

Licensing Sub-Committee Report

Item No:	
Date:	25 May 2017
Licensing Ref No:	17/02016/LIPN - New Premises Licence
Title of Report:	39 Craven Road London W2 3BX
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
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:	23 February 2017		
Applicant:	EuropafoodXB Ltd		
Premises:			
Premises address:	39 Craven Road London W2 3BX	Ward:	Lancaster Gate.
		Cumulative Impact Area:	None.
Premises description:	The premises currently operate as a deli/café.		
Premises licence history:	This is an application for a new premises licence and therefore no history exists.		
Applicant submissions:	This is at the moment a deli, the applicant states that they intend to have people consuming alcohol on the back room (sitting room on plan) of the premise with a meal and as well on the terrace. No alcohol to be sold off the premises, no liquor to be sold on or off the premises. Only wine served by the glass and/or bottle, bottled beer.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol – Inside the premises				On or off sales or both:			On Sales
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	22:30
Seasonal variations/ Non-standard timings:		None applied for.					

Sale by retail of alcohol – on the terrace				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	20:00	20:00	20:00	20:00	21:00	21:00	20:00
Seasonal variations/ Non-standard timings:		None applied for.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:00	06:00	06:00	06:00	06:00	06:00	06:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations/ Non-standard timings:		None applied for.					
Adult Entertainment:							

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Toby Janes
Received:	23 rd March 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

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.

We have concerns that this application will cause further policing problems in an already demanding area.

I understand that you have agreed a number of conditions with Dave Nevitt from the Environmental Health and I have looked through these and am in agreement.

Police propose that one further condition is added to your operating schedule and this relates to CCTV, please see the condition below:

1. 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.

Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr David Nevitt
Received:	24 th March 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.

Additional comments from Environmental Health:

The hours sought for the Sale/Supply of Alcohol are slightly in excess of the City Council's 'Core Hours' as defined in the Licensing Policy in respect of the start time for Sundays. The application should be amended so that the commencement time on a Sunday is 1200hrs.

My understanding is that the terminal hour for the sale of alcohol in the external seating area at the front (a frontage of the premises, not the pavement) of the premises will be 2000hrs.

Further to my conversations with the applicant I propose the following Conditions:

MC01 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.

MC13 Loudspeakers shall not be located in the entrance lobby or outside the premises building.

MC21 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

MC34 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

MC35 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.

MC37 The number of patrons seated at the premises (including the external seats) at any one time (including staff) shall not exceed 20 persons.

MC38 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.

MC39 The supply of alcohol shall be by waiter or waitress service only.

MC42 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 sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

MC47 A Challenge 21 or Challenge 25 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.

MC49 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) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

MC65 No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

MC71 The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

The consumption of alcohol in the outside area at the front of the premises shall cease at 2000hrs.

These conditions have been agreed by the applicant.

2-B Other Persons	
Name:	Mr John Zamit - SEBRA
Address and/or Residents Association:	2, Claremont Court Queensway LONDON W2 5HX
Received:	24 th March 2017
We object to this application but trust agreement can be reached with applicant on conditions to address our concerns.	
We were not clear as to reference to 'terrace' but now understand that this is area in front of premises with 4 tables & 8 chairs.	

On hours we would want Sunday alcohol hours not to commence till mid-day in accordance with WCC 'Core Hours' policy.

In respect of that are we would not want alcohol served / consumed after 20.00 at latest to protect local amenity, noise etc in area as many residential units nearby. We would also want alcohol only to be served when ancillary to substantial food being taken seated at tables and served by staff on premises.

We assume will be CCTV in operation with usual conditions to satisfy police and WCC Environmental Health Standard 'model' conditions should be attached to licence re: Notices to leave quietly displayed as you leave premises.

All windows to be kept closed - believe maybe window at rear onto courtyard. Alcohol only to be served in 'back sitting room' and tables & chairs on front forecourt. Lots of young 'tourists' visit area so trust will be Challenge 25 in operation. Trust no 'alcohol unconsumed' can be taken off the premises.

No deliveries between say 20.00 & 08.00.

We trust agreement can be reached on above suggested conditions , if not we can attend Licensing Hearing if necessary.

Name:	Mr Massimo Ghislandi
Address and/or Residents Association:	37 Craven Road London W2 3BX
Received:	7 th March 2017

I am concerned about the noise caused by a license to sell alcohol on the premise. This would create additional noise in what is a road with many residential dwellings.

I am in particular concerned with the license request to serve alcohol outside the premises on the forecourt. This would lead to people drinking outside (even if served in conjunction with food) up to 23.00 every night which would most likely cause a noise nuisance.

It would lead to a deterioration of the quality of life on the street.

Name:	Miss Kiran Bhinder
Address and/or Residents Association:	43 Craven Road London W2 3BX
Received:	23 rd March 2017

I am writing this to oppose the application for a premises licence. I am concerned about the noise and the late hours they are open already. We already have noise from shouting/screaming and fighting. Some of the stores on this road are open till 2am having deliveries. They don't have the correct facilities to offer alcohol consumption on the property, They don't have the correct licence to offer hot cooked food. They are doing so anyway. Will they even abide by the rule to not have alcohol on the forecourt after the times they have specified in the application. As I understand it you need a

second fire exit on the same level as the store. Where is this? My biggest concern is the close proximity to the school in Craven Terrace. The children often use this road to access the church and the other classrooms. It is not acceptable to consume alcohol so close to the school. Safety of the children is important. Have the parents been informed? With any public house we get broken glass and the smell of beer and spirits. I walk my dogs around the area everyday and have to often avoid certain streets and sections. My dogs have been injured because of poor clean up. Broken glass and food is being thrown everywhere. Public safety and child safety is important. This will bring noise and nuisance and when any shop has issues with a customer it can lead to violence. Having alcohol being served to people is just adding to the issues that are already present.

I have lived on the street for 25+ years. This is a peaceful street and we do not need any establishment serving alcohol. This will create a lot of unwanted noise and disruption, which is already an issue at times when drunk people are walking back to their hotels or homes. Also some of the stores on this street are still open until 3am in the morning, having deliveries in the middle of the night. This is not ok.

My bedroom is front facing so I hear everything. All the shouting, screaming and there has been incidents that I have had to call the police because someone who is intoxicated is having an issue with a taxi driver or physically harming another individual.

None of the other cafes or restaurants in this section of the street serve alcohol. All of the stores have off-licences. How can you tell customers that they can only buy an alcoholic beverage if they are buying food? There are pubs on every other road leading all the way up to Edgware Road.

Safety of my family are paramount, and I therefore object to the application for a licence to be granted to this cafe? Does this cafe have a licence to serve hot food?

Name:	Miss Nadi Ben
Address and/or Residents Association:	39 Craven Road London W2 3XB
Received:	4 th March 2017

We are the Renata of 39 Craven Road and it's can be making too much problems when the shop it's can be busy with drink we can really sleep we are in and we need quite.

Name:	Ms Annika Nordblom
Address and/or Residents Association:	38 Craven Road London W2 3QA
Received:	7 th March 2017

Allowing serving alcohol in the outdoor space would cause noise and nuisance.

There are many residential dwellings on the street and licensing this shop and allowing serving of alcohol would certainly increase noise levels with people drinking outdoor.

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>

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	23 rd February 2017
5	Representation – Environmental Health	24 th March 2017
6	Representation – Metropolitan Police Service	23 rd March 2017
7	Representation – SEBRA	24 th March 2017
8	Representation – Mr M Ghislandi	7 th March 2017
9	Representation – Miss K Bhinder	23 rd March 2017

10	Representation – Miss N Ben	4 th March 2017
11	Representation – Ms A Nordblom	7 th March 2017

Premises Plans



39 Craven Road W2 3BA LONDON
GROUND FLOOR

SCALE = 1 METER



PLAN LEGEND

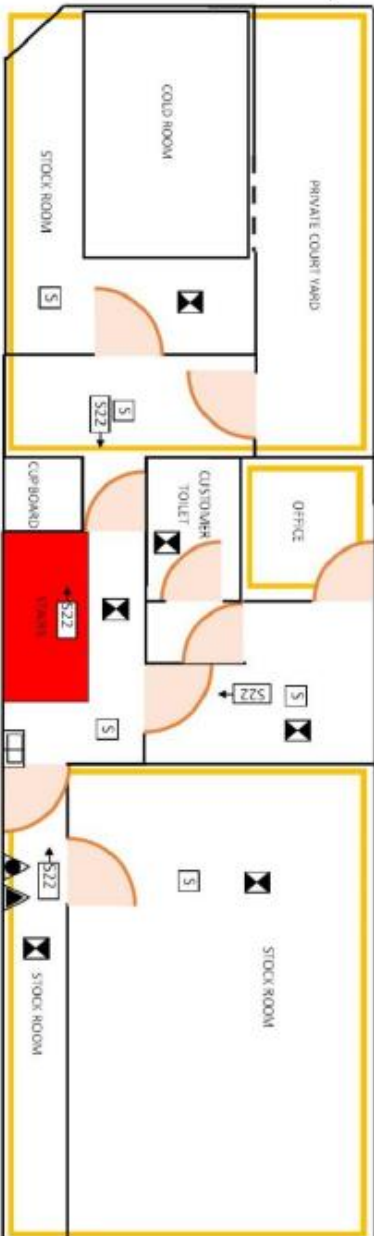
- Directional arrows
- Areas covered by automatics smoke detectors
- Area covered with a system of escape lighting
- Fire blanket in container
- Control panel sounders
- First aid box
- Carbon dioxide fire extinguisher
- Foam fire extinguisher
- Fire alarm call point

ALCOHOL SERVING AREA



39 Craven Road W2 3BA LONDON
BASEMENT

SCALE = 1 METER



PLAN LEGEND

- Directional arrows
- Areas covered by automatics smoke detectors
- Area covered with a system of escape lighting
- Fire blanket in container
- Control panel sounders
- First aid box
- Carbon dioxide fire extinguisher
- Foam fire extinguisher
- Fire alarm call point

STAFF ZONE

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. No selling of alcohol to underage people.
10. No drunk and disorderly behaviour 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. CCTV System installed to monitor entrances, exits, and other parts of the premises.
Replaced by condition 32
14. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
15. Not selling of alcohol to drunk or intoxicated customers.
16. Prevention and vigilance in illegal drug use at the retail unit area.
17. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit.
18. Training and implementation of underage ID checks.
19. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. **Replaced by condition 42**
20. The retail area and storage area will be kept up to date and maintained at all times in good order and in a safe condition.
21. Noise reduction measures to address the public nuisance objective.
22. A notice on the door asking customers to leave the premises quietly in order to respect the neighbours. **Replaced by condition 34**
23. Deliveries of goods will be made during appropriate times between 8am and mid-day.
Replaced by condition 43
24. We will ensure that staff who arrive early morning or depart late at night will conduct themselves in such a manner to avoid causing disturbance to nearby residents.
25. Customers will be asked not to stand around loudly talking in the street outside the premises.
26. Customers will not be admitted to premises above opening hours.
27. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
Replaced by condition 36
28. All lightings have been positioned in such a way to not cause a disturbance to nearby residents.
29. Adequate waste receptacles for use by customers will be provided in the local vicinity.
Replaced by condition 41

30. "Challenge 25" sign on the door that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol during their meal.
31. Staff training about requirement for persons' identification, age establishment and so on.

Conditions proposed by Environmental Health and agreed by the applicant so as to be incorporated with the operating schedule.

32. 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.
33. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. 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.
37. The number of patrons seated at the premises (including the external seats) at any one time (including staff) shall not exceed 20 persons.
38. 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.
39. The supply of alcohol shall be by waiter or waitress service only.
40. 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 sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
41. A Challenge 21 or Challenge 25 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.
42. 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

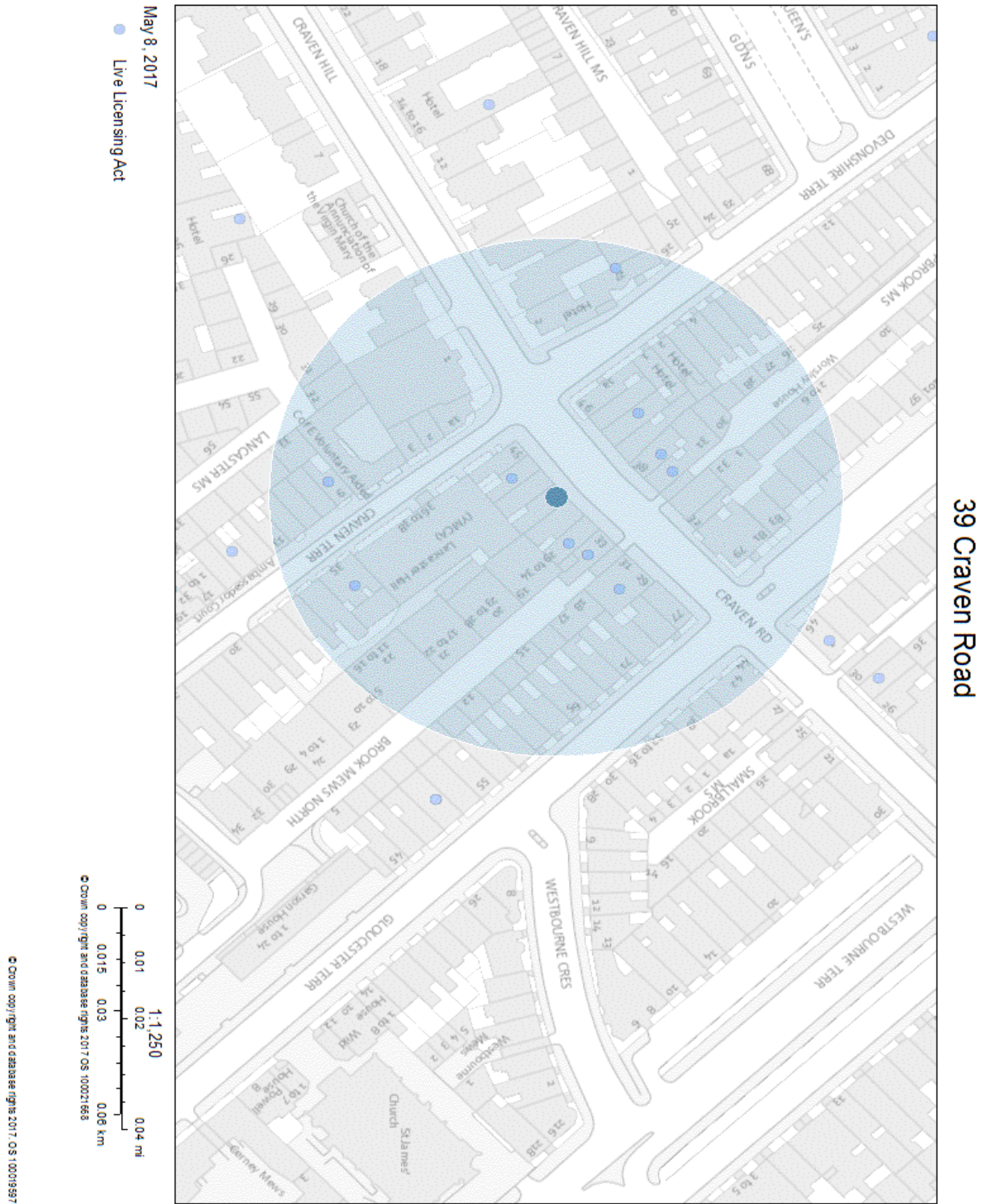
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

43. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
44. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
45. The consumption of alcohol in the outside area at the front of the premises shall cease at 2000hrs.

Conditions proposed by the Police

46. 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.

Residential Map and List of Premises in the Vicinity



Resident count: 321