

# Licensing Sub-Committee Report

Item No:	
Date:	2 February 2017
Licensing Ref No:	16/10939/LIPN - New Premises Licence
Title of Report:	Le Bijou 12-14 Lodge Road London NW8 7JA
Report of:	Director of Public Protection and Licensing
Wards involved:	Regent's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet K Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	9 October 2016 but validated again on 1 <sup>st</sup> November 2016 following a blue notice check failure		
<b>Applicant:</b>	Camile Azzi		
<b>Premises:</b>	Le Bijou		
<b>Premises address:</b>	12-14 Lodge Road London NW8 7JA	<b>Ward:</b>	Regent's Park
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This premises shall operate as a café providing late night refreshment where food shall be served to tables.		
<b>Premises licence history:</b>	This premises has not previously benefitted from a premises licence under the Licensing Act 2003.		
<b>Applicant submissions:</b>	None.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors 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>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	02:00	02:00	02:00	02:00	02:00	02:00	02:00
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
<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>	16:00	16:00	16:00	16:00	16:00	16:00	16:00
<b>End:</b>	02:00	02:00	02:00	02:00	02:00	02:00	02:00
<b>Seasonal variations/ Non-standard timings:</b>			None				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz

<b>Received:</b>	3 <sup>rd</sup> November 2016
<b>Status</b>	Withdrawn

Now that the consultation period has started again, we can proceed. You previously agreed to the conditions I asked for. For clarity and integrity purposes I will send the conditions to you once more.

With reference to the above, I am writing to inform you that 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, in relation to The Prevention of Crime and Disorder and Public Nuisance.

If you can agree to the following conditions, I will withdraw my representation.

1) The premises shall only operate as a restaurant

(i) in which customers are shown to their table,

(ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,

(iii) which do not provide any take away service of food or drink for immediate consumption,

(iv) which do not provide any take away service of food or drink after 23.00.

2) 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.

3) 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.

4) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

***Note: the applicant agreed to the Police conditions and in turn the Police have now withdrawn their representation.***

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	22 <sup>nd</sup> October 2017

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

I am concerned that this will increase the risk of nuisance to nearby local residents, especially late at night. I know that you have agreed some Conditions with the Police but I am not satisfied that the application includes sufficient information to address my concerns.

Please contact me by reply to this email to arrange a site meeting to discuss the application.

**On 24<sup>th</sup> January 2017, Dave Nevitt wrote to the applicant:**

I refer to our recent site meeting and discussion about your application to vary the premises licence at the above.

My main concern is to prevent Public Nuisance. I am concerned that the business being open until 0200hrs every day may have an adverse impact on the nearby local residents. There are residential flats directly above the premises which may experience noise and disturbance. In particular, I am concerned about the use of the external seating area at the front which is currently used for eating and drinking and shisha smoking. The area has a canopy and is set out with tables and chairs.

During the meeting you advised me that the flats above may be in use as short term lets rather than as permanent living accommodation.

I note that the premises does not supply alcohol and that the main activities sought will be shisha smoking and consumption of hot drinks.

The hours sought are beyond the Core Hours as defined by the City Council's Licensing Policy and as such the application will need to be determined at a Hearing of the Licensing Sub Committee. The premises is not in a Cumulative Impact Area and the application will be judged on its merits. I believe that the Hearing is set for 2<sup>nd</sup> February.

Perhaps you could give some consideration to the following amendments to the application in order to reduce the risk of public nuisance:

1. Reduce the terminal hour sought to say 0030hrs or 0100hrs;
2. Withdraw the application for late hours on days when you are less likely to need to be open late, e.g. Sunday night.
3. Limit the capacity of the external area – e.g. a maximum of 20 customers at any one time
4. Agree to some additional Conditions, for example:
  - Mechanical plant, including the kitchen extract fan, to be switched off at 2400hrs
  - After 2300hrs a member of staff shall be present at all times when the outside area is in use to supervise and manage customers so as to ensure that noise is kept to a minimum.
  - Late Night Refreshment after 2400hrs to be restricted to hot drinks only
  - No take away after 2300hrs
  - No loudspeakers permitted in the outside area
  - The external canopy to be in place at all times when the outside area is in use by customers
5. You could also provide some information about any arrangements you could put in place to show how noise will be controlled and limited: e.g. type of outside furniture, stacking or moving of outside furniture after the premises closes, cleaning and servicing arrangements (especially for the outside area), arrangements for refuse disposal/collection.
6. You might also consider requesting a limited permission e.g. for 1 year only.

Please give some thought to the above points. I welcome your comments or any additional

suggestions you may have or you may wish to wait until the Hearing so that these matters can be discussed with the Committee.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies:</b>	<p>Policy HRS1 applies:</p> <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>
<b>Policy FFP1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy RNT1 applies:</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - None
<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

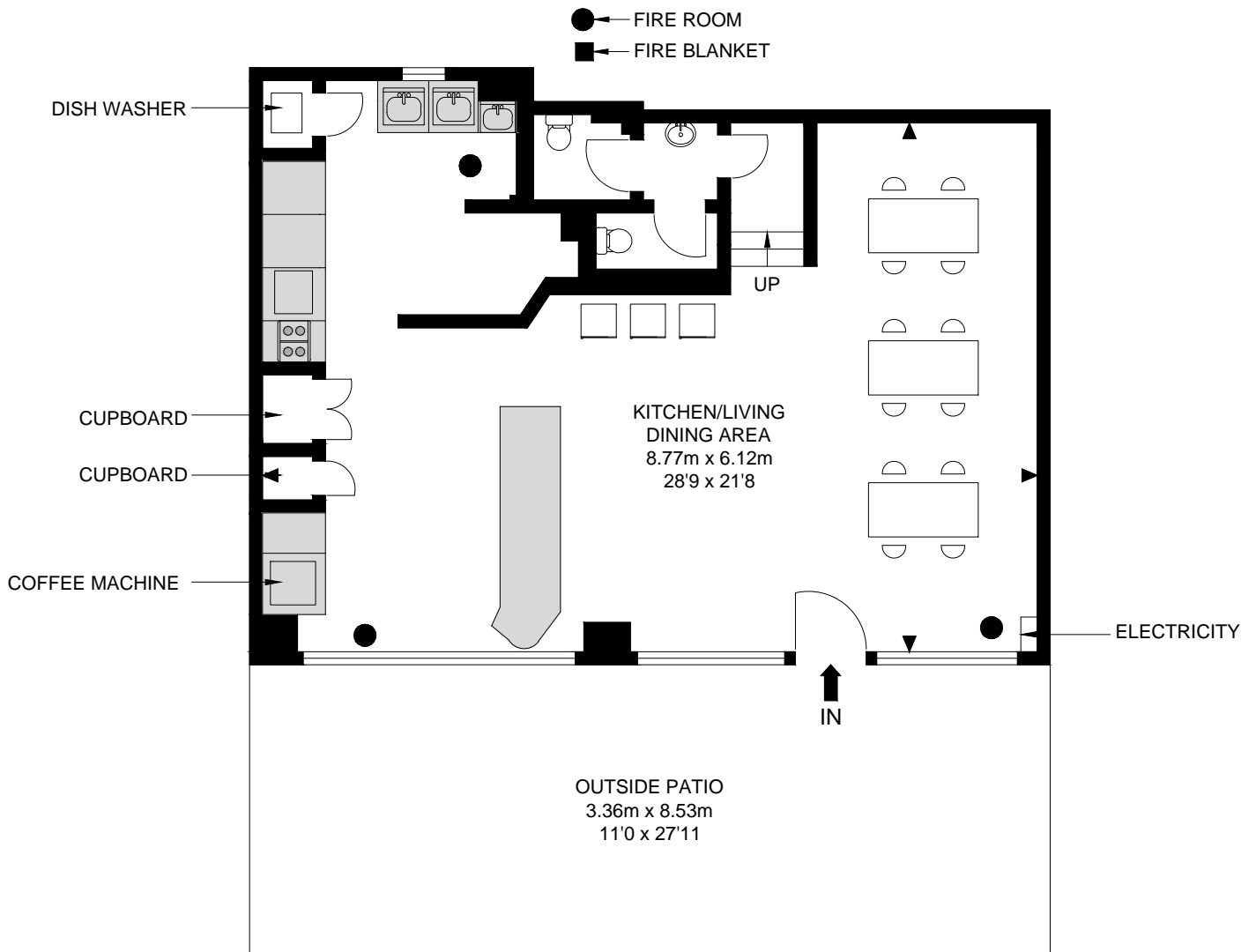
<b>Report author:</b>	Mrs Sumeet K Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

**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**

<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	9 <sup>th</sup> October 2016
<b>5</b>	Plan	9 <sup>th</sup> October 2016
<b>6</b>	Metropolitan Police representation	3 <sup>rd</sup> November 2016
<b>7</b>	Environmental Health representation	22 <sup>nd</sup> October 2016

## Lodge Road



## Ground Floor

APPROX. GROSS INTERNAL FLOOR AREA 607.94 SQ FT / 56.48 SQM  
SCALE 1: 100 AT A4

Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximates and no responsibility is taken for any error, omission or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The service, system and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given.

© SpacePhoto  
Photography and Floor Plan

## **Applicant Supporting Documents**

## **Appendix 2**

No supporting documents have been submitted by the applicant.



## **Premises History**

## **Appendix 3**

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**

None

**Conditions consistent with the operating schedule**

None

**Conditions proposed by the Police and agreed by the applicant**

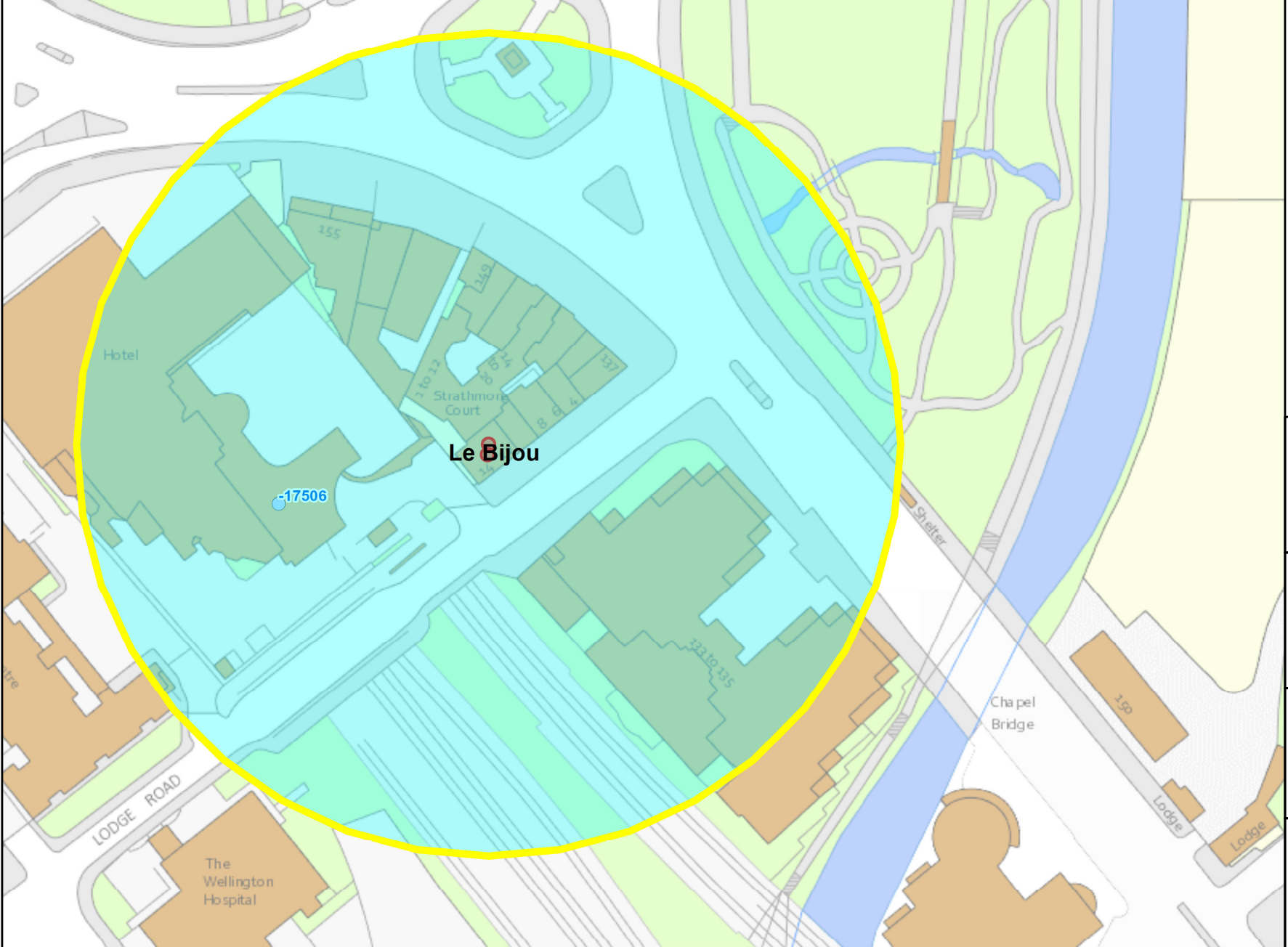
1. The premises shall only operate as a restaurant
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  - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iii) which do not provide any take away service of food or drink for immediate consumption,
  - (iv) which do not provide any take away service of food or drink after 23.00.
2. 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.
3. 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.

4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**Conditions proposed by EH**

5. The maximum no of persons in the external area shall be 20.
6. The mechanical plant, including the kitchen extract fan, shall be switched off at 2400hrs.
7. After 2300hrs a member of staff shall be present at all times when the outside area is in use to supervise and manage customers so as to ensure that noise is kept to a minimum.
8. Late Night Refreshment after 2400hrs to be restricted to hot drinks only.
9. There shall be no take away after 2300hrs.
10. There shall be no loudspeakers permitted in the outside area.
11. The external canopy to be in place at all times when the outside area is in use by customers



Residential / Proposed Residential	90
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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Data Source: Uniform Database  
 Date: 17/01/2017

**Premises within 75 metres of: Le Bijou, 12-14 Lodge Road, London NW8**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
-17506	Danubius Hotel	Danubius Hotel 18 Lodge Road London NW8 7JT	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30