Age Restricted Products: EduMe Training

## Delivery Partner Liability

Delivery partners can be personally liable if they do not verify the customer's age at the point of handover.

The **maximum** fine for handing over age restricted products to someone underage is £5000.

The delivery partner, store manager and company could be liable for a fine in these circumstances.



# Age Restricted Products: EduMe Training

There is then a final quiz to cover more of the material:

Choose the correct answer



What type of ID card(s) can we NOT accept from this list?

- National Insurance Card
- Valid Passport
- Bank Card
- PASS card

Choose the correct answer



QUESTION 2 OF 4

Will it let you complete an order if you have not verified the customer's ID?

- Yes
- No

Choose the correct answer



Which Date of Birth would you have to reject the sale of alcohol to?

- 10/10/2006
- 04/11/1993
- 03/05/1995
- 06/09/1972

Choose the correct answer



The Store Manager

The Delivery Partner

The customer

The Operations Associate who packed the order

Gopuff

\*Who can be held liable for selling of age restricted products.



## **Age Restricted Products - Refusals Policy (UK)**

The safety and wellbeing of our customers is of utmost importance to Gopuff. We take our responsibility to ensure age restricted products such as alcohol are not delivered to minors very seriously.

It's Gopuff policy to check the customer's ID for all orders containing age restricted products, even if the customer looks older than the legal age for buying those items. See list of the valid ID we accept at Appendix 1.

For customers purchasing age restricted products at our retail sites, our store associates will ask the customer to present valid ID before they are provided with their order.

For customers ordering via our app for delivery, the customer will be notified in the app when ordering of the requirement to present valid ID and are also sent further reminders by text message ahead of delivery. The receipt attached to package flags to our drivers that an order contains an age restricted product and our delivery app that our riders use also notifies them and prompts them to check the customer's ID.

Our store associates and drivers will refuse to provide or deliver an order if:

- Valid ID is unable to be provided.
- The customer is underage (alcohol & tobacco products: <18 years).
- For sales of alcohol products, the customer appears to be drunk or under the influence.

When a sale/delivery is refused on the above grounds, we do not deliver or provide the entire order to the customer and the customer will be refunded in full. Our store associates record the refusal in the store's alcohol refusals logbook and our drivers record the refusal in our driver app at the point of delivery. We retain a consolidated record of all refusals by our drivers centrally.

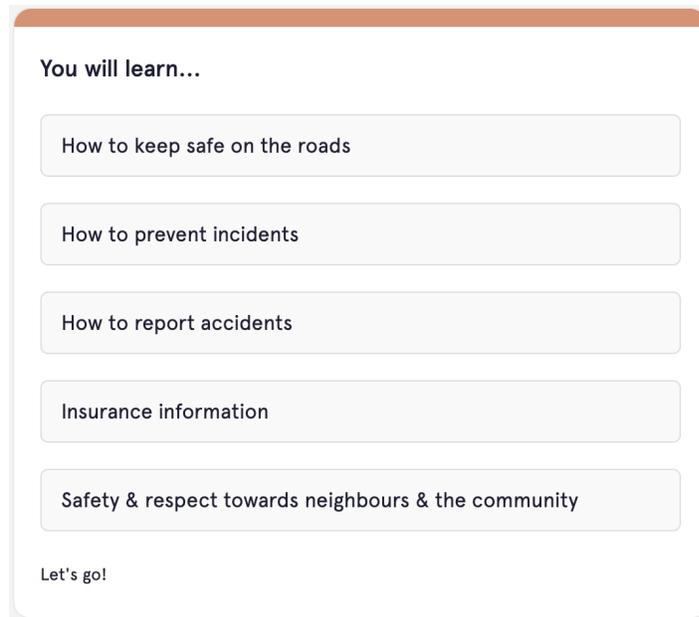
We provide dedicated training to all our store associates and riders on our refusals policy during their onboarding. This training is repeated quarterly. We also have signage affixed at our sites to remind store associates and drivers to undertake ID checks and our on-site management team also provide regular reminders.

Should licensing authorities or law enforcement require information from our refusal logs they can request this at the premises and the site manager / shift lead will contact [uklicensing@gopuff.com](mailto:uklicensing@gopuff.com) with the details of the request and the relevant data will be promptly sent back to them.

Alternatively, licensing authorities and law enforcement can reach out to us directly for such information at [uklicensing@gopuff.com](mailto:uklicensing@gopuff.com).



# Safety : EduMe Training



## Practice Safe Driving Techniques

Monitor blind spots, travel at safe speeds and reduce speed in work zones, keep up with regular vehicle maintenance, adjust driving techniques in bad weather, load cargo safely, and reduce speeds on curves to prevent your vehicle and cargo from tipping over.

## Be aware of your Surroundings

- Familiarise yourself with your delivery zone and routes e.g. what streets or shortcuts might be better avoided.
- Park near to the delivery address to avoid walking alone in areas.
- Take note of any vehicles that may be following you.
- Only deliver to valid addresses e.g. we cannot deliver to parks or street side.

## Physical Exertion

- Be sure not to carry loads that are too heavy on your back (bike)
- When using a cargo trailer be aware that the back of your bike may be heavier (bike/moped)\_
- Be careful when handing over heavier bags to customers or moving the cargo trailer

# Safety : EduMe Training

## Dress Appropriately

- Using lights, fluorescent strips and bright clothing will make you stand out more on the roads
- Wear a helmet - this will help prevent serious injury **(bike/moped)**
- Dress for the weather \_e.g. waterproofs for rain/snow and lighter clothes and suncream for sun. It is as important to protect yourself from sunburn and cold/flu as it is from falls. **(bike/moped)**

## They are then asked a short quiz:

Choose the correct answer(s)



QUESTION 1 OF 3

What is this cyclist doing that is not safe?

- Using a phone and loosely holding handlebar on other side
- Wearing a tshirt
- Wearing sunglasses

Choose the correct answer(s)



QUESTION 2 OF 3

What should you be aware of in this situation?

- The roads might be icy
- Wearing warm clothing
- It's dark

Choose the correct answer(s)



QUESTION 3 OF 3

What is the main hazard here?

- The person in the red jacket crossing the road without looking
- The weather
- The road markings

Answers: A, ALL , A

# Safety : EduMe Training

## Preventing Incidents

- You can prevent incidents by being aware of other drivers/ cyclists on the road.
- Check your bike/moped before use \_e.g. check tyre pressure, handlebar alignment, gear changes, lights\_
- Check over your car before use and ensure ample petrol levels
- Do refresher safety training every 3 months

## Reporting Accidents

**\*\*We try to keep you as safe as possible while at work but accidents can happen!\*\***

- If an accident happens on the road, pull over to the side of the road & contact your MFC **\*\*when it is safe to do so\*\***.
- Note the vehicles, registration numbers and any passengers, as well as the incident scene.
- Never admit liability at the scene.

## Insurance

- Please share the name of our insurance company and policy number with anyone who asks at the scene of the accident. (The Store Manager of the MFC can provide this).\_(bike and moped only)\_
- **\*\*Zego\*\*** is the name of the company that provides our insurance \_(bike and moped only)\_
- Drivers must have an H&R insurance policy that runs alongside their SD&P policy \_(independent contracted drivers only)\_

## Our Neighbours are our Customers

**\*\*Please avoid:\*\***

- shouting/ loud conversations outside the MFC - particularly early morning and late at night.
- using horns
- leaving engines running outside
- loud music when coming and going from the MFC
- loitering outside the MFC or nearby residential properties

# Safety : EduMe Training

## While you're Waiting

- If your MFC has a driver waiting room you must wait in there rather than outside the premises or in your vehicle.
- Please park your vehicle responsibly as to not upset any nearby residents. \_e.g. do not park over double spaces, mopeds parked on pavements or bikes overflowing into pedestrian areas\_

## Quiz:

Choose the correct answer



What should you take pictures of at the scene of an accident (if possible)?

Vehicle(s) involved

Passengers

Location of the incident

Vehicle(s) Registration Number

Choose the correct answer



QUESTION 2 OF 3

What should you never admit to at the scene of an accident?

Liability

Your Age

Your Name

Choose the correct answer



QUESTION 3 OF 3

When will you get safety refresher training?

Every 3 months

Never

Every year

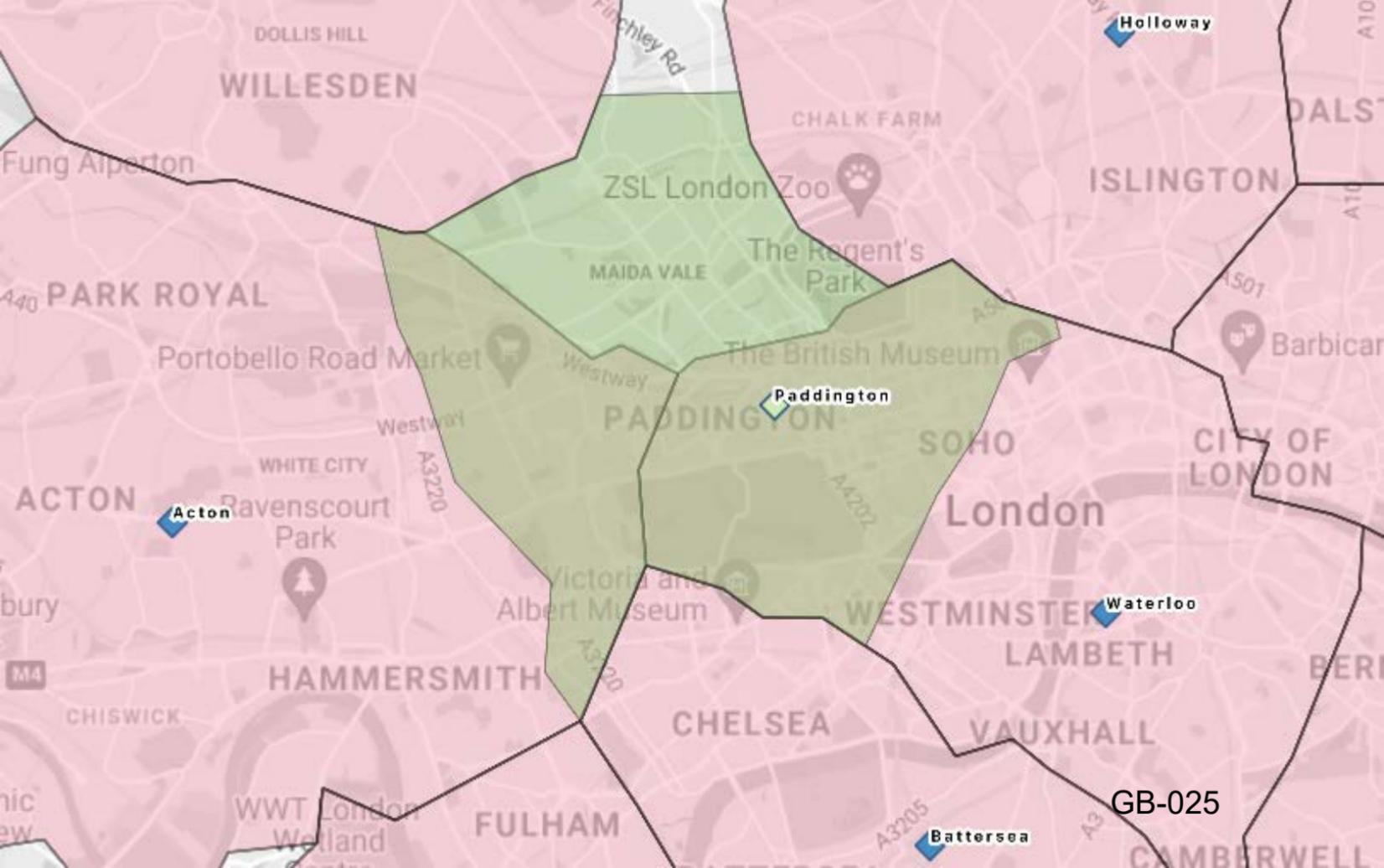
**Answers: All, A, A**

**WE'RE  
SUPER-FAST,  
NOT NOISY.**

Please be respectful of  
our neighbours. Leave and  
enter the site quietly.

Thank you.

**gopuff**



DOLLIS HILL  
**WILLESDEN**

Holloway

ZSL London Zoo

The Regent's Park

ISLINGTON

**PARK ROYAL**

MAIDA VALE

Portobello Road Market

The British Museum

Paddington

**PADDINGTON**

SOHO

CITY OF LONDON

**ACTON**

Acton

WHITE CITY

Ravenscourt Park

**London**

Victoria and Albert Museum

Waterloo

WESTMINSTER

LAMBETH

**HAMMERSMITH**

CHELSEA

VAUXHALL

CHISWICK

**FULHAM**

Battersea

GB-025

CAMBERWELL



**Mrs. Sonia Kobeissi**  
**102, The Watergardens**  
**Burwood, London**

Dear Mrs. Kobeissi,

On behalf of Gopuff, I am reaching out to suggest a virtual or in-person meeting to discuss our Edgware site set to launch in the next month. I am happy to meet with you at a location and time convenient to you.

It is important to Gopuff, our team here in the United Kingdom, and our staff at this site that we operate as good partners to our neighbors and the community.

I am available at your convenience, and please do not hesitate to contact me directly. In addition, you can visit [www.gopuff.com/blog](http://www.gopuff.com/blog) to read more about our work in the communities where we operate.

All the best,

A handwritten signature in black ink, appearing to read 'Stefanie Webb', with a long horizontal line extending to the right.

Stefanie Webb

**Gopuff UK** | Head of Corporate Affairs  
[stef.webb@gopuff.com](mailto:stef.webb@gopuff.com)  
+44 7508 556273

# Core Hours Policy

## Core Hours Policy HRS1

- 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 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 are expected to be covered by Temporary Event Notices or variation applications.

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:

**1. Casinos**

Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

**2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday: 9am to Midnight.

**3. Delivery Centres**

Monday to Saturday: 8am to 11pm.  
Sunday: 9am to 10.30pm.

**4. Hotels**

Monday to Thursday: 9am to 11.30pm.  
Friday and Saturday: 9am to Midnight.  
Sunday: 9am to 10.30pm.  
Sundays immediately prior to a bank holiday: 9am to Midnight.  
For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

**5. Outdoor Spaces**

Monday to Thursday: 9am to 11.30pm.  
Friday and Saturday: 9am to Midnight.  
Sunday: 9am to 10.30pm.  
Sundays immediately prior to a bank holiday: 9am to Midnight.

**6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday: 10am to 11.30pm.  
Friday and Saturday: 10am to Midnight.  
Sunday: Midday to 10.30pm.  
Sundays immediately prior to a bank holiday: Midday to Midnight.

**7. Qualifying Clubs**

Monday to Thursday 9am to 11.30pm  
Friday and Saturday 9am to Midnight  
Sunday: 9am to 10.30pm  
Sunday immediately prior to a bank holiday: 9am to Midnight.

**8. Restaurants**

Monday to Thursday: 9am to 11.30pm.  
Friday and Saturday: 9am to Midnight.  
Sunday: 9am to 10.30pm.  
Sundays immediately prior to a bank holiday: 9am to Midnight.

**9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 9am to 11.30pm.  
Friday and Saturday: 9am to Midnight.  
Sunday: 9am to 10.30pm.  
Sundays immediately prior to a bank holiday: 9am to Midnight.

**10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)**

Monday to Thursday: 9am to 11.30pm.  
Friday and Saturday: 9am to Midnight.  
Sunday: 9am to 10.30pm.  
Sundays immediately prior to a bank holiday: 9am to Midnight.

**10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)**

Monday to Saturday: 8am to 11pm.  
Sunday: 9am to 10.30pm.

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.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.

---

## Reasons for Policy HRS1

- E1.** This policy applies to all new and variation applications for premises licences and club premises certificates. Applications must include a 'within the hours' section and operating schedule of the hours in which premises are open to customers, and the hours when licensable activities are taking place. This will include any proposals for seasonal occasions, e.g. New Year's Eve or special event variations to the proposed hours.
- E2.** Westminster has operated its Core Hours policy since the introduction of the Licensing Act 2003. Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives. In its Revised Guidance the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas, and that Licensing Authorities are best placed to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement<sup>30</sup>.
- E3.** It is the Licensing Authority's intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out within this policy. However, this is subject to the application meeting the other policies within this statement. These are not policies to refuse applications for hours longer than the core hours, and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out under each policy.
- E4.** If an applicant intends to operate after midnight, operating schedules should include particular consideration to availability of transport via night buses, night tube and taxi and private hire vehicle services. The Licensing Authority expects applicants to consider how people using the premises are to depart from the premises and from the area. Applicants will be expected to demonstrate how customers will disperse from their premises within their operating schedule. Applications within the Cumulative Impact Zone or Special Consideration Zones will have to clearly demonstrate how customers will disperse, and a dispersal plan may be provided with the application.
- E5.** Westminster has the greatest concentration of licensed premises in the United Kingdom. Westminster has c.3700 licensed premises and many currently operate late into the night. There is extensive late-night opening and a range of closing hours throughout the night.
- E6.** The Licensing Authority is aware of the impact that late night licensed premises can have on the extent of crime and disorder and the opportunities for crime, issues of public nuisance, and the need for a "window of opportunity" for the city to be cleaned – in the particular circumstances of Westminster with its already extensive late opening. The Revised Guidance acknowledges the primacy of the Licensing Authority to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and recognising that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities<sup>31</sup>.
- E7.** The council does not accept that in the circumstances of Westminster the granting of generally longer hours would result in a reduction in crime and disorder and public nuisance. It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week outside the Cumulative Impact Zone. This enables people to travel home relatively easily by tube, train, bus, licensed private hire vehicle and/or taxi, while retaining opportunities for residents to have an additional respite on Sunday.

---

<sup>30</sup> Paragraphs 10.13 and 14.51 Revised Home Office Guidance (April 2018)

<sup>31</sup> Paragraphs 10.13 and 14.51 Revised Home Office Guidance (April 2018)

**E8.** The Licensing Authority expects applicants to consider how people using the premises are to depart from the venue and from the area and make reference to it in their operating schedule. As part of applications that intend to operate after 11pm, operating schedules should for instance give particular consideration to the availability of transport beyond that point and into the early hours of the morning in and around the venue. Venues that are some distance from either night tube stations or night bus stops will need to consider how patrons will leave their venue and in what directions. Licensed private hire vehicles and taxis may be used to take people from the venue. Businesses may need to consider how they will monitor and manage customers who are waiting for a private hire vehicle or taxi. It is known that customers in groups after leaving a licensed premise can cause public nuisance by disturbing residents living above or around it. This is more so the later at night the venue is open due to the reduction in ambient noise levels and the fact that residents may be asleep or attempting to sleep. It is also more likely that patrons leaving venues later at night during the summer months or during warmer weather may generate public nuisance as resident windows may be open. Applicants are encouraged to include a dispersal plan as part of their application. Dispersal plans are extremely useful in setting out the applicant's approach and considerations to promoting the licensing objectives. They also assist residents and members to understand the likely dispersal methods patrons will have from the venue.

**E9.** Hours later than these core hours will be considered on their own merits in relation to other policies in the Statement of Licensing Policy. The council wishes to see a less alcohol-led and a more diverse range and variety of uses available later at night. The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity. Cinemas, cultural venues (such as galleries and museums) and live sporting premises provide are generally considered as low risk where alcohol is provided as ancillary to the main premises use. Alcohol is also either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval. These venues attract a diverse mix of visitors/customers. They are often from a large array of different age groups and include families. The council wishes to encourage a wider range of people to come and enjoy Westminster's evening and night-time economy. We want residents and visitors to enjoy what Westminster has to offer. We also want to encourage a wider range of age groups to the city at night. It is understood that a wider range of age groups can act to curb anti-social behaviour. In doing this, it will further the licensing objectives of prevention of crime and disorder and public nuisance.

**E10.** The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

- 
- E11.** Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower, and residents are at home relaxing or wishing to sleep. The Licensing Authority, in considering the imposition of conditions, will focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning, when residents in adjacent properties will want to relax or sleep. Conditions relating to noise may also prove necessary to address any disturbance anticipated from the activities of customers in the vicinity of the premises<sup>32</sup>.
- E12.** Applicants should carefully consider the hours that they will wish to operate each licensable activity, and when to close their premises for the entry of customers and when to require them to leave. They should consider each licensable activity separately and carefully reflect this in their Operating Schedules. The Licensing Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. The benefits of "winding down" periods (after the last sales of alcoholic drinks, while food and non-alcoholic drinks are still available, when the volume and tempo of music is reduced, and the levels of lighting are increased) are widely recognised as helping to reduce crime and disorder and public nuisance. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise-sensitive areas operators should consider stopping playing up tempo and bass-heavy music and switch to quieter, slower tempo music, with a less pronounced beat while other licensable activities continue.
- E13.** The consumption of alcohol on licensed premises is not directly regulated as a licensable activity under the Act but is clearly relevant in assessing whether the premises promote the licensing objectives. Similarly, the time to which customers are permitted to remain on licensed premises, and subsequently leave those premises, is also relevant. Notwithstanding that some licence holders, as a matter of good management, may restrict the sale and consumption of alcohol for a period of time before the end of opening hours as part of a "winding down" strategy described above, the Licensing Authority will, subject to other conditions and restrictions, impose conditions on a licence to restrict the time at which alcohol may be consumed on the premises and/or require that all customers leave the premises by a certain time where it considers it appropriate to do so to promote the licensing objectives.
- E14.** Applicants are encouraged not to apply for later hours than they will in fact operate; particularly the seeking of 24-hour licences where there is no intention of operating on a 24-hour basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.
- E15.** Premises where regulated entertainment is provided to a seated audience (e.g. theatres, cinemas, other performance venues and qualifying clubs), provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups. They have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the city. However, alcohol and late-night refreshment must be ancillary to the primary use of the venue and for those venues that have audiences, the additional hour for licensable activities beyond 11pm will be limited to that audience. Applications within the Cumulative Impact Zone will still have to demonstrate that they will not add to cumulative impact.

---

<sup>32</sup> Paragraph 2.19 Revised Home Office Guidance (April 2018)

- 
- E16.** Westminster offers an unparalleled range of shops ranging from small units to large department stores. Shops will continually seek to provide a greater offer to their customers so that they will prolong the time customers spend in their premises and the opportunity to increase revenue. The evolution of shops is also essential to enable premises-based retailers or service providers to compete with online competitors. The Licensing Authority recognises that shop operators need to continually evolve and to achieve this may seek to provide licensable activities for their customers. This may be via entertainment, the sale of alcohol for consumption on the premises or the provision of late-night refreshment.
- E17.** The Core Hours for shops has been split into two elements. The first set of core hours apply to shops that intend to provide licensable activities, other than the off sale of alcohol as an ancillary function to the primary use of the premises. The second set of hours, which are more restrictive are specifically for the sale of alcohol for consumption off the premises. The Licensing Authority is specifically concerned with the availability of alcohol for consumption off the premises due to the risks on the licensing objectives, particularly relating to street drinking issues and pre-loading of alcohol before entering pubs, bars and clubs.
- E18.** In the past, qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises. Clubs that don't fit the definition of a qualifying club and are operated on a commercial basis will be considered under the Public House and Bars Policy PB1.
- E19.** There is no doubt that improved transport provision, such as the night tube has had a variety of benefits and impacts for people living, working and visiting the city, and has supported the dispersal of people from an already buoyant evening and night-time economy. However, we have seen increases in violence, thefts, robberies and ambulance call-outs to underground stations that provide the night tube. There has also been a significant increase in private hire vehicle operators that can be booked instantly via apps over the past three years. The availability of these vehicles and ability to easily book them has assisted in dispersing people from the busiest areas of the West End to other parts of the city and elsewhere, and also to allow people to travel into the West End from the outskirts or outside the city at later hours throughout the night.
- E20.** The Licensing Authority recognises that the scale, diversity and concentration of the evening and night-time economy, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. However, it also brings significant challenges that impacts on services and local amenity. The council believes that good management of licensed premises and of the street environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.
- E21.** Statutory licensing policies are key tools in managing the competing pressures that the successful evening and night-time economy brings. They have been developed over many years to balance the benefits and impacts that arise for businesses, residents and visitors. It is important that when the impacts of licensed premises are assessed that such policies are reviewed and, if necessary, amended to ensure the Licensing Authority can continue to fulfil its duty under the Act to promote the licensing objectives.
- E22.** The core hours policy is a key policy in promoting the Licensing objectives, particularly relating to crime and disorder and public nuisance. The hours policy provides a set of core hours that relate to the location where an application may be made, or premises currently operates and for the specific premises use/operation of that premises.

---

**E23.** The West End has been designated as a Cumulative Impact Zone and the evidence to support this has been produced within the Licensing Authority's 2020 Cumulative Impact Assessment. As a result, the West End Cumulative Impact Zone has a presumption to refuse certain types of premises use applications that are outside of Core Hours. This policy approach is necessary to promote the licensing objectives. Unlike the rest of the city this zone has the largest concentration of licensed premises in the city and, within the heart of this zone, the average incident rate is nine times greater than the rest of the city.

### **Non-Standard Hours**

**E24.** In order to have conditions that are clear and enforceable the circumstances in which the non-standard hours will apply must be identifiable. This is to give an opportunity for representations to be made in relation to particular events and in order to provide predictability as to when non-standard hours will apply for the benefit of those who may be affected. The inclusion of particular national saints' days will have to be considered in relation to the overall number of events. The particular clientele of premises may be a reason to seek non-standard hours for other national days. There should be no expectation of specific non-standard hours for any particular day. Premises not benefiting from exemptions for New Year's Eve must seek it specifically or use a Temporary Event Notice.

## Delivery Centre Policy DC1

- A.** Applications for a delivery centre outside 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 having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone,
  4. The premises are not located in a predominantly residential area, and
  5. The application and operation of the venue meeting the definition of a delivery centre in Clause D.
- B.** Applications for a delivery centre within the West End Cumulative Impact Zone will be considered on their own merits and 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 having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone,
  4. The premises are not located within a predominantly residential area, and
  5. The application and operation of the venue meeting the definition of a delivery centre in Clause D.
- C.** Applications that do not meet Clause A or B will be considered on their own merits, subject to other relevant policies within this statement and the following considerations:
1. The likelihood of the effect of the grant of the licence for a delivery centre on the licensing objectives and whether the applicant has demonstrated that they will meet the criteria and considerations within policies CD1, PS1, PN1 and CH1.
  2. The proposed hours for the operation of the delivery centre, whether they are beyond the Core Hours as set out in Policy HRS1 and if so, what are the reasons for the additional hours and what has the applicant proposed as measures that will mitigate or eliminate any potential impact on the licensing objectives and residents in the vicinity of the premises.
  3. If the application is located within:
    - a. the West End Cumulative Impact Zone, have they demonstrated that they will not add to cumulative impact, or,
    - b. a designated Special Consideration Zone, have they demonstrated that they have taken account of the issues identified in that area and put forward proposed mitigation measures in relation to those issues in accordance with Policy SCZ1,
  4. Whether the premises are located within a predominantly residential area and if so:
    - a. whether the applicant has engaged with local residents and/or local resident/amenity societies on the proposed application and the operation of the premises prior to submitting the application to the council, and
    - b. whether the applicant has put forward sufficient control measures within the operating schedule to mitigate or eliminate the potential impact on residents in the area and the licensing objectives that have been identified as part of the pre-application engagement with residents or following receipt of relevant representations following the statutory consultation period.
  5. Whether the delivery personnel working from the delivery centre are directly employed by the applicant or whether the delivery service element of the operation will be provided by a third party,
  6. How will the applicant ensure that the operation of the premises and the delivery service, operated directly by them with their own staff does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act.

7. If a third party will provide the delivery service element of the operation on behalf of the applicant what are the contractual arrangements with that third party to ensure that the operation of the delivery service from the delivery centre does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act,
  8. The operation and management of the proposed delivery centre from the premises,
  9. The types of vehicles that will be used for the delivery of alcohol and/or late-night refreshment and whether they will likely create public nuisance,
  10. When will deliveries to the delivery centre or waste collection take place.
  11. The history of the applicant's operation of licensed premises and the premise's operation in relation to any impact on the licensing objectives, breaches of any terms and conditions of a licence, any reviews of a licence or offences committed under the Act,
  12. In addition to Sub-clause 6 and 7 above what measures the applicant or the third party providing the delivery service has put forward to mitigate the specific risk of public nuisance by the operation of the delivery service at the premises or at the end point of delivery,
  13. In addition to sub-clause 6 and 7 above what specific measures and processes the applicant or the third party providing the delivery service has put forward to mitigate the risk from the delivery of alcohol to children to ensure that they are protected from harm.
- D.** For the purposes of this policy a delivery centre is a premises that's primary function is to temporarily store alcohol and/or to prepare hot food and hot drink, so that it is available when ordered for transportation to a customer's residential or workplace location.
- E.** For the purposes of Clause A.4 B.4 and C reference to 'a predominately residential area' means an area of the city in which housing is the predominant use.

## Reasons for Policy DC1

- F30.** There has been a growing interest from businesses seeking to find a location within Westminster where they can store and distribute alcohol and/or late-night refreshment to customers at home. This includes so called 'dark kitchens' where food is prepared for delivery only. The operation of the delivery service to customers will be the primary use of the premises. In some cases, applicants may offer an ancillary retail element to their operation for click and collect customers. This policy is only intended to apply to applications where the primary use of the premises is the storage, preparation, and delivery of alcohol and/or late-night refreshment to customers residential properties or places of work. Where a business intends to provide a delivery service as ancillary to their main operation, for example a traditional off licence or restaurant then they will be considered under the relevant premises use and the ancillary alcohol and/or late-night refreshment delivery service policies.
- F31.** The majority of businesses that operate a delivery service as their primary function will take orders, including those for alcohol and/or late-night refreshment via their own websites or via a third-party site, dedicated mobile applications and/or telephone centres. The fulfilment of the contract of the sale of alcohol and/or late-night refreshment will require a licence. For example, the location of the call centre, if located in a different location from the place where the alcohol and/or late-night refreshment is provided will not require a licence from the Licensing Authority. However, the location where the alcohol is stored, or the food for late night refreshment is prepared and packaged for delivery to customers at their homes or workplaces would require a licence. For example, a warehouse where alcohol is picked and then sent directly to delivery to a customer at home would require a premises licence under the Act for the sale of alcohol for consumption off the premises.

## Shops Policy SHP1

- A.** Applications for a shop outside 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 operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late-night Refreshment Delivery Service Policy DEL1.
  4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.
  5. The application and operation of the venue meeting the definition of a shop in Clause C.
- B.** Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and 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 operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late-night Refreshment Delivery Service Policy DEL1.
  4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
  5. The application and operation of the venue meeting the definition of a shop in Clause C.

**C.** For the purposes of this policy:

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.
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.
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.

## Reasons for Policy SHP1

**F140.** Westminster offers an unparalleled range of shops ranging from small units to large department stores. The West End and Knightsbridge are International Centres providing London's prime retail destinations offering specialist and comparison retail of regional and national importance that draws in international visitors. The West End International Centre includes Oxford Street, Regent Street and Bond Street, while Knightsbridge International Centre includes Brompton Road and extends beyond the city boundary in the Royal Borough of Kensington and Chelsea. Westminster attracts international retail brands to our City due to its unique historic character and the large number of domestic and international visitors.

**F141.** Recent changes in the Use Class Order under planning legislation recognise that to ensure long-term sustainability, town centres and high streets need to be able to adapt to changing consumer demands and behaviours. These changes combine several town centre uses under a new Class E (commercial, business and service uses) with the aim of enabling a shift towards mixed-use and multi-purpose spaces.

- 
- F142.** The council's City Plan and this policy support the evolution of Westminster's town centres and high streets as multifunctional commercial areas where a mix of commercial uses provide activity at street level and creates a welcoming, attractive and healthy environment for people to shop, access services, work and spend leisure time.
- F143.** The Licensing Authority recognises that shop operators need to continually evolve to compete with online retailers as well as keep existing customers and attract new ones into their stores. As part this evolution shops often seek to provide other activities within their premises that will help them achieve this. This can include activities that are licensable.
- F144.** The Licensing Authority is keen to support shops who wish to offer ancillary licensable activities to the main purpose of their shop. However, the Licensing Authority will expect shop operators to apply for licensable activities that will be operated in a way that will promote the licensing objectives and not impact residents. Operators must manage the provision of licensable activities in a responsible way so as to ensure that those activities do not adversely change the character of the premises main use as a shop.
- F145.** This policy is intended to apply to premises offer the retail sale of goods or provide services to customers as the primary use of the premises. Common examples of a premises that would be considered under this policy will include traditional off licences, speciality stores, supermarkets, department stores, general stores, boutique, outlets, delicatessens, butchers, grocers, hairdressers, massage parlours, or anything of a similar nature where the primary use is the purchase of goods by customers or to provide a service. Cafes, coffee shops or similar venues providing food for takeaway or for consumption on the premises will be considered under either the Fast-Food Premises or Restaurant policies. The sale of alcohol for consumption off the premises can form the primary function of the premises, e.g. traditional off licences. However, all other licensable activities, including the sale of alcohol for consumption on the premises must be ancillary to the main use of the premises as a shop.
- F146.** The Licensing Authority will generally grant applications outside the West End Cumulative Impact Zone that are within Core Hours as set out in the policy HRS1, subject to not being contrary to other policies in the licensing statement. Applications within the West End Cumulative Impact Zone will be considered on their own merits and subject to the specific considerations of this policy, including whether the premises would add to cumulative impact in the area.
- F147.** Revised Guidance recommends that shops selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are good reasons, based on the licensing objectives, for restricting those hours. This is in the context of paragraph 10.13 of Revised Guidance which states that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on local knowledge and in consultation with responsible authorities.
- F148.** The hours when shops can start to sell alcohol for consumption off the premises will be specifically considered when determining applications. This is because problematic street drinkers, and other people who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning and create public nuisance.
- F149.** There are problems of street drinking found across the city. While there are some areas with recurring problems of street drinking 'schools', they also crop up in different areas at different times and seasons. Shops selling alcohol can be a focus of antisocial behaviour, disorder, and disturbance. These include the day-long consumption of alcohol on the street and in open spaces by groups of drinkers who cause various types of public nuisance and engage in antisocial behaviour. In the Victoria Special Consideration Zone, for example, new licences for the off sale of alcohol will be considered in the light of the problems of street drinking in that area and may be restricted in their numbers and have conditions imposed on their management and supervision.

**F150.** If there are significant concerns associated with street drinkers in the area the Licensing Authority may impose conditions that there should be no sale of alcoholic beverages over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 5.5% alcoholic content by volume). Other conditions may be imposed directed at reducing problematic street drinking. There will be concerns over irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.

**F151.** Some shops selling alcohol in Westminster's commercial and residential areas have been a focus for anti-social behaviour, disorder and disturbance. This has been caused by street drinkers and underage drinkers who have tried to obtain or have obtained alcohol from such premises. Due to these concerns over crime, disorder and disturbance, the Licensing Authority will not, as a general rule, grant applications for the 24- hour sale of alcohol for consumption off the premises for premises outside the West End Cumulative Impact Zone. It will consider seriously any representation made by the police, other responsible authorities, and relevant representations from other persons and will consider Policy HRS1 in determining applications.

**F152.** The council has introduced a controlled drinking zone across the whole city, by making Orders to give police powers to stop street drinking and seize alcohol and receptacles under the powers of the Criminal Justice and Police Act 2001. Originally it introduced such a zone in the south of the city centred on Victoria. It extended this zone northwards in April 2004, acknowledging that the problems were widespread and that the awareness of the boundary of the zone gave rise to drinkers congregating just outside it. Short term Dispersal Zones have also been used in various parts of the city to break up street drinking "schools" and disrupt patterns of street drinking. These Orders continue to be in force under the Crime and Policing Act 2014.

**F153.** Where the police or others make representations against the grant of a further licence for off-sales, because of their serious concerns over problems of street drinking or late-night disorder associated with the off sale of alcohol in the area, the Licensing Authority will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. This is to hinder both underage drinkers and problematic street drinkers masking their consumption by purchasing from a series of premises and using a number of premises to try to buy alcohol if they are refused in one.

**F154.** Where there are representations on problems of late-night disorder (these are generally within the West End Cumulative Impact Zone) the hours for the sale of alcohol on and/or off the premises may be conditioned to be less than core hours.

**F155.** In appropriate cases, the hours of selling alcohol for consumption off the premises may be conditioned to cease before the terminal hour of premises in the vicinity supplying alcohol for consumption on the premises. This is to discourage the consumption of alcohol on the streets after premises in the vicinity which sell alcohol for consumption on the premises have closed.

**F156.** Whilst it is likely that shops providing licensable activities beyond core hours may add to cumulative impact in the West End Cumulative Impact Zone the Licensing Authority is not, at this time, going to implement a general presumption against new licences for shops, or restrict their hours below the current core hours as set out within the council's Core Hours Policy HRS1. The restriction of premises to core hours, the requirement on applicants to demonstrate how their operation will not add to cumulative impact and the imposition of conditions can be an effective means of promoting the licensing objectives. However, this will be considered on a case by case basis and upon their own merits.

- 
- F157.** The proliferation of premises for the sale of alcohol off the premises is of concern if it leads to consumption of alcohol on the streets or being carried into premises licensed to sell alcohol on the premises. In light of the evidence it has considered, the Licensing Authority is concerned that alcohol loading from off-licence sales is a significant problem, particularly within the West End and adversely affects the licensing objectives.
- F158.** It is accepted that shops may wish to include areas within their premises where customers can eat and drink. The sale of alcohol on the premises must be an ancillary function to the main use of the premises. Applications that include the sale of alcohol for consumption on the premises will need to ensure that adequate measures are put forward to ensure that this activity will not adversely impact the licensing objectives. Applications within the West End Cumulative Impact Zone that wish to sell alcohol for consumption on the premises beyond 9pm will also need demonstrate that they will not add to cumulative impact in the area.
- F159.** This policy is intended to enable a limited provision for the sale of alcohol for consumption on the premises in shops. Shop environments, their operation and management and staff are likely not able to manage significant sales of alcohol consumption and the potential adverse impacts that it can cause. The licensing authority seeks to ensure that shops do not turn into premises that offer significant amounts of alcohol for consumption on the premises. This policy sets out a limit to the total amount of alcohol sales that can be provided for consumption on the premises and to ensure that such sales are indeed ancillary to the main use as a shop.
- F160.** Where appropriate, the Licensing Authority may condition premises licences determined under this policy to ensure the licensable activities do not exceed a level that could reasonably be expected of shops, for example limiting the proportion of sales that alcohol can make up or limiting the licence to a particular operator.
- F161.** The provision of entertainment, such as live music can provide a significant draw to a premises. Entertainment can add to the experience of shopping at the premises which elevates it above its competitors. Shop operators who wish to provide regulated entertainment on their premises must ensure that this is an ancillary function to the main use of the premises as a shop. Adequate measures must be included in the applications operating schedule to ensure that the entertainment will promote the licensing objectives. Particular attention will need to be given to the impact of noise and ensure public safety. Entertainment of an adult nature must not be provided in shop that is often frequented by children or families. Applications wishing to provide entertainment that is directed at adults must ensure that children are protected and access to children is restricted. In certain circumstances the adult entertainment may be regulated and require an additional authorisation from the Licensing Authority.
- F162.** The sale of alcohol from shops can be a small part of their overall business or, in the case of traditional off licences, can be their primary products. Applicants will be expected to ensure that the sale of alcohol is adequately managed to ensure that alcohol is not sold to anyone under the age of 18. The Licensing Authority will expect applicants to implement think 21 or think 25 policies associated with age verification. Staff training is also extremely important to reduce the risk that alcohol will be sold illegally. The Licensing Authority will take a robust approach to any licensee who knowingly or negligently sell or enables the sale of alcohol to children.
- F163.** The Licensing Authority will impose, where appropriate to promote the licensing objectives, conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18, Licence holders of smaller outlets need to have sufficient day to day control of operations. They can be held responsible for breaches of the licence and that they have not provided adequate staffing and training.

- 
- F164.** The sale of alcohol to underage young people, which, apart from being a criminal offence, gives rise to disorder, public nuisance and concerns over public safety and harm to children. The sale of alcohol to people who consume it on the way to other premises gives rise to problems of drunkenness and disorderly behaviour.
- F165.** The council and police will continue to use young people for test purchasing of alcohol and CCTV, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of review of licences for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder and, where appropriate, revocation.
- F166.** The Licensing Authority will expect applications to set out within their operating schedule how the premises will operate, where licensable activities will take place, what conditions and mitigation measures they propose to ensure that the premises promotes the licensing objectives, the training procedures and staffing levels within the premises and the types, quantities and whether alcohol is high strength; and where and how alcohol will be securely stored.

## **Premises History**

## **Appendix 3**

There is no licence or appeal history for the premises.

## Appendix 4

### **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. All staff will be fully trained in their responsibilities and with regard to the promotion of the licensing objective in particular sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
10. A CCTV system is in operation for the warehouse, to provide security and identify any culprit who is intent in causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All current security measures will remain in operation. All staff will be fully trained in the operation of the CCTV to ensure it is operational all the hours of trade. Images will be made available to the police or authorised licensing officer from the council on request.
11. All potential customers must verify on the payment page of the website that they are at least 18 years of age. If the applicant is in any doubt as to the age of the customer, they will only deliver the alcohol if the owner of the card that made the payment is present at the delivery address; Orders will only be despatched to bona fide addresses;
  - i) No deliveries will be made to an open space,
  - ii) All sales of alcohol for delivery must be paid for by credit card, debit card (prepaid or otherwise) or electronic payment,
  - iii) Details of the order (including the type, amount of alcohol, name and address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the printout dispatched with the order,
  - iv) All delivery drivers and riders must allow any police or authorised local authority officers to inspect any alcohol,
  - v) Deliveries only made to those over the age of 18.
12. A challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not look 25 years old. They will be required to prove by way of photographic ID, either a passport or driving licence that they are at least 18. The card used for purchase will also be checked against the ID provided. If the business is in any doubt then the delivery of alcohol will not be made, and a full refund will be issued. Postal/ carriage deliveries will only be made once a verified payment method has been established, and the customer has confirmed they are 18 or over when making the purchase.

### **Conditions proposed by the Environmental Health Consultation team and agreed by the applicant.**

13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
14. 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
15. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises
16. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises

17. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises
18. Deliveries shall only be made to a bona fide residential or business addresses
19. Delivery drivers/riders shall wait inside the premises between deliveries/ for deliveries
20. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close from the Licence by the licensing authority.

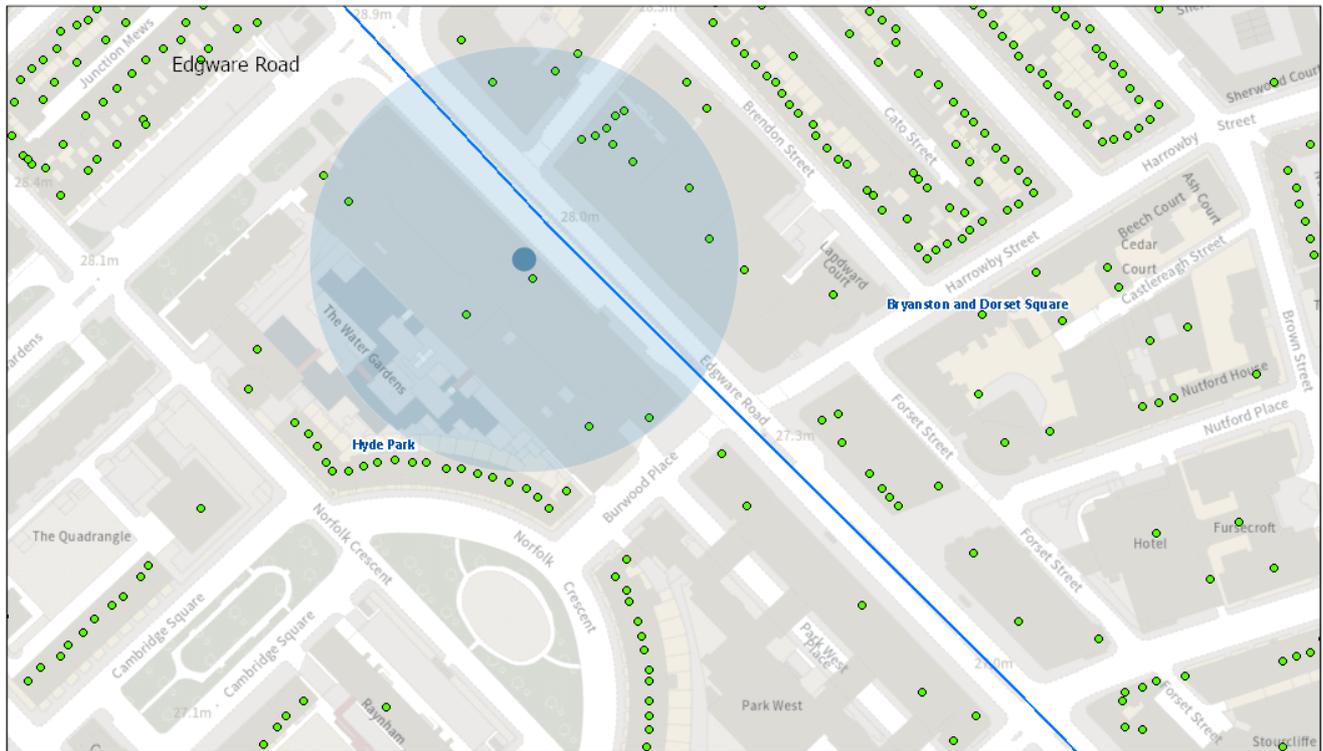
**Conditions proposed by the Metropolitan Police Service.**

None.

# Residential Map and List of Premises in the Vicinity

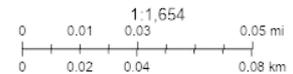
# Appendix 5

145-147 Edgware Road London W2 2HR



14/03/2022, 14:58:58

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count: 218

Licensed premises within 75 Metres of 145-147 Edgware Road, London W2 2HR				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/11257/LIPT	Tarboush	143 Edgware Road London W2 2HR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
15/04057/LIPN	Raging Ball Sports Club (Basement)	Raging Ball Snooker Club 159 - 163 Edgware Road London W2 2HR	Snooker hall or club	Monday to Sunday; 00:00 - 00:00

09/05903/LIPV	Melur Malaysian Restaurant	175A Edgware Road London W2 1ET	Restaurant	Monday to Sunday; 12:00 - 04:00
10/09311/LIPRW	Salwa Takeaway	4 Crawford Place London W1H 5NB	Takeaway food outlet	Monday to Sunday; 07:00 - 05:00
16/06140/LIPT	McDonald's	178 - 180 Edgware Road London W2 2DS	Restaurant	Monday to Sunday; 05:00 - 00:00
21/14249/LIPDPS	Waitrose	168 - 176 Edgware Road London W2 2DS	Shop	Monday to Sunday; 08:00 - 23:00