



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	16 <sup>th</sup> June 2017
Licensing Ref No:	17/03852/LIPV - Premises Licence Variation
Title of Report:	Rosa's Victoria 25 Gillingham Street London SW1V 1HN
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	12 April 2017		
<b>Applicant:</b>	Rosa's London Ltd		
<b>Premises:</b>	Rosa's Victoria		
<b>Premises address:</b>	25 Gillingham Street London SW1V 1HN	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises currently operate as a restaurant with a ground floor and basement area.		
<b>Variation description:</b>	<p>According to the application the applicant is seek to</p> <p>(i)Amend condition 16 to read - Outside tables and chairs shall be rendered unusable by 22:30 each day (current requirement is 21:30).</p> <p>(ii)Amend condition 30 to read - There shall be no external consumption of drinks after 22:00 (current requirement is 20:30)</p>		
<b>Premises licence history:</b>	The premises benefits from a premises licence (Appendix 3)		
<b>Applicant submissions:</b>	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	23:30	No Change	No Change	Basement, Ground Floor	No Change
<b>Tuesday</b>	23:00	23:30	No Change	No Change	Basement Ground Floor	No Change
<b>Wednesday</b>	23:00	23:30	No Change	No Change	Basement Ground Floor	No Change
<b>Thursday</b>	23:00	23:30	No Change	No Change	Basement Ground Floor	No Change
<b>Friday</b>	23:00	23:30	No Change	No Change	Basement Ground Floor	No Change
<b>Saturday</b>	23:00	23:30	No Change	No Change	Basement Ground Floor	No Change

Sunday						
--------	--	--	--	--	--	--

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On and off			No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No Change	No Change	Basement Ground Floor	No Change
Tuesday	10:00	23:00	No Change	No Change	Basement Ground Floor	No Change
Wednesday	10:00	23:00	No Change	No Change	Basement Ground Floor	No Change
Thursday	10:00	23:00	No Change	No Change	Basement Ground Floor	No Change
Friday	10:00	23:00	No Change	No Change	Basement Ground Floor	No Change
Saturday	10:00	23:00	No Change	No Change	Basement Ground Floor	No Change
Sunday	10:00	22:30	No Change	No Change	Basement Ground Floor	No Change
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	N/A			N/A		
	N/A			N/A		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	No Change	No Change	Basement Ground Floor	No Change
Tuesday	08:00	23:30	No Change	No Change	Basement Ground Floor	No Change
Wednesday	08:00	23:30	No Change	No Change	Basement Ground Floor	No Change
Thursday	08:00	23:30	No Change	No Change	Basement Ground Floor	No Change
Friday	08:00	23:30	No Change	No Change	Basement Ground Floor	No Change
Saturday	08:00	23:30	No	No	Basement	No Change

			Change	Change	Ground Floor	
<b>Sunday</b>	08:00	23:00	No Change	No Change	Basement Ground Floor	No Change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	
	N/A				N/A	

<b>1-C Conditions being varied, added or removed</b>		
<b>Condition</b>	<b>Proposed variation</b>	
<b>Condition 16:</b>  Outside tables and chairs shall be rendered unusable by 21.00 each day.	<b>Proposed amendment to read:</b>  Outside tables and chairs shall be rendered unusable by 22:30 each day.	
<b>Condition 30:</b>  There shall be no external consumption of drinks after 2030.	<b>Proposed amendment to read</b>  There shall be no external consumption of drinks after 22:00.	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	N/A	N/A

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	26 <sup>th</sup> April 2017
<p>I refer to the application to vary a Premises Licence.</p> <p><b>The applicant is seeking to:</b></p> <ol style="list-style-type: none"> <li>1. Amend condition 16 of premises licence number 16/05305/LIPRW to read "Outside tables and chairs shall be rendered unusable by 22:30 each day"</li> <li>2. Amend condition 30 of premises licence number 16/05305/LIPRW to read "There shall be no external consumption of drinks after 22:00 hours"</li> </ol> <p><b>I wish to make the following representation</b></p> <ol style="list-style-type: none"> <li>1. Extending the use of tables and chairs in the outside area by 1 hour 30 minutes will have the likely effect of causing an increase in Public Nuisance within the area</li> <li>2. Extending the terminal time for external consumption of drinks by 1 hour 30</li> </ol>	

minutes will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the area

The applicant has provided a condition in support of the application which is being considered but do not fully address the concerns of Environmental Health.

The applicant is asked to contact the undersigned to arrange a site visit to assess premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

<b>Responsible Authority:</b>	The Licensing Authority
-------------------------------	-------------------------

<b>Representative:</b>	Mr Steve Rowe
------------------------	---------------

<b>Received:</b>	10 <sup>th</sup> May 2017
------------------	---------------------------

I write in relation to the application submitted for variation of the Premises Licence for the above premises.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies HRS1, and RNT1.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours 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 in paragraph (ii) (of Policy HRS1)".

The applicant seeks to:

- Amend condition 16 of the current premises licence to read "Outside tables and chairs shall be rendered unusable by 22:30 each day
- Amend condition 30 of the current premises licence to read "There shall be no external consumption of drinks after 22:00 hours"

The premises currently have to make tables and chairs rendered unusable by 21:30 and external drinks have to be consumed by 20:30.

The application has received a representation from the Environmental Health Service and residents.

The Licensing Authority will conduct further investigations into whether the granting of this application will have an adverse impact on the Licensing Objectives.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions.

<b>2-B Other Persons</b>			
<b>Name:</b>		Dr Adnan Al-Kaisy	
<b>Address and/or Residents Association:</b>		23 Gillingham Street, London, SW1V 1HN	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 <sup>th</sup> May 2017		
<p>3:24 PM on 10 May 2017 This is outrageous. It has only been two years since the first application to have tables and chairs outside the premises - to provide food only. NO ALCOHOL.</p> <p>I live next door to the Rosa Restaurant and the tables are outside the entrance of my house. I am already disturbed by the constant chatter of diners outside. To introduce alcohol to the equation is a recipe for disaster. Undoubtedly this will increase the level of noise, and also antisocial behavior. I already suffer enough from the surrounding drinking establishments - including the smoking area outside Tozi!</p> <p>I am a spine surgeon who performs very delicate surgery which requires exquisite concentration. It is very important for me to be well rested in order to perform my duties. It is the councils responsibility to ensure peace and tranquility in our residential neighborhood.</p> <p>Rosa restaurant already have tables outside on Wilton Road - they do not need them on Gillingham Street!</p>			
<b>Name:</b>		Mr Lee Wesley	
<b>Address and/or Residents Association:</b>		15 Gillingham Street, London, SW1V 1HN	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	9 <sup>th</sup> May 2017		

7:49 PM on 09 May 2017 I sternly object this licence application. As a resident of Gillingham Street for the past ten years I have seen noise levels increase tenfold. There should be no alcohol or seating outside of any establishment within 10 yards of Gillingham Street. Smokers outside of Tozi restaurant have already caused me many sleepless nights, I can't imagine the adverse effect that diners drinking and conversing over their evening meal will have on my attempts to get to sleep. As an employee of the government's National Health Service it is imperative for me to be well rested in order to provide the utmost care to patients. Moreover, this is a residential street. We are a community who respect the privacy and wellbeing of residents with common decency and monitoring our individual noise levels. Please do the same. Do not allow alcohol consumption or tables outside of the restaurant

<b>Name:</b>	Dr Andrew Powell		
<b>Address and/or Residents Association</b>	13 Gillingham Street, London, SW1V 1HN		
<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	1 <sup>st</sup> May 2017		

6:42 PM on 01 May 2017 By allowing later use of external table and chairs there is increased likelihood of disturbance at night to the residents of Gillingham Street as some table are situated in Gillingham Street. As a resident of Gillingham Street I have noticed noise generated by the customers of the Tozu restaurant at the smoking point outside on Gillingham Street. It is likely that a similar or greater amount of noise would be generated if people are seated at tables and talking with others. There is also an increased risk of anti-social behaviour, aided by alcohol consumption by the customers of Rosa's or others using the tables to congregate.

<b>Name:</b>	Ms Lyndy Wesley		
<b>Address and/or Residents Association</b>	15, Gillingham Street, London		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	9 <sup>th</sup> May 2017		

8:01 PM on 09 May 2017 I object to this application. I am seriously concerned about the ever increasing noise pollution and anti social behavior in our neighborhood from Tozi restaurant opposite us and also the pub and restaurants from Wilson Road that disturb us. This is a respectable residential neighborhood of young and old people who deserve to be able to rest in their own home. I object this application and do not support Rosa's premises license variation that will increase the noise pollution at later hours in our residential area.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Copy of Existing Premises Licence
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@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**

<b>1</b>	Licensing Act 2003	N/A
----------	--------------------	-----



<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	12 <sup>th</sup> April 2017
<b>5</b>	The Environmental Health Service- Rep	26 <sup>th</sup> April 2017
<b>6</b>	The Licensing Authority- Rep	10 <sup>th</sup> May 2017
<b>7</b>	Dr Adnan Al-Kaisy- Rep	10 <sup>th</sup> May 2017
<b>8</b>	Mr Lee Wesley- Rep	9 <sup>th</sup> May 2017
<b>9</b>	Dr Andrew Powell- Rep	1 <sup>st</sup> May 2017
<b>10</b>	Ms Lyndy Wesley- Rep	9 <sup>th</sup> May 2017

