

APPLICATION FOR A PREMISES LICENCE FROM MARKS AND SPENCER PLC, 35 NORTH WHARF ROAD, PADDINGTON, LONDON. W2 1NW FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Application reference No: 14/01862/LAPRE

Licensing Committee (Hearing) – 11 August 2014

Report of Chief Officer Environmental & Operational Services – Mr Richard Wilson

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Ms. Lowe

Contact Officer(s) Leeann Leeds Ext: 7270

Recommendation to Licensing Sub Committee: Members' instructions are requested

Introduction and Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.
- 2 The application is made by Marks And Spencer Plc, 35 North Wharf Road, Paddington, London. W2 1NW Application is to allow licensable activities at the premises.

The application is to allow:

Section J	To allow sale of alcohol for consumption off the premises every day from 06:00 hours until 00:00 hours. Sale of alcohol for consumption on the premises in the cafe for the following hours throughout the year Mondays to Sundays 08:00 to 23:00
Section O	Hours premises are open to the public Every day from 06:00 until 00:00 hours.

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed variation is granted:

General:

The company maintains comprehensive regulatory compliance procedures and all aspects of the four licensing objectives are covered by these procedures. These measures will be in place when this new store opens and include the matters set out in boxes below.

The Prevention of Crime and Disorder:

Digital CCTV will be installed, data will be retained for a minimum period of 31 days and will be made available to the Police for evidential purpose. Sales of alcohol for consumption on the premises will be confined to the cafe. The cafe will only be made available to customers when the store is open and no sale of alcohol will be made from the cafe after 23:00

Public Safety:

No additional steps required to promote the licensing objectives identified beyond existing statutory duties.

The Prevention of Public Nuisance:

No additional steps required to promote the licensing objectives identified beyond existing statutory duties.

The Protection of Children from Harm:

Staff training to ensure that in case of any doubt whether a purchaser is over the age of 18 to refuse the sale of alcohol unless valid identification is provided. Till prompts remind staff at point of sale of alcohol to ensure the purchaser is over 18 and record refusals. Challenge 25 schemes.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO COMMENTS RECEIVED
Commercial	NO COMMENTS RECEIVED
Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECEIVED

Representations received from interested parties:

8 received

Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 06 April 2010

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. 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 a holographic mark.

Mandatory conditions in force from 28 May 2014

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.

For the purposes of the condition set out in paragraph 1-

- (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.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

Appendices

Appendix A – Representations

Mr Richard Wilson
Chief Officer for Environmental and Operational Services