

# Licensing Sub-Committee Report

Item No:	
Date:	3 March 2016
Licensing Ref No:	16/00299/LIPN - New Premises Licence
Title of Report:	Snowflake, Unit 1, Marble Arch House 44 Edgware Road London W2 2EH
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
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>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	12 January 2016		
<b>Applicant:</b>	Snowflake Gelato Group Limited		
<b>Premises:</b>	Snowflake, Unit 1, Marble Arch House		
<b>Premises address:</b>	44 Edgware Road	<b>Ward:</b>	Bryanston And Dorset Square
	London W2 2EH	<b>Cumulative Impact Area</b>	Yes
<b>Premises description:</b>	The premises is to operate as an ice cream parlour		
<b>Premises licence history:</b>	The premises does not have a premises licence history		
<b>Applicant submissions:</b>	N/A		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	0:00	0:00	0:00	0:00	02:00	02:00	0:00
<b>Seasonal variations:</b>		n/a					
<b>Non-standard timings:</b>		n/a					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</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	8:00
<b>End:</b>	0:00	0:00	0:00	0:00	02:00	02:00	0:00
<b>Seasonal variations:</b>		n/a					
<b>Non-standard timings:</b>		n/a					
<b>Adult Entertainment:</b>		n/a					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Sally Thomas
<b>Received:</b>	19 <sup>th</sup> January 2016
<b>Licensing Act 2003</b>	
<b>Snowflake, 44 Edgware Road, London, W2 2EH</b>	

I refer to the application for a new Premises Licence for the above premises.

**The premises are situated in the Edgware Road Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.**

The applicant has submitted a ground floor and basement plan, titled with the address, drawing number A14 022 and dated January 2016.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities on the **ground floor**:

1. The Provision of Late Night Refreshment 'indoors' on Sunday to Thursday from 2300 to 0000 hours and Friday and Saturday 23:00 to 02:00 hours.

I wish to make the following representations in relation to the above application:

1. The Provision of Late Night Refreshment and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the Cumulative Impact Area, and may impact upon Public Safety.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the Cumulative Impact Area and may impact on Public Safety.**

The Environmental Health Service has proposed conditions, which have not been agreed by the applicant (**Appendix 4**)

<b>Responsible Authority:</b>	The Metropolitan Police
<b>Representative:</b>	Mike Day
<b>Received:</b>	8 <sup>th</sup> February 2016

With reference to the above application, I am writing to inform you that after our site visit today the Metropolitan Police, as a responsible authority, will be making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the Edgware Road Cumulative Impact Area, a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

The police has withdrawn their representation, as the applicant has agreed proposed conditions that will be added as part of the operating schedule (**Appendix 4**)

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies:	<p>Policy CIP1 applies:</p> <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
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>	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: ywade@westminster.gov.uk

Background Documents – Local Government (Access to Information) Act 1972		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015



No supporting documentation

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 proposed by the Police and agreed by the applicant**

- 9) 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 preceding 31 day period.

- 10) 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 premise 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.

#### **Conditions proposed by the Environmental Health Service**

- 11) Only 10% of the menu will consist of hot food and hot drink.
- 12) No tables and chairs shall be provided outside the premises after 23.00 hours.
- 13) 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.
- 14) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 15) No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
- 16) No licensable activities shall take place at the premises until the premises have 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.

#### **Conditions proposed by the applicant as part of the operating schedule**

- 17) After 23:00 hours all external doors and windows to be kept closed saved for immediate access and egress of persons.
- 18) No rubbish, including bottles, shall be moved, removed or place in outside areas between 23:00 hours and 08:00 hours.
- 19) Clearly legible notices shall be displayed at all exists from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
- 20) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
- 21) All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

- 22) During the hours of operation ensure 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 the aforementioned area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 23) After 23:00 there will be a maximum of 60 persons seated at the premises.
- 24) There shall be no take away of hot food (save for hot desserts such as waffles and crepes) and hot drink (save for tea, coffee and hot chocolate) after 23:00.
- 25) Throughout the currency of this licence the premises will operate as an ice-cream parlour.



# Snowflake Unit 1, Marble Arch House, 44 Edgware Road

City of Westminster



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Meters

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194	Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses

## Appendix 5

Data Source: Uniform Database

Date: 19/02/2016

**Premises within 75 metres of: Snowflake Unit 1, Marble Arch House  
44 Edgware Road**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
18348	Maroush Restaurant	Basement 21 Edgware Road London W2 2JE	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30 Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 01:00
-2405	Donostia	Basement And Ground Floor 10 Seymour Place London W1H 7ND	Sunday 11:30 - 21:00 Monday to Saturday 11:30 - 23:00
-16614	Sandy's	14 Seymour Place London W1H 7NF	Sunday 11:00 - 23:00 Monday to Saturday 11:00 - 23:30
13867	Salt Dining Room	13 Edgware Road London W2 2JE	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
16170	Al Balad	11 Edgware Road London W2 2ER	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15708	Carpenters Arms	12 Seymour Place London W1H 7NE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
13994	Bernardi's	62 Seymour Street London W1H 5BN	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
-26243	Sidi Maarouf	56 Edgware Road London W2 2EH	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:30
19486	Pakhtoon	7 Edgware Road London W2 2ER	Monday to Saturday 10:00 - 02:00 Sunday 10:00 - 23:00
2545	As Nature Intended	36 Edgware Road London W2 2EH	Monday to Friday 08:00 - 21:00 Saturday 09:00 - 20:00 Sunday 12:00 - 18:00
-9033	Donostia	9 Seymour Place London W1H 5BA	Sunday 10:00 - 21:00 Saturday 10:00 - 23:00 Monday to Friday 11:30 - 23:00
-22738	Vinoteca	15 Seymour Place London W1H 5BE	Monday to Sunday 08:00 - 23:00
7977	The Victory Services Club	63-79 Seymour Street London W2 2HF	Monday to Sunday 07:00 - 01:00
5314	Sitt A Sham Restaurant	60 Edgware Road London W2 2EH	Monday to Sunday 11:00 - 00:00

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# SNOWFLAKE

Luxury Gelato

OPENING SOON



@snowflakegelato

snowflakegelato.co.uk

OUR BOUTIQUES

SELFRIDGES  
400 Oxford Street W1A 1AB

SOHO  
102 Wardour Street W1F 0TN

SOUTH KENS  
42-44 Thurloe Str

BAYS  
43 Westbour



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Amended Agenda

- 09:30 Coffee, tea and registration
- 10:00 Case Law Update – Josef Cannon, Cornerstone Barristers
- 10:45 AGM
- 11:00 Break
- 11:30 Legal Highs and Spotting Signs of Drug Use in Licensed Premises including price and purities of drugs, economics of drug dealing and drug types (Jamie Goldrick, Three Eyes Consultancy Limited)
- 13:00 Close and buffet lunch

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Health Centre

THE MEDICAL AND SURGICAL CENTRE

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