

Licensing Sub-Committee Report

Item No:	
Date:	20 th April 2017
Licensing Ref No:	17/01171/LIPN - New Premises Licence
Title of Report:	Caravan Yalding House 152 - 156 Great Portland Street London W1W 6QA
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 February 2017		
Applicant:	Metal Box Traders Limited		
Premises:	Caravan		
Premises address:	Yalding House 152 - 156 Great Portland Street London W1W 6QA	Ward:	Marylebone High Street
		Cumulative Impact Area:	None.
Premises description:	The premises will operate as a Restaurant, Coffee Shop and Bar.		
Premises licence history:	This is an application for a new Premises Licence and therefore no premises history exists.		
Applicant submissions:	The applicant successfully operates 3 existing and highly acclaimed Caravan premises across London at Exmouth Market, King's Cross and Bankside.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:				23:00 until 00:00 on Sunday's preceding Bank Holiday Monday. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.			

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			10:00 until 00:00 on Sunday's preceding Bank Holiday Monday. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.				

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:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:			08:00 until 00:30 on Sunday's preceding Bank Holiday Monday. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.				
Adult Entertainment:			Not applicable.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan police Service
Representative:	PC Adam Deweltz
Received:	15 th February 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this 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.</p> <p>Would you agree to the following condition?</p> <p>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.</p>	

Following the agreement of conditions the Metropolitan Police Service have withdrawn their representation.

Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Maxwell Koduah
Received:	21 st February 2017

This representation is based on the operating schedule and accompanying plans of basement and ground floor by Macaulay Sinclair dated 02/02/17 ref. 3671.

The applicant is seeking the following licensable activities:

1. Provision of late night refreshment "Indoors" at the following times:
Monday to Thursday: 23:00 – 23:30
Friday & Saturday: 23:00 - 00:00
Sunday before bank holidays: 23:00 – 00:00
From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day
2. Supply of Alcohol for consumption "On" and "Off" the premises at the following times:
Monday to Thursday: 10:00 – 23:30
Friday & Saturday: 10:00 - 00:00
Sunday: 10:00 – 22:30
Sundays before bank holidays: 10:00 – 00:00
From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day

I wish to make the following representation

Provision of late night refreshment and the hours requested will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

2-B Other Persons	
Name:	Mr Linus Rees
Address and/or Residents Association:	Fitzrovia Neighbourhood Association 39 Tottenham Street London W1T 4RX
Received:	5 th March 2017
<p>We would like to see conditions to prevent public nuisance caused by the operation of these premises. We are not clear if the applicants wish to operate this as a bar (in which case we strongly object) or if drinks are to be served only for those having a meal. We are also concerned about timing of deliveries and disposal of bottles, as well as any use of the pavement outside the premises. We are sure additional conditions will address our concerns.</p>	
Name:	Dr Matthew Knight
Address and/or Residents Association:	Apartment One 146 Great Portland Street London W1W 6QB
Received:	2 nd March 2017
<p>We write with respect to the licensing application made by Metal Box Traders Ltd regarding the proposed restaurant Caravan. We are very concerned that the application for late night refreshment and opening hours is not in keeping with other local businesses, and incompatible with the needs of local residents.</p> <p>The proposed hours of refreshment until midnight Fridays and Saturdays (and Sundays before Bank Holidays), and of slightly earlier on other nights, with closing times half an hour later, are simply far too late, and will lead to inevitable disruption, disturbance and impaired quality of life for the local residents of this street who live adjacent to the proposed site. We are neighbours, living in a residential building of flats, predominantly of families with young children, and also those who experience physical health disability.</p> <p>Other businesses and cafes (e.g. Boots, Pret a Manger, Zena's, Portland Hardware) in this section of the street have closure times much earlier - typically between 6pm and 8pm. Indeed leasehold requirements for venues such as Zena's require closure by early evening so as to protect neighbours' quality of life. Even further, established similar brasseries such as Villandry, which is not surrounded by residential properties, has earlier licensing timings.</p> <p>We are not against Caravan in and of itself. It is a good chain of restaurants, however it encourages larger party sizes (the proposed planning documents contain large communal dining). The existing restaurants are loud. This section of Great Portland Street is quiet, with a synagogue, and many residential properties. The council has recently given planning consent for business premises to be changed to residential use (e.g. 140 GPS), and as such the residential nature of this area the street is being increased. It is thus incompatible to permit such large scale late night entertainment in a</p>	

growing residential environment.

We hope the council hears these very strong concerns.

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:	(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. (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.

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

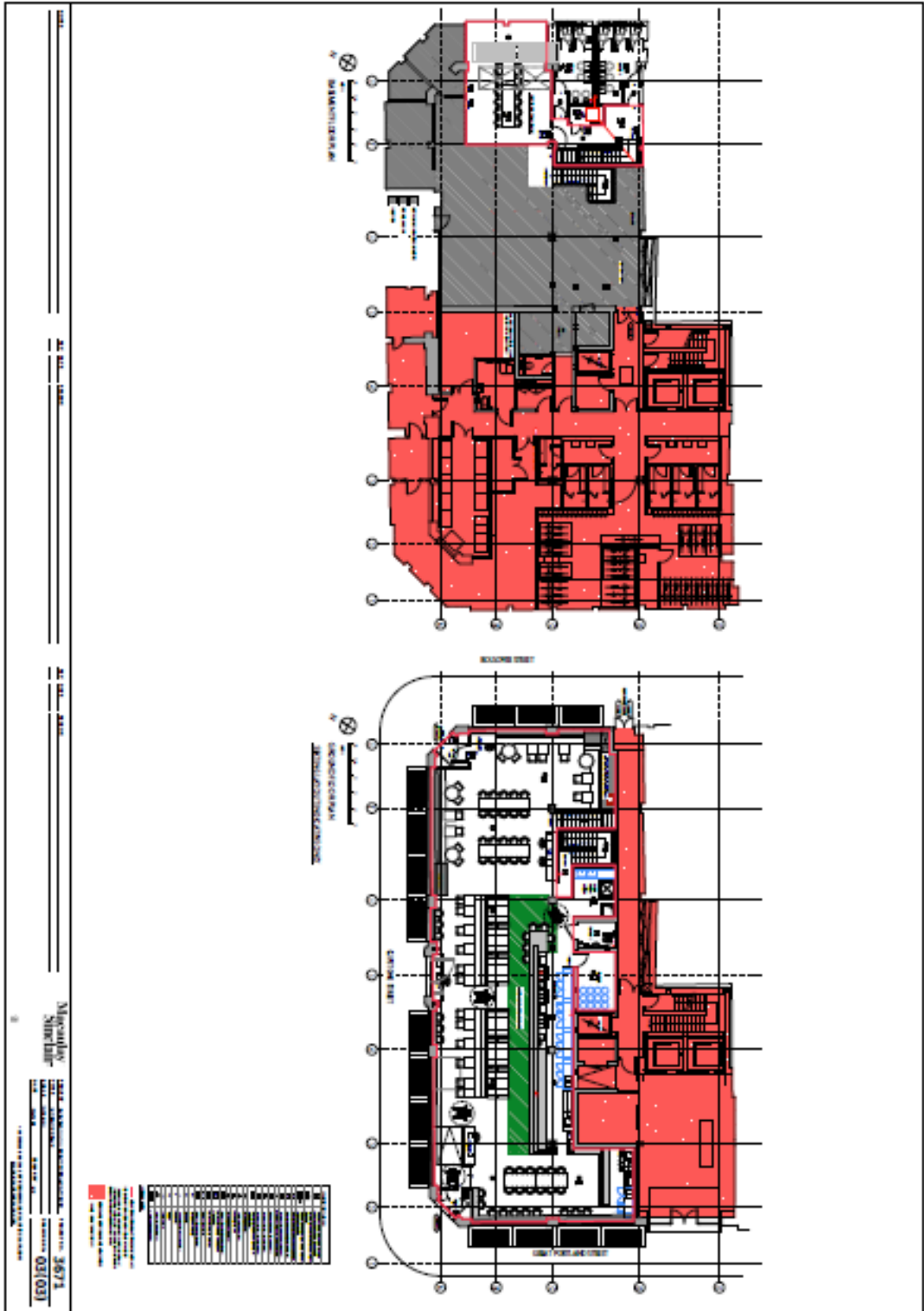
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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	2 nd February 2017
5	Representation – MET Police	15 th February 2017
6	Representation – Environmental Health	21 st February 2017
7	Representation – Mr Rees	5 th March 2017
8	Representation – Dr Knight	2 nd March 2017

Premises Plans



Applicant Supporting Documents

None submitted.

Premises History

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. Save for the area hatched on the licence plan, the consumption of alcohol on the premises shall only be by seated persons.
10. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No sales of alcohol for consumption off the premises after 23.00.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient 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 this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.

20. 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.
21. 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, which 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) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
22. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed [X] persons (to be determined).
23. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
24. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

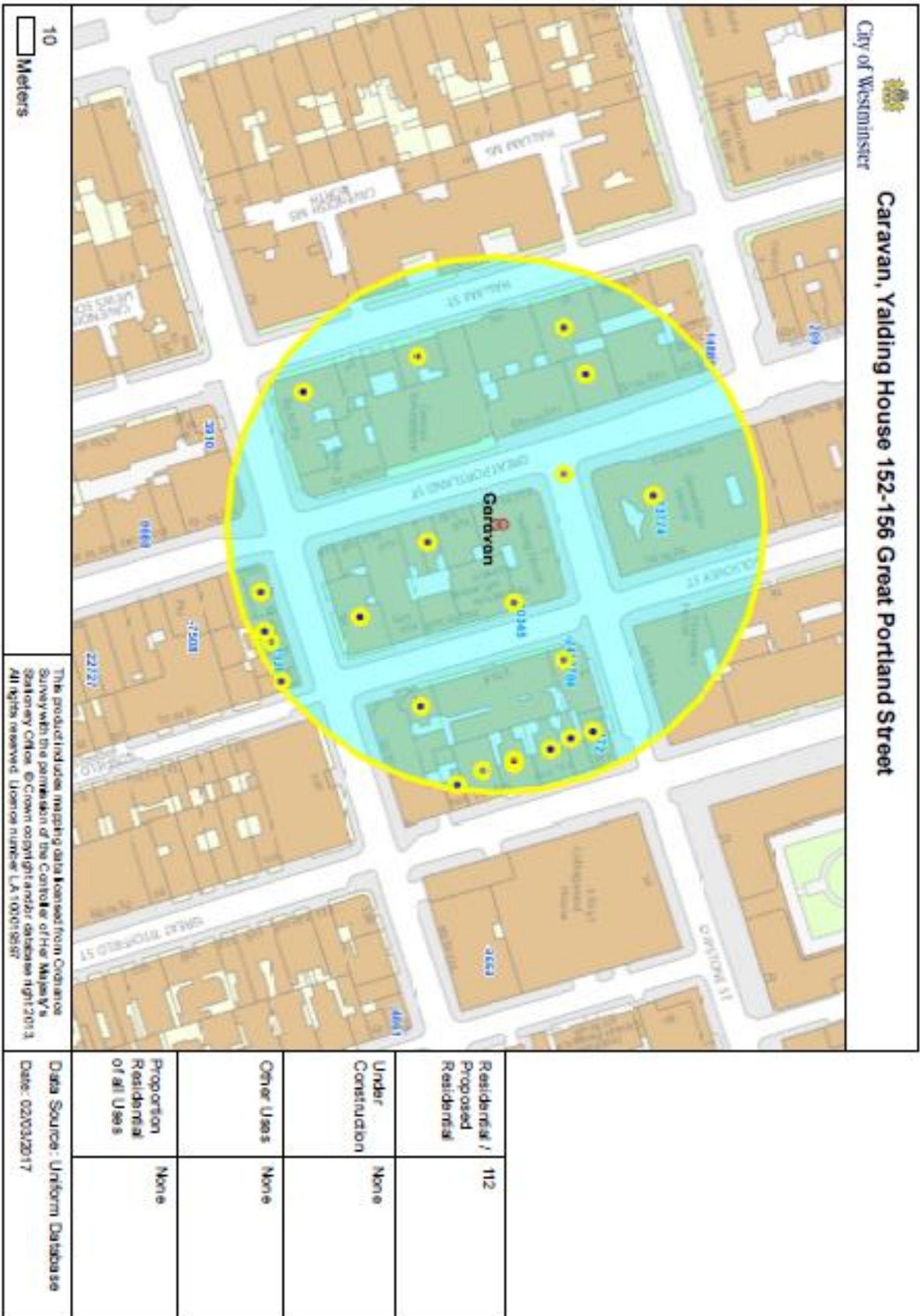
Conditions proposed by the Police and agreed by applicant

25. 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.

Conditions proposed by the Environmental Health

None submitted.

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of: Caravan, Yalding House 152-156 Great Portland Street

p / n	Name of Premises	Premises Address	Licensed Hours
-13774	13/07116/LIPDPS	Villandry	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-2329	14/02148/LIPVM	Cavendish Candy	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-241	16/04952/LIPDPS	Not Recorded	Friday to Saturday 07:00 - 00:00 Sunday to Thursday 07:00 - 23:00
172	09/05858/LIPDPS	Conchiglia	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
3786	15/00899/LIPDPS	The Lucky Pig	Monday to Wednesday 10:00 - 00:00 Thursday 10:00 - 01:30 Friday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
30345	15/02920/LIPDPS	Bolsover Street Youth Hostel	Monday to Sunday 00:00 - 00:00