



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	14 September 2017
Licensing Ref No:	17/06307/LIPV - Premises Licence Variation
Title of Report:	TXE LIMITED T/a NANERJ 60 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 Heidi Lawrance Senior Licensing Officer
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1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	8 June 2017		
Applicant:	TXE Limited		
Premises:	NANERJ		
Premises address:	60 Edgware Road London W2 2EH	Ward:	Bryanston and Dorset
		Cumulative Impact Area:	Edgware
Premises description:	The premises is currently operating as a restaurant and takeaway.		
Variation description:	The variation application is to change the layout of the restaurant. Addition of Recorded Music.		
Premises licence history:	The premises has been licensed since December 2005.		
Applicant submissions:	None.		
Plans	The plans are available upon request to the Licensing authority and will be made available at the Licensing Sub-Committee.		

1-B Current and proposed licensable activities, areas and hours					
Regulated Entertainment					
Performance of Recorded Music					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday			11:00	23:30	No Change.
Tuesday			11:00	23:30	
Wednesday			11:00	23:30	
Thursday			11:00	23:30	
Friday			11:00	23:30	
Saturday			11:00	00:00	
Sunday			11:00	23:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	00:00	No Change.		No Change.
Tuesday	23:00	00:00			
Wednesday	23:00	00:00			
Thursday	23:00	00:00			
Friday	23:00	00:00			
Saturday	23:00	00:00			
Sunday	23:00	23:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	See conditions at Appendix 3			No Change.	

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			On Sales		On Sales
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	11:00	00:00	No Change.		No Change.
Tuesday	11:00	00:00			
Wednesday	11:00	00:00			
Thursday	11:00	00:00			
Friday	11:00	00:00			
Saturday	11:00	00:00			
Sunday	12:00	23:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	See conditions at Appendix 3			No Change.	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	11:00	00:00	No Change.		No Change.
Tuesday	11:00	00:00			
Wednesday	11:00	00:00			
Thursday	11:00	00:00			
Friday	11:00	00:00			
Saturday	11:00	00:00			
Sunday	11:00	00:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	See conditions at Appendix 3			No Change.	

1-C Layout alteration
The premises have undergone a full refurbishment of the ground floor.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence	To be added
Custom will not be sought by means of solicitation in the vicinity of the premises.	To be added
All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition	To be added
Prominent, legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave premises.	To be added

Deliveries of goods will be carried out at such a manner as to prevent nuisance and disturbance to nearby residents.	To be added	
The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.	To be added	
Adult entertainment:	Current position:	Proposed position:
	Not applicable	Not applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	11 th August 2017
<p>I refer to the variation of the Premises Licence application for the above premises which is located in the Edgware Road Cumulative Impact Area.</p> <p>The applicant has submitted new Ground Floor plans, ref.: project no RK003, drawing 1 Rev A dated 1.05.07.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. Change layout in accordance with the submitted plans 2. Provision of Recorded Music 'indoors' Sunday to Friday 11:00 to 23:30 hours and Saturday 11:00 to 00:00 hours <p>I wish to make the following representations based on the submitted plans and operating schedule:</p> <ol style="list-style-type: none"> 1. The changes in layout may adversely impact on Public Safety and may lead to an increase in Public Nuisance in the Cumulative Impact Area 2. The provision of Recorded music and for the hours requested may lead to an increase in Public Nuisance in the Cumulative Impact Area <p>The applicant has offered some undertakings in the operating schedule some of which will need to be converted into enforceable conditions.</p> <p>Also it is unclear if the proposed changes have already been completed. Environmental Health will need to inspect the premises for Public Safety and assess if there have been any changes to sanitary accommodation and kitchen facilities which might lead to an increase in Public Nuisance.</p>	

2-B Other Persons	
Received:	11 th August 2017
<p>I would request that the application does not extend to the pavement area in front of the restaurant. We already suffer from drunken noise late at night from the nearby Salt Bar. I would also request that the pavement area in front is not used as a shisha smoking area. This results in an objectionable smell in the area, is not healthy and is the prime attraction for the numerous beggars who have invaded the area in recent years including those who use small children to beg on their behalf.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy FFP1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance Senior Licensing Officer
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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	8 th June 2017
5	Representation – Environmental Health	11 th August 2017
6	Representation - Resident	11 th August 2017

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/09821/LIPN	Application for a new Premises Licence	13/12/2005	Granted by Licensing Sub-Committee
06/05402/LIPDPS	Application to vary the Designated Premises Supervisor	30/06/2006	Granted under Delegated Authority
07/02635/LIPDPS	Application to vary the Designated Premises Supervisor	14/03/2007	Granted under Delegated Authority
07/02636/LIPT	Application to Transfer the Premises Licence	17/03/2007	Granted under Delegated Authority
07/08921/LIPV	Application to vary the Premises Licence : Increase the terminal hour for late night refreshment only to 5a.m. seven days a week.	15/11/2007	Refused by Licensing Sub-Committee
11/12290/LIPT	Application to Transfer the Premises Licence	20/01/2012	Granted under Delegated Authority
13/00856/LIPV	Application to vary the Premises Licence : The premises is a Restaurant with a Shisha Service (outside only). We would like to extend our opening hours	04/04/2013	Refused by Licensing Sub-Committee

	from 09.00 until 02.00 along with late night refreshment until 02.00am to help our income.		
17/03407/LIPDPS	Application to vary the Designated Premises Supervisor	04/04/2017	Application withdrawn
17/03510/LIDPSR	DPS request to be removed.	04/04/2017	Granted under Delegated Authority
17/04466/LIPT	Application to Transfer the Premises Licence	22/05/2017	Granted under Delegated Authority

There is no appeal history

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

When determining an application to vary a 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

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 premises 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.

Annex 2 – Conditions consistent with the operating Schedule

9. No children shall be allowed on the premises unless accompanied by an adult.
10. Alcohol shall be supplied for consumption on the premises only.
11. All patrons shall be requested to leave in an orderly and quiet fashion and requested to respect other people within the area.

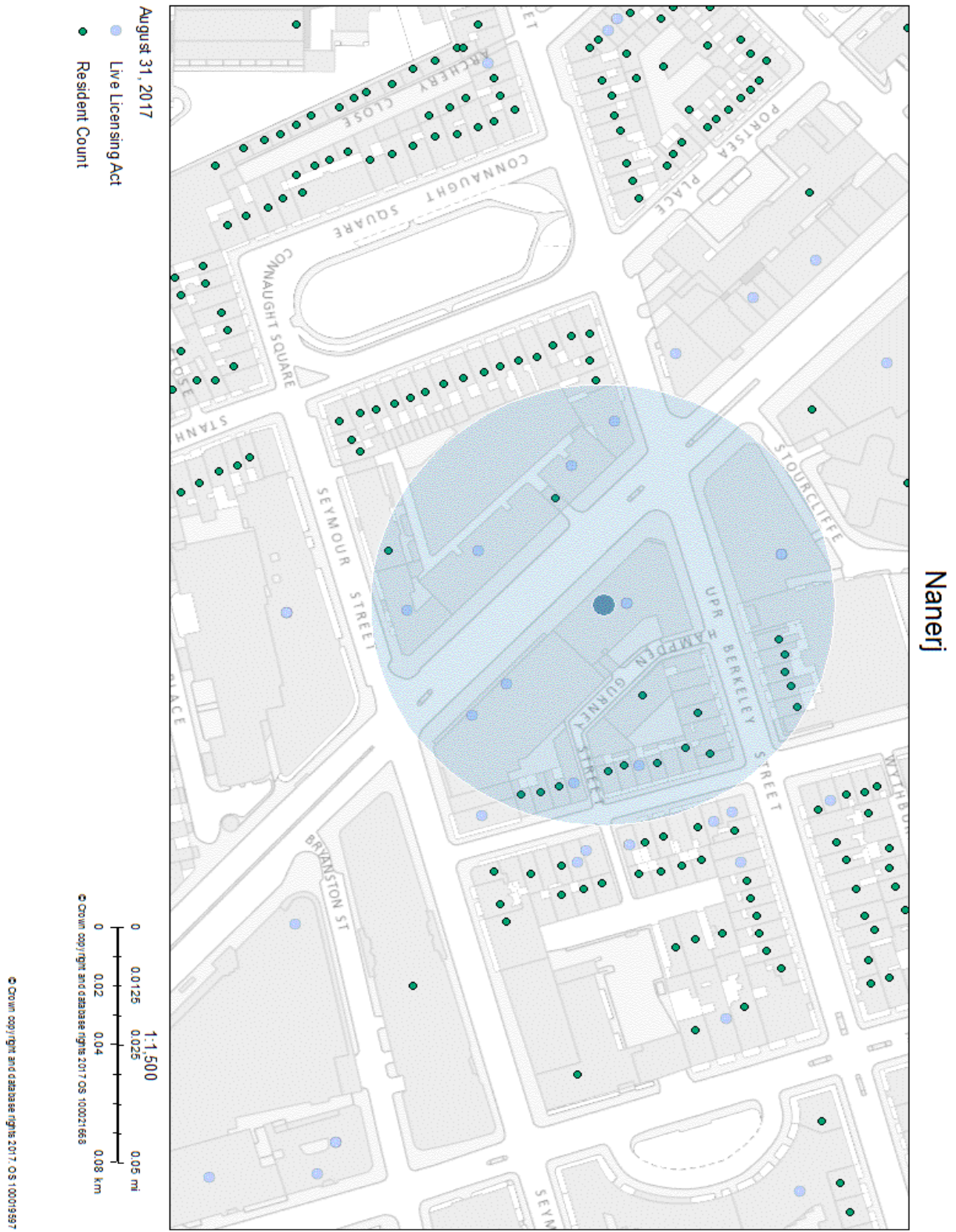
Annex 3 – Conditions attached after a hearing by the licensing authority

12. The supply of alcohol in the restaurant/bar area shall only be to persons taking table meals there for consumption by such persons as ancillary to their meal.
13. Suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises.
14. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. The premises will maintain a comprehensive CCTV system that covers all entry and exit points, enabling frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).
16. The premises are allowed non-standard timings to residents and their bona fide guest for sale by retail of alcohol on Monday to Saturday from 10:00 to 00:00.

Additional conditions proposed by the applicant in the operating schedule

17. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence
18. Custom will not be sought by means of solicitation in the vicinity of the premises.
19. All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition
20. Prominent, legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave premises.
21. Deliveries of goods will be carried out at such a manner as to prevent nuisance and disturbance to nearby residents.
22. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.

Residential Map and List of Premises in the Vicinity



Resident Count : 264

Premises within 75 metres of: Nanerj, 60 Edgware Road, W2 2EH

p / n	Name of Premises	Premises Address	Licensed Hours
72865	Sidi Maarouf	56 Edgware Road London W2 2EH	Sunday 12:00 to 00:30
73119	Sitt A Sham Restaurant	60 Edgware Road London W2 2EH	Monday to Sunday 11:00 to 00:00
38342	Snowflake, Unit 1, Marble Arch House	44 Edgware Road London W2 2EH	Friday to Saturday 08:00 to 02:00
5033	Maroush Restaurant	Basement 21 Edgware Road London W2 2JE	Monday to Saturday 09:00 to 02:30
72747	Ranoush Juice	43 Edgware Road London W2 2JE	Monday to Sunday 08:00 to 03:00
34285	Vinoteca	15 Seymour Place London W1H 5BE	Monday to Sunday 08:00 to 23:00
38341	As Nature Intended	36 Edgware Road London W2 2EH	Saturday 09:00 to 20:00
58021	Green Valley	36 - 37 Upper Berkeley Street London W1H 5QF	Monday to Sunday 08:00 to 00:00
58054	Biagi's	39 Upper Berkeley Street London W1H 5QE	Sunday 12:00 to 00:00
73184	Maroush Express	68 Edgware Road London W2 2EG	Monday to Saturday 10:00 to 01:00
38116	Donostia	9 Seymour Place London W1H 5BA	Monday to Friday 11:30 to 23:00
28737	Maroush Gardens	Basement And Ground Floor 1 Connaught Street London W2 2AF	Monday to Saturday 10:00 to 00:30
40575	Salt Dining Room	13 Edgware Road London W2 2JE	Monday to Saturday 10:00 to 01:30