

Licensing Sub-Committee Report

Item No:	
Date:	10 th August 2017
Licensing Ref No:	17/03167/LIPN - New Premises Licence
Title of Report:	Cafe Dylan Dog 7 Craven Road London W2 3BP
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
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: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 March 2017		
Applicant:	Fatih Gaygusuz		
Premises:	Cafe Dylan Dog		
Premises address:	7 Craven Road London W2 3BP	Ward:	Hyde Park
		Cumulative Impact Area:	No
Premises description:	According to the application the premises will operate as a café and restaurant		
Premises licence history:	The premises does not benefit from a premises licence and there is no licence history		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:		On	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:	N/A						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:	N/A						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Dave Nevitt

Received:	21 st April 2017
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	
Responsible Authority:	The Metropolitan Police Service (Withdrawn)
Representative:	PC Toby Janes
Received:	26 th April 2017
<p>Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>Police propose that the following conditions are added to your operating schedule as we believe they will address our concerns.</p> <ol style="list-style-type: none"> 1. 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. 2. 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. 3. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. 4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service. 	

5. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

6. The supply of alcohol shall be by waiter or waitress service only.

7. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

2-B Other Persons	
Name:	Mrs Diane Choyce
Address and/or Residents Association:	[REDACTED]
Received:	1 st May 2017
<p>7:22 PM on 01 May 2017 We object strongly to this application. We are surrounded by pubs and hotels all offering alcohol. We don't need any more. We are a small well kept Mews of family homes, which runs off Craven Road and very close to the restaurant seeking this application. Because we are quite hidden from the main road, we are constantly at the mercy of people who come into it late at night to sit around drinking, eating take-aways, smoking etc. Which time after number ends up with them urinating outside our homes, throwing-up into our planters and leaving all their debris behind for us to dispose of in the morning (since the street cleaners, active on Craven Road, pass across the top of Conduit Mews and rarely, if ever, come into it). And as if all this isn't bad enough, we have the added problem of drivers feeling at liberty to park on the yellow lines which run along all our homes. Making it difficult to get in and out of our garages and also results in the slamming of car doors, revving of engines, shouting and talking all hours of the night. We don't need any more problems than we already have. Please do not make things worse by granting this application. I think we, as tax paying residents, deserve much more consideration than patrons of this restaurant.</p>	
Name:	Ms Miriam Mulcahy
Address and/or Residents Association:	[REDACTED]
Received:	1 st May 2017
<p>10:37 PM on 01 May 2017 I object to an alcohol license being given at no 7. This is a residential street and this will lead to late night taxis, amounts of noise and will change the nature of the mews as a residential area. There are many restaurants around. It would be a shame to change the nature of the mews which has a lot of families living there. I would urge you to consider refusing this license.</p>	
Name:	Miss Tania Franes
Address and/or Residents Association:	[REDACTED]

Received:	28 th April 2017		
<p>7:26 PM on 28 Apr 2017 I would definitely not like alcohol to be sold here as Craven Road is already full of many drunk people in the evening with all the nearby pubs.</p> <p>These people then smoke and gather on the corner of Conduit Mews and make a lot of noise (the sound comes to my house) and throw all their rubbish out there and their cigarette butts. All the rubbish cigarette butts then get blown down the slope in the road and finish up outside my house.</p>			
Name:		Mrs E Brookes	
Address and/or Residents Association:		[REDACTED]	
Received:	2 nd May 2017		
<p>1:33 PM on 02 May 2017 I am writing to object to the proposals for the issuance of an additional alcohol licence for Craven Road. Westminster City Council has done much over the past years to improve the environment around Paddington Station, Praed Street and Craven Road for the benefit of residents and visitors alike but there is still more to be done. It is unfortunate that the unpleasant aspects of living in Paddington can be directly linked to the misuse of alcohol. The Conduit mews entrance is frequently used as a urinal, a place to be sick or as an area for soliciting and worse. Often the entrance is littered with food wrappers, empty bottles, smashed glass and debris from inebriated individuals resulting in numerous health hazards and forming an unwanted attraction for wildlife.</p> <p>The applicant is seeking to sell alcohol for 13 hours a day seven days and whilst they have outlined measures they propose to take on the premises for appropriate sales they have scant if any regard to what happens when their customers leave their premises. The introduction of alcohol completely changes the nature of what is a successful local cafe and turns it into another drinking establishment with food attached. It will increase the noise and footfall (and worse) along Craven Road causing detriment to the residents enjoyment. Paddington is not short of licenced premises - we do not need another. I would ask you respectfully to refuse this application.</p>			
Name:		John Zamit, Chairman SEBRA	
Address and/or Residents Association:		[REDACTED]	
Status:	Resident Association	In support or opposed:	Opposed
Received:	30 th April 2017		
<p>SEBRA objects to this application of a Premises Licence at 7 Craven Road W2 on the grounds of potential nuisance / noise etc in neighbourhood and possibility of increase crime in the area and Paddington.</p>			

We want hours reduced on Sunday to tie in with WCC 'Core Hour' policy do that alcohol not sold till midday.

We want condition that sale of alcohol should be ancillary to customers taking substantial meal. with waiter/ waitress service to persons seated in premises (including any outside area)

Also we want condition that no deliveries or refuse/ recycling collections between 21.00 & 07.00 (partly offered in condition in application on rubbish collection)

We assume CCTV will have standard conditions asked for by police along with stand noise requirements etc by EH.

Trust condition will be agreed to ask customers to leave quietly, outside area kept clean & tidy, no A- Boards placed on public highway as these block free flow of pedestrians in this busy section of Craven Road very near to Paddington station etc

We believe no 'off sales' applied for but if there was would wish standard conditions re Challenge 21, no beer/ coder sold over 5.5% etc

We are happy to meet applicant and trust conditions could be agreed so that matter does not need to go to a licensing hearing.

Further comments received from Mr Richard Brown on behalf of SEBRA:

Should a licence be granted, some of the concerns expressed by SEBRA in their representation are covered by conditions proposed by the police and agreed by the applicant. Some other concerns would be addressed by the conditions proposed by Environmental Health, although I understand that at the time of publication of the Report these had not been agreed by the applicant.

There are a couple of remaining points which John thought would be helpful to confirm prior to the hearing:

1. The application seeks a commencement hour and terminal hour for sale of alcohol which is outside of core hours on Sunday. SEBRA considers that if Members are minded to grant a licence, it should be restricted to core hours on a Sunday.

2. EH have proposed a condition limiting the hours for movement etc of waste etc (condition 37 in the Report). SEBRA would like to propose an amendment to 2000 rather than 2300, with possibly different timings on Sundays. They also ask for the relevant model conditions regarding a) collections of waste and b) deliveries, for the same hours.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

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>
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4. 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

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	27 th March 2017
5	The Environmental Health Service- Representation	21 st April 2017
6	The Metropolitan Police Service (Withdrawn)	26 th April 2017
7	Mrs Diane Choyce- Representation	1 st May 2017
8	Ms Miriam Mulcahy- Representation	1 st May 2017
9	Miss Tania Franses- Representation	28 th April 2017
10	Mrs E Brookes- Representation	2 nd May 2017

11	John Zamit, Chairman SEBRA- Representation	30 th April 2017
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To view the plans of the premises, please contact the Licensing Team.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

Applicant Supporting Documents
(none)

Appendix 2

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. We will have strong management controls and excellent training of all our staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives
10. No drunk and disorderly behavior on the premises area
11. Preventing the use and sale of illegal drugs at the retail area
12. No violent and anti-social behaviour tolerated by any one
13. The front of the premises shall be kept tidy at all times and be swept at close.
14. No deliveries will be received or rubbish removed from the premises between 21.00 & 07.00.
15. Any music played will only be played at background level.
16. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. any complaints and the outcome will be recorded in the incident book.
17. Relevant notices will be prominently displayed by the entry/ exit door and point of sale as appropriate— see section b condition 6 for full details.
18. We will train staff about requirement for persons' identification, age establishment and so on.
19. Written training records will be kept for all staff members and made available to police or authorised council officers on request.

20. Unless an epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.

Conditions propose by the Police and agree by Applicant so as to be incorporated into the operating schedule

21. 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.
22. 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.
23. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.
25. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
26. The supply of alcohol shall be by waiter or waitress service only.
27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

Conditions proposed by the Environmental Health

28. 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.

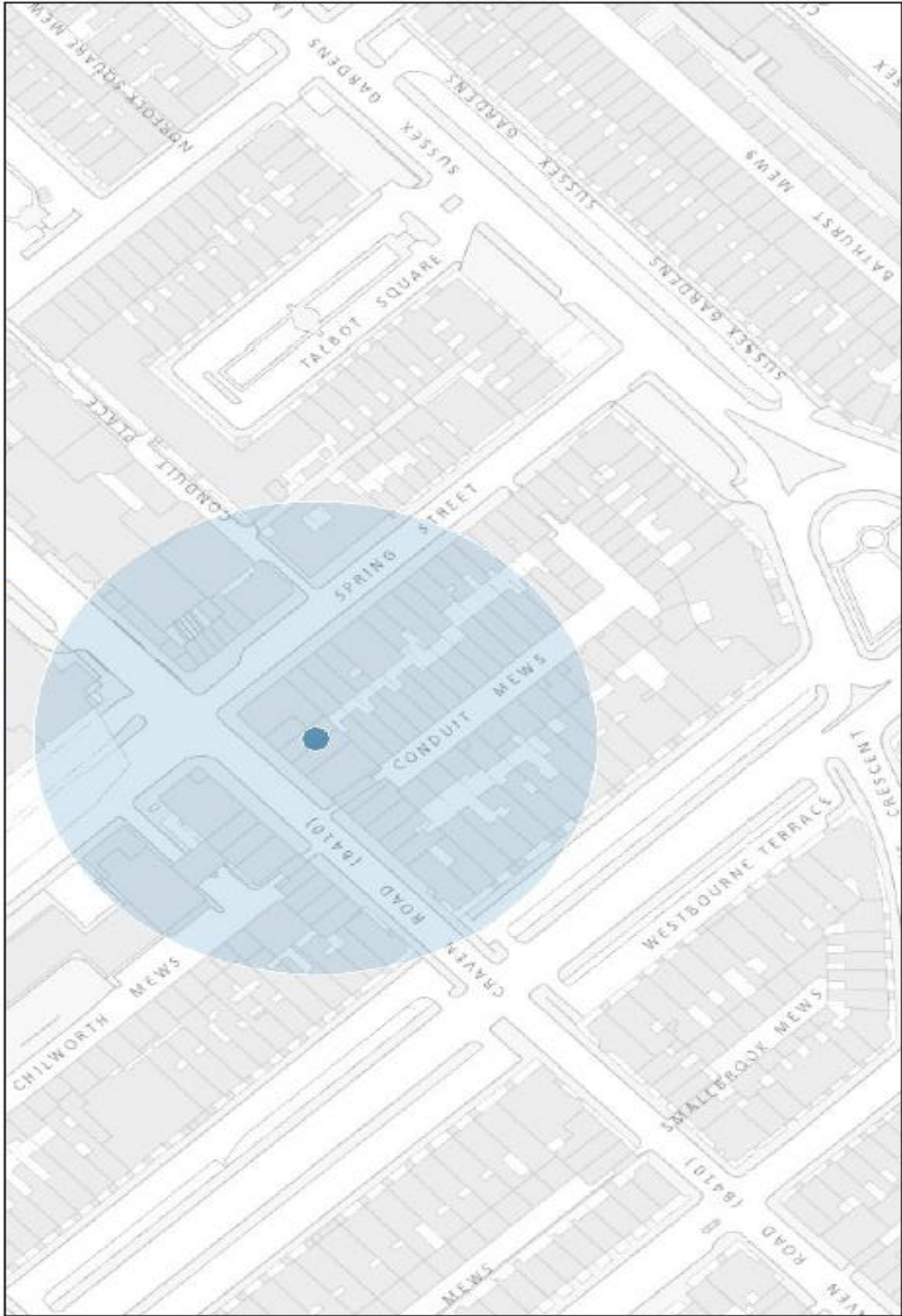
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
30. All outside tables and chairs shall be rendered unusable or brought inside by (23.00) each day.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
32. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
33. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 24 persons.
34. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Additional conditions proposed by SEBRA

35. Hours reduced on Sunday to tie in with WCC 'Core Hour' policy do that alcohol not sold till midday.
36. Sale of alcohol should be ancillary to customers taking substantial meal with waiter/ waitress service to persons seated in premises (including any outside area)
37. No deliveries or refuse/ recycling collections between 21.00 & 07.00 (partly offered in condition in application on rubbish collection)
38. Customers to leave quietly, outside area kept clean & tidy, no A- Boards placed on public highway as these block free flow of pedestrians in this busy section of Craven Road very near to Paddington station etc
39. No beer/ cider sold over 5.5% etc

Residential Map and List of Premises in the Vicinity

Cafe Dylan Dog 7 Craven Road



June 15, 2017