

# Licensing Sub-Committee Report

Item No:	
Date:	30 May 2019
Licensing Ref No:	19/03246/LIPN - New Premises Licence
Title of Report:	Palm Palace Restaurant 84 Edgware Road London W2 2EA
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 64108094 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@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>	19 March 2019		
<b>Applicant:</b>	Palm Palace Restaurant Limited		
<b>Premises:</b>	Palm Palace Restaurant		
<b>Premises address:</b>	84 Edgware Road London W2 2EA	<b>Ward:</b>	Bryanston and Dorset Square
		<b>Cumulative Impact Area:</b>	Edgware Road
<b>Premises description:</b>	According to the application from the premises will trade as a ground floor restaurant serving hot and cold food. The applicant does not propose to serve alcohol		
<b>Premises licence history:</b>	The premises previously held a premises licence, 09/01811/LIPN. The licence was surrendered in November 2014. The premises have traded on a number of occasions by way of Temporary Event Notice.		
<b>Applicant submissions:</b>	None submitted		

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>	03:00	03:00	03:00	03:00	03:00	03:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			Late Night Refreshments to continue until 05:00 during the Holy month of Ramadan each year.				

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>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	03:30
<b>Seasonal variations/ Non-standard timings:</b>			Premises to stay open until 05:00 during the Holy month of Ramadan each year.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	26 March 2019
<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>The venue is situated within the Cumulative Impact Area. 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>I would be happy to meet with you and the applicant (and perhaps with EH) to discuss the application further, but this matter will need to be heard before the Licensing Sub Committee.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	16 April 2019
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.</p> <p>The applicant seeks hours for Late Night Refreshment which are significantly in excess of the Core Hours as defined in the City Councils Licensing Policy. The premises is located in the Edgware Road Cumulative Impact Area.</p> <p>Whilst the applicant has proposed a number of acceptable Conditions, and has agreed some additional Conditions with the Police and EH, we are concerned that the activities and hours sought in the Cumulative Impact Area may contribute to Cumulative Impact in a way that is likely be prejudicial to local residents, especially in relation to dispersal of patrons late at night.</p> <p>Opening beyond core hours, even if there is no Sale of Alcohol, may lead to the premises becoming a destination venue, resulting in more customers arriving and departing from the vicinity late at night. Patrons from other licensed premises may migrate to the premises in order to take advantage of later hours. This may lead to an increased risk of public nuisance to local residents because customers are actively present in the CIA at later hours.</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Roxsana Haq

**Received:**

11 April 2019

I write in relation to the application (19/03246/LIPN) submitted for a new Premises Licence for:  
**Palm Palace Restaurant, 84 Edgware Road, London W2 2EA**

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from harm

This application seeks the following:

1. The provision of late night refreshment (applicant has agreed to on premises only):  
Monday to Sunday 23:00 – 03:00

Non- Standard timings:

Late Night Refreshment to continue until 05:00 during the Holy month of Ramadan each year.

The premises is located within the Edgware Road Cumulative Impact area and as such a number of policy points must be considered, namely HRS1, RNT2 and CIP1.

The Licensing Authority note that following a site visit including the Environmental Health and Police consultation officers the applicant has agreed there will be no take away after 23:00 hrs. The premises operates as a restaurant with a maximum capacity of 30 persons (excluding staff).

Policy point 2.5.16 states “It is recognised that late night refreshment premises play an important role by providing food and drink for visitors and workers and for some residents late at night. However, because of the late hours that they operate, public nuisance can arise from these premises that affects residents and businesses. This is particularly from premises selling hot food or hot drink for consumption off the premises. It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

2.5.10 states that “Should a restaurant apply for permission to supply late night refreshment, that is the supply of hot food or hot drink at any time between the hours of 23.00 and 05.00, then, in the event of relevant representations being received, the licensing sub-committee will have regard, amongst other matters, to the desirability of encouraging the rapid dispersal of people from the Cumulative Impact areas, and the times of closing of other premises in the vicinity.”

Furthermore, there have been resident objections received to this application in relation to noise and public nuisance. Policy points 2.3.4 states “The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and disturbance of residents’ rest, relaxation and sleep will be of particular concern.” And point 2.3.5 “Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.”

The Licensing Authority request further information as to how the applicant proposes to address

the above concerns should this application be granted within the Edgware Road Cumulative Impact Area.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and I look forward to receiving any further submissions

**On 22 May 2019, the Licensing Authority made the following further submissions:**

Following a re-assessment of the application, the Licensing Authority would like to confirm to the applicant that this application actually falls within policy FFP2 of the Council's Statement of Licensing Policy 2016.

Policy FFP2 states that "It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary within the Core Hours under Policy HRS1".

Paragraph 2.5.20 of the policy states that due to the retention of people within cumulative impact areas as a cause of fast food premises, the Licensing Authority considers that the grant of variations or new licences for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances.

Therefore, it will be for the applicant to demonstrate any genuinely exceptional circumstances that would allow to depart from policy.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	1 April 2019
<p>We wish to oppose this application on the basis that Palm Palace Restaurant stays open until 5am each day and frequently causes a disturbance to our tenants wishing to sleep at that time. Customers sit on chairs on the forecourt of the premises talking loudly and, on occasion, having noisy disputes.</p> <p>Furthermore, we understand Palm Palace has been trading from the adjoining premises without permission and is now seeking permission to continue to do so with permission. The tenants of Connaught Court are completely opposed to this as it will only create more noise and disturbance to those living close by.</p> <p>Finally, we understand it to be Westminster's policy not to grant any further restaurant licenses in this already saturated part of London.</p>	

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Policy CP1 applies</b>	<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>
<b>Policy HRS1 applies</b>	<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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy FFP2 applies</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

### 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>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

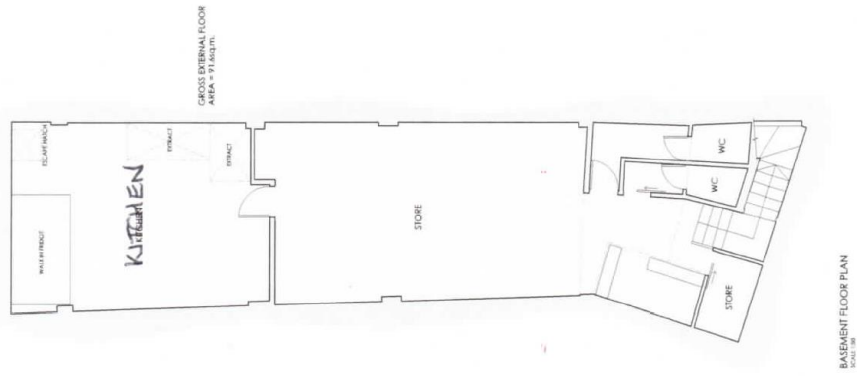
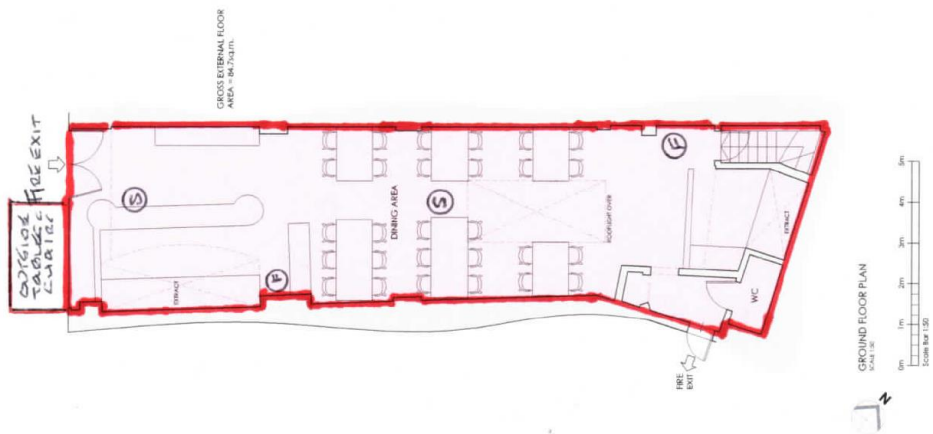
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**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service Representation	26 March 2019
<b>5</b>	Environmental Health Service Representation	16 April 2019
<b>6</b>	Licensing Authority Representation	11 April 2019
<b>7</b>	Interested Party Representation	1 April 2019

PALM PALACE 84 EDGWARE ROAD W2 2EA



**LEGEND**

ⓕ - FIRE EXTINGUISHER

Ⓢ - SMOKE DETECTOR

Project: PALM PALACE 84 EDGWARE ROAD LONDON W2 2EA

Client: MR A. QADAR

Project No: 5046

Drawn No: S046-PD-01

Scale: AS SHOWN/BA

Date: Nov 2013

Revision: B

Drawn: HB

Check: RC

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**Applicant Supporting Documents**

**Appendix 2**

None submitted

## Premises History

## Appendix 3

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
09/01811/LIPN	Surrender of the Premises Licence	14 November 2014	
<b>Temporary Event Notices</b>	<b>Date of Event</b>	<b>Activities/Hours</b>	<b>Decision</b>
15/05249/LITENN	21 July 2015 to 24 July 2019	Late Night Refreshment 23:00 to 05:00	Event permitted
15/05250/LITENN	27 July 2015 to 30 July 2015	Late Night Refreshment 23:00 to 05:00	Event permitted
15/05297/LITENN	5 August 2015 to 8 August 2015	Late Night Refreshment 23:00 to 05:00	Event permitted
16/04988/LITENN	15 July 2016 to 18 July 2016	Late Night Refreshment 23:00 to 05:00	Event permitted
16/04995/LITENN	22 July 2016 to 25 July 2016	Late Night Refreshment 23:00 to 05:00	Event permitted
16/04997/LITENN	29 July 2016 to 30 July 2016	Late Night Refreshment 23:00 to 05:00	Event permitted
16/05000/LITENN	12 August 2016 to 15 August 2016	Late Night Refreshment 23:00 to 05:00	Event permitted
16/05045/LITENN	19 August 2016 to 22 August 2016	Late Night Refreshment 23:00 to 05:00	Event permitted
17/07217/LITENN	20 July 2017 to 22 July 2017	Late Night Refreshment 23:00 to 05:00	Event permitted
17/07220/LITENN	2 August 2017 to 5 August 2017	Late Night Refreshment 23:00 to 05:00	Event permitted
17/07224/LITENN	10 August 2017 to 12 August 2017	Late Night Refreshment 23:00 to 05:00	Event permitted
17/07226/LITENN	17 August 2017 to 19 August 2017	Late Night Refreshment 23:00 to 05:00	Event permitted
17/07228/LITENN	24 August 2017 to 26 August 2017	Late Night Refreshment 23:00 to 05:00	Event permitted
18/07101/LITENN	10 August 2018 to 12 August 2018	Late Night Refreshment 23:00 to 05:00	Event permitted
18/07102/LITENN	17 August 2018 to 19 August 2018	Late Night Refreshment	Event permitted

		23:00 to 05:00	
18/07103/LITENN	28 August 2018 to 31 August 2018	Late Night Refreshment 23:00 to 05:00	Event permitted
18/07111/LITENN	3 August 2018 to 5 August 2018	Late Night Refreshment 23:00 to 05:00	Event permitted
18/07113/LITENN	24 August 2018 to 26 August 2018	Late Night Refreshment 23:00 to 05:00	Event permitted

## **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

### **Conditions consistent with the operating schedule**

1. Licensable activities shall only be permitted on the Ground Floor of the premises.
2. All waste is to be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection time
3. The supply of food to the outside area shall be by waiter/waitress to seated people only
4. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling the frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities. All recordings shall be kept available for a minimum period of 31 days with time and date stamping. Recordings shall be made available, immediately upon the request of an authorised officer or a Police Officer together with the facilities for viewing throughout the preceding 31 day period.

**Police and Environmental Health have proposed the following alternative condition which has been agreed by the applicant so as to form part of the operating schedule:**

**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.**

5. The means of escape provided for the premises shall be maintained unobstructed, free from trip hazards, and be immediately available and clearly identified
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and leave the area quietly.
7. There shall be no takeaway food after 23:00 hours
8. The pavement from the building line to the kerb edge immediately outside the premises, shall be swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements
9. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.

**Conditions proposed by the Police and Environmental Health Service and agreed by the applicant so as to form part of the operating schedule**

11. 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.
12. 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
  - (g) any visit by a relevant authority or emergency service.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
14. All tables and chairs in the outside area shall be removed or rendered unusable by 23.00 each day.
15. The number of persons accommodated at the premises at any one time (excluding staff) shall not exceed 30 persons.



Resident count: 418

**Licensed Premises within 75 Metres of 84 Edgware Road**

Licence Number	Trading Name	Address	Premises Type	Time Period
14/11091/LIPN	Etc.Venues	Garfield House 86-88 Edgware Road London W2 2EA	Office	Monday to Sunday; 07:30 - 20:00
19/00084/LIPDPS	Tesco Metro (06209)	90-100 Edgware Road London W2 2EA	Shop (large)	Monday to Friday; 06:00 - 01:00   Saturday; 06:00 - 00:00   Sunday; 11:00 - 17:00
06/11521/WCCMAP	Riteway	57 Edgware Road London W2 2HZ	Shop	Monday to Sunday; 23:00 - 05:00
09/07580/LIPDPS	Maroush Deli	45-49 Edgware Road London W2 2HZ	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

10/01705/LIPCHT	Maroush Express	68 Edgware Road London W2 2EG	Restaurant	Monday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 01:00
13/03776/LIPN	Green Valley	36 - 37 Upper Berkeley Street London W1H 5QF	Food store	Monday to Sunday; 08:00 - 00:00
18/01245/LIPCHT	Saffron Restaurant	Basement And Ground Floor 39 Upper Berkeley Street London W1H 5QH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
10/07102/LIPVM	Al-dar Restaurant	61 - 69 Edgware Road London W2 2HZ	Restaurant	Monday to Saturday; 10:00 - 01:30   Monday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 01:00   Sunday; 12:00 - 01:00
06/11458/WCCMAP	Maroush Gardens	Basement And Ground Floor 1 Connaught Street London W2 2AF	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00