

# Licensing Sub-Committee Report

Item No:	
Date:	30 January 2020
Licensing Ref No:	19/11833/LIPN - New Premises Licence
Title of Report:	127 Crawford Street London W1U 6BG
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 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>	24 September 2019		
<b>Applicant:</b>	Gulf House Ltd		
<b>Premises address:</b>	127 Crawford Street London W1U 6BG	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application form the premises are used as a café which serves hot food and drink		
<b>Premises licence history:</b>	This is a new licence application and therefore no licence history exists		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:30	01:30	01:30	01:30	01:30	02:30	02:30
<b>Seasonal variations/ Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	01:30	01:30	01:30	01:30	01:30	02:30	02:30
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbricatore
<b>Received:</b>	11 October 2019
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>This representation is based on the Operating Schedule and the ground floor and basement plan of the premises, titled with the address, reference 20190913-PL01B, revision B and dated 18/09/19.</p> <p>The applicant is seeking the following on the <b>ground floor</b>:</p> <ol style="list-style-type: none"><li>1. The provision of Late Night Refreshment 'indoors and outdoors' Monday to Friday 23:00-01:30 hours and Saturday and Sunday 23:00-02:30 hours.</li></ol> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"><li>1. The provision of the Late Night Refreshment may cause an increase in Public Nuisance in the area.</li></ol> <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.</p> <p><b>The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</b></p>	

2-B Other Persons	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	20 October 2019
<p>THIS REPRESENTATION is made by the ██████████ writing on behalf of the local community. We object to the above application as it is contrary to the Licensing Objective: The Prevention of Public Nuisance</p> <p>Although not forming part of the Licencing Objectives we would ask the Licencing sub-Committee to bear in mind the attitude of Westminster Council articulated in the policy document -"Reducing the Harm of Shisha: Towards a Strategy for Westminster." February 2017</p> <p>Firstly it should be noted that Gulf House is in fact a shisha café. Originally a daytime Italian coffee house closing at 17:30. It changed to a Mediterranean restaurant a few years ago and then to a shisha café in 2018.</p> <p>The key issue about this application is the precedent that would be set and therefore describing some background about the locality is necessary.</p> <p>About 100m away on the corner of Crawford Street and Gloucester Place there are two shisha</p>	

cafes at 13A and 13C Crawford Street.

In a recent survey of [REDACTED] members regarding attitudes to shisha cafes, out of 25 responses there were 10 specific and detailed complaints about these two cafes - and also incidentally 7 about Gulf House.

The two cafes have a long history of generating a public nuisance and causing health-threatening fumes. Complaints have been made about:

- o Intimidation of pedestrians especially single women
- o Death threats to local residents and the manager of a nearby restaurant when they have made complaints
- o Poor behaviour by drivers who park badly or illegally, engine noises and door slamming at night
- o Continued disregard for the safety of children and adult pedestrians with the swinging of charcoal burners
- o Lighting of a charcoal brazier 16 hours a day in the lightwell next to residential dwellings causing a danger to residents through NO2 and carbon monoxide emissions
- o Continued flouting of Licence conditions:

13A -

Condition 3 - no more than 6 covers on forecourt

13C -

Condition 6 - No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

Condition 9 - All outside tables and chairs shall be rendered unusable by 23.00hrs each day  
Westminster unfortunately take no action to enforce or perhaps don't have the resources

Although it may seem unfair to visit the sins of these cafes on the heads of the applicant they are not blameless themselves

- o Already Gulf is open later than 23:00 despite not having a late night refreshment licence
- o The Marylebone Association received the first (anonymous) complaint about Gulf on 14 May 2018. To quote part of this:

They are making a lot of noise at night time, playing music, customers talking very loudly and banging of staff breaking charcoal in the middle of the pavement.

They use to close every day at 5:30pm as they use to trade as a cafe but now there are closing daily around 11pm to midnight.

They are placing tables and chairs on the pavement where they are only use to put 4 tables and 8 chairs.

They are using live charcoal which is a fire risk to all residents, the smell from it is killing us, we can't even open our windows especially now that its summer time.

Shockingly, this resident was so traumatised by the aggressive response from management when a complaint was made that they refused to drop their anonymity out of fear. Consequently the complaint could not go further with Westminster Council, although the ward councillors were informed

Taking the current application in isolation the proposed hours are extraordinary and totally inappropriate for this residential area of Marylebone. This small stretch of Crawford Street is dominated by the mansion blocks of Montagu Mansions with some shops with residents above (and indeed above Gulf House). As the streets in the locality quieten down dramatically after 23:00 the perception of noise generated by conversation of customers and the disturbance created by cars arriving and departing with attendant door slamming only gets exacerbated. Just because Gulf House is not serving alcohol does not any any way decrease the nuisance caused to sleeping residents by the additional noise from its activities. In addition the fumes generated

by shisha smoking are very disturbing for many people. Having to put up with the smells well into the night is a deeply unpleasant prospect for residents in the immediate vicinity. Licensed restaurants nearby such as Zizzi or Casa Becci on the other side of Baker Street close at 23:00. The two licensed premises in this part of Crawford Street are Ishtar which closes at 23:00 (24:00 Fridays) and right next door to Gulf House is The Beehive Pub which closes at 23:00 - despite it's licence allowing later hours. These premises are responsible neighbours.

Allowing Gulf to open under the terms of their current application would set a precedent that could be disastrous for this residential neighbourhood and so we urge the licencing sub-committee to reject this application entirely.

If, nevertheless, a licence is to be granted then we strongly urge that a condition be added, and enforced, requiring external tables and chairs to be rendered unusable at 23:00

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019

Please do not grant this Licence. I already have disturbed sleep from the noise of the clients at night from this cafe. Allowing them to stay open till 1.30pm will make sleep very difficult. In my building there are Doctors who work in hospitals and teachers who need to have a good nights rest in order to perform their jobs.

Granting this licence will mean that we cannot have the rest required to continue our work. Also the smell of shisha is imposing on our air quality which is already contaminated enough with motor vehicle pollution.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019

I wish to object to this proposal, it doesn't not align with WCC Licencing Objectives or the prevention of public nuisance.

I am a resident of Marylebone (I have lived here for 15 years). I have two young children and we walk daily to and from school along Crawford street almost all the way from Marylebone high street to Edgware Road.

We do not enjoy having to pass the many shisha cafes along Crawford st twice a day. Our children themselves hate to walk past them due to the smoke and smells. There have been times when my children have been in danger due to searing hot coals/fires being left on the pavement (outside of the seating area) and also when the workers swing these baskets of hot coals they have done so in the vicinity of our family. The disposable plastic mouthpieces also litter the ground.

These specific health and safety concerns should be regulated tightly. It would benefit the community to have these cafes closed.

They do nothing but contribute to atmospheric pollutants and display unhealthy acts at much too high a frequency.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	18 October 2019

As a resident of Crawford Street, a relatively quiet primarily residential street, I read this application with dismay. What are the council thinking of in even considering this application?

If anyone were to apply for a licence for a pub, or a 'cigar room cafe' or even a vaping cafe - that would stay open every night until at least 1.30, sometimes 2.30, in the morning they would be told 'no chance' yet this application is being taken seriously. If passed it would be to the huge detriment of the large number of full-time residents living in very close proximity. Starting with Gulf House this licence would no doubt lead to similar extensions for the other shisha cafes close by.

As a local resident who already has to pick her way daily past men carrying swaying buckets of live/glowing charcoal, the plan is unacceptable. The double irony is that Westminster Council is already spending large amounts of taxpayers' money on their 'Kick It - Stop Smoking Shisha' clinic - yet they now appear to be facilitating the extension of this dangerous and polluting habit - it doesn't make sense?

No-one NEEDS 'late night refreshment' of this type - it's a choice - whereas the local residents (and council tax payers) are not being offered the same choice when it comes to the quiet enjoyment of their homes and the neighbourhood. For 'late night owls' there are plenty of options on nearby Edgware Road but the construction of the buildings in Crawford Street means that sound bounces off the buildings increasing the volume still further. Is it too much to ask that common sense prevails?

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]
<b>Received:</b>	21 October 2019

As chair of the [REDACTED] - Clarewood Court being a Mansion Block in Crawford Street between Wyndham Place and Seymour Place, on behalf of the residents of Clarewood Court, I am in agreement with Guy Austin's Representation on behalf of the Marylebone Association. That is to say that whilst there is no objection to shisha smoking, per say, there is real concern that is altering the culture of the neighbourhood and as Mr Austin states is seriously and dangerously impacting the lives of residents of Crawford Street

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	9 October 2019

I strongly am against this application. This is very much a residential area and already the activity outside the premises is noisy in the late evening which disturbs our sleep especially on Monday to Fridays. Also customers predominantly male is intimidating to young females walking home at night. Please do not grant this license. We do not want Crawford st to become another Edgware Road.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████

<b>Received:</b>	10 October 2019
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I object in the strongest terms as someone who lived in the ██████████ Gulf House and ██████████ the Beehive Pub.

I see no reason why the cafe should have later eating hours than the pub has on noise grounds alone. The cafe clients often arrive and depart in noisy vehicles, loud conversations can be heard, etc...

The area is a predominantly quiet one at night and by having late night opening of a cafe that relies on its outside space for its income will change the night time character of the neighbourhood.

The cafe already infringes it's existing licence, it has been open till well beyond midnight and no representation has ever induced them to stop this anti-social infringement of their existing license.

The other issue with this cafe is their disregard of health and safety and representations from the council teams requests. I know that they have previously been asked not to keep their hot coal baskets off the public footway and keep them on their premises but they continue to leave them outside their boundary and their staff regularly swing the live coal baskets up and down the foot path /pavement

- In summary my reasons are
- 1 Noise of cafe clients and their cars will have a negative effect on the residents who live opposite as bd adjacent
  - 2 The cafe owners already breach health and safety regulations in their use of live coals
  - 3 The change if the night time character of the neighbourhood

Thank you in advance for taking into account my objections in your deliberations

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████

<b>Received:</b>	10 October 2019
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Totally object to this license being granted. The noise generated from people sitting outside is bad enough without having them there till 1.30am.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████

<b>Received:</b>	9 October 2019
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I would like to strongly object to this application.

1.30am is far far too late . It is a residential area and will seriously impact the area. Any extension will be used to sell Shisha , food is just the cover for the application. The Shisha smoke will seriously impact the environment in terms of air pollution .

There will noise and disruption late into the early morning hours , locals do not use Shisha . People come from outside. Shisha is not licensed , so there are no real controls .

There have been complaints about Gulf House from people I know . Women feel very uncomfortable waking part there at night. The air highly polluted. It is utterly wrong to extend the license hours

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 October 2019

This establishment provides a public nuisance with a lot of shisha smoke being blown onto people walking by and into nearby open windows. it would be a disadvantage to the community to have this open longer

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 October 2019

As a local resident with young children we already suffer from late night noise from high performance cars and late night revelers. Having a premises open until the small hours of the morning in close proximity is clearly an undesirable development which will no doubt attract people who do not live in the area resulting in more noise and late night activity.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]
<b>Received:</b>	21 October 2019

I am a resident of [REDACTED] and have lived in the area for twenty years. Until quite recently, this café, Gulf House, was of the more traditional type, serving breakfasts and lunches to the local community and would finish trading for the day by the early evening. Although the application states that the 'premises is currently used as a café which serves hot food and drink', In the last 12-18 months there has clearly been a change in the operation of the business, so that it now appears to predominantly be a shisha smoking place, with food and drinks a secondary concern. This shift in business has had a negative effect on the surrounding area, with shisha pipes cluttering the street and hot coals being swung in the air over the pavement. Little regard is shown for passing pedestrians. Serving the tables and servicing the pipes from this area has the effect of treating the public highway as if it were part of the café. This obviously causes frequent obstructions.

I am not aware if there is a 'tables and chairs' licence required for this activity. There has also been a noticeable increase in the number of illegally and inconsiderately parked cars in the area surrounding the café since the shisha smoking activity started.

I object to the application for a variation to the licence for the following reasons.

The likely (and indeed inevitable) impact of granting the application will be to harm the licensing objectives of 'prevention of public nuisance', 'public safety' and 'prevention of crime and disorder'.

The application is to provide 'late night refreshment' and opening hours to 1;30am Monday-Friday, 2:30am Saturday and Sunday. The hours requested are completely out of line with what is reasonably acceptable for the area. They are also way outside the City Council 'core hours' set out in Policy HRS1 of the Statement of Licensing Policy.

The hours requested are completely out of line with what is reasonably acceptable for the area. They are also way outside the City Council 'core hours' set out in Policy HRS1 of the Statement of Licensing Policy.

The application states that 'As there have been no issues with the premises so far, the change in closing hours from 11pm to 1:30am on weekdays and 2:30am on the weekend should have minimal effect'. It is my belief that these late-night hours will increase nuisance, anti-social behaviour and noise in a largely residential area.

The late opening will be a magnet for those driving around late at night looking for a shisha smoking venue and will increase traffic noise and pollution and will also create further parking issues. This will be of considerable nuisance, not only to the residents of Crawford Street, but to many of the residents on surrounding streets.

In the last few years, this small stretch of Crawford Street, between Baker Street and Gloucester Place, has seen three shisha smoking venues open. This has changed the nature of the street completely, with detriment to the local community. All three establishments create a nuisance with noise, pollution, anti-social behaviour and illegal parking. To grant a late-night licence to Gulf house to facilitate and enable them to open until the early hours of the morning would be severely detrimental to residents and would only encourage the other shisha venues to apply for the same, increasing the misery of local residents still further.

The proposed license plans include the outside tables and chairs as part of the 'licensed premises' and could therefore be utilised until 1:30/2:30am. I would suggest that a restriction be placed on any licence Gulf House might receive, stating that all outside seating areas should be vacated by 9pm. This would be in line with most other establishments in the area that provide refreshments to the public.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 October 2019

I believe it is wrong to encourage more late night establishments along Crawford Street. This would mean more noise and late night activity and also horrendous parking problems. I strongly object,

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019

There are far too many shisha cafes in our local residential area already and another such late opening will encourage even more guests sitting out on the street late at night, smoking no doubt. The waiters swinging BBQ type hot charcoal are dangerous, the resulting smoke polluting and often they do not look what they are doing which could be dangerous to walkers passing by and a fire risk too.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	12 October 2019

I am very concerned at the possibility of ,more noise and people getting into cars late at night. Sara and Arabesque are already a problem on hot nights and their clients tend to drift down into Spring Mews for various reasons. If this licence is allowed we will have no sleep and it will encourage others to apply for a late licence. I also have problems walking past the existing shisha cafes as they spill on to the pavement and the fumes drift down into Spring Mews.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	12 October 2019

From my experience regularly witnessing the current use of these premises, this application is not about provision of late restaurant services (hot food), rather simply it is about smoking shisha until the early hours. The impact on this relatively quiet residential area is increased parking of generally large vehicles for longer on the streets, and the associated noise when their clients arrive/depart; lots of talking, door slamming, and often loud acceleration which is bound to disturb the sleep of many around, particularly those in Montagu Mansions.

There is plenty of opportunity for late night (even all night) shisha smoking in the nearby busy Edgware Road area so I strongly object to introducing that concept in our quiet area.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019

The two existing shisha cafes in this block already cause great nuisance to local residents with noise and fumes so to add yet another shisha cafe with a licence until 1.30 am would further exacerbate a situation which is already causing problems. In a residential neighbourhood such as this one shisha cafe is one too many, three would be unnecessary. I would therefore ask you to turn down this application firmly.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	12 October 2019

I think that the opening hours - until 01.30 during the week and 02.30 at weekends - are a little excessive. It would also set a dangerous precedent for the other cafes, restaurants and public houses in the street. I am not aware that this is currently the norm. There are, after all, many private residences in the street and allowing all the establishments to stay open until the early hours would be very disruptive.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	14 October 2019
The proposed extension of hours is totally inappropriate in a residential area, and would inevitably lead to excessive noise and disturbance.	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019
I live round the corner and I have noticed that after the new premises opened, there is more noise on the street and the distinct smell of shisha is everywhere around during the whole day. Noise (people talking loud and cars manoeuvring) keep us up sometimes during late hours. The cars often park on Crawford Street and there is traffic congestion that often blocks the roads creating more insecurity when crossing Crawford Street. The pavement is small and we are pushed to use the opposite pavement to walk to Baker Street. It would be terrible, to all of us in the building if the hours are extended. I understand that all others in my building also object and I base this on the fact that they have shared their views and we all thought we should make our objections online (which I hope they also did or will do)	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019
How many shisha cafes does the area need. There are already at least two within a one minute walk, both used to be regular cafes and are represent a loss to long time residents. I don't think the patrons are local residents. This not racist. Our small block of [REDACTED] flats has 12 nationalities and I haven't seen any of them as patrons.  A late night licence will only exacerbate the noise. we already have high powered cars revving late at night driving west. From Chiltern Firehouse I assume as these are not inexpensive cars as they roar along Dorset St at high speed.	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019
Crawford Street, and specifically the pavements outside its shisha establishments, has become a disgrace to Marylebone. The planning authorities should be ashamed at have permitted these noisy, smelly places - and should try walking down the pavements when a waiter is swinging burning coals in a brazier. I have been hit once by such a brazier. It is only a matter of time	

before there is a serious accident involving children running down the street.

A responsible Council would be closing these places down, not considering allowing further establishments in with extended licensing hours which would be used as a precedent for others.

Those making the decision on this should try doing so while standing on the pavement with a brazier being swung in their faces!

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 October 2019

We have lived in [REDACTED] for over 50 years.

In the past few years we have been concerned about the increasing number of young men driving up and down the street in high powered cars at night - they appear to congregate outside the Shisha Cafes.

This is a residential area and we are used to our pubs, restaurants and cafes closing at reasonable times. We are worried that any late opening of any establishment will only add to the noise and could be regarded as the thin end of the wedge - there are two other Shisha Cafes within 50 yards of Gulf House and, if an extension is granted to Gulf House, then there would be nothing to stop the others applying. If successful this would change the quiet nature of this area ( already under threat from the high revving, high speeding cars).

It would also appear that any extension would not fit in with WCC Licencing Objectives or the prevention of public nuisance.

Please do not grant this extension - we can see no reason for it. There already exists a "till one a. m. " area in nearby Edgware Road. We can see no reason for it to extend into our residential neighbourhood.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 October 2019

There are three Shisha 'cafes' in Crawford Street between Gloucester Place and Baker Street including this one. Which is, in the scheme of things, probably two too many as it is radically changing the nature and feel of the street. It is inconceivable that the council would allow three pubs in the same short length of what is essentially a residential road. If this application is OK'd the other two Shisha places will, no doubt, also want to extend their hours using the understandable reasoning that the new hours given to the cafe at 127 is unfair competition. The implication behind the application is the extension is required to serve food and beverages. But the reality is that the cafe is used mainly to smoke Shisha. Westminster council, along with Kensington & Chelsea and Hammersmith & Fulham, in association with the NHS are backing a 'Shisha Stop Smoking Clinic' and issuing expensive leaflets warning of the health dangers (which presumably don't just apply to the patrons of the cafes, but also to passing pedestrians). It would be very strange if, whilst using ratepayers/taxpayers money on this initiative, the council were also to encourage more smoking by granting this application.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	12 October 2019

There are : Sara Shisha cafe, Gulf Shisha cafe and Ishtar restaurant in a very small block. We already suffer intolerable traffic and noise pollution in the evenings and I other fellow residents are all against this extension. We already objected to the extension for Ishtar which I believe was not granted.

I suggest any of the people considering this application come and see how congested and noisy this street has become. Further I would like to recommend the council restricts parking with double yellow lines.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 2019

As Ward Councillors we write strongly to object to the above application as it fails to meet the Licensing Authority's objectives in particular but not solely prevention of public nuisance. In addition, prevention of crime and disorder and public safety.

Premises providing late night refreshment which are open after 23:00 can become a destination point for customers who have been consuming alcohol because of the late hour, leading to anti social behaviour.

The number of customers after core hours leads to additional noise and disturbance. Whilst premises which serve cold food and drink are not subject to licensing, those serving hot food such as these premises are more attractive. For this application it is considered that public nuisance will arise from these premises which will affect the immediate residents and those in the vicinity.

Customers paying their bills, leaving, the clearing up in the kitchen and public parts of the premises all give rise to noise and public nuisance.

This is a hugely residential area with a number of small hotels around the corner in Gloucester Place. The Licensing Authority, Environmental Health and Councillors have dealt with numerous complaints regarding the two cafes in the same block in Crawford Street.

Thank you for your consideration.

We respectfully request that this application is refused.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	9 October 2019

As a dog owner who walks many of the Marylebone streets several times a day I can say that the Shisha places are very bothersome, to me and to my dog. Gulf House, Sara Cafe, Arabesque on Crawford and Diwan on the Marylebone High Street emit great amounts of pollution and nauseous smells. And the charcoal braziers on the sidewalk, at dog height, are a

hazard. The number of such places, the maximum number of shisha, and the opening hours must be better controlled. If Gulf House were to lengthen its opening hours it would only add to the pollution and encourage other shisha places to request the same. Maybe these places should be allowed to have smoking inside, and only inside? Please save the air quality and ambiance of Marylebone by limiting shisha spots.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	09 October 2019

We do not want more shishas establishments nor do we want them open later. These are polluting environments and they do nothing to add to the community. At a minimum, we cannot have multiple shishas establishments clustered together nor can we have establishments that open under one premise when their goal is to convert to another. My family and I strongly object.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 October 2019

My main concern is with the noise that always accompanies late-night openings. This arises both from the type of clientele that is out and about after midnight, but also from the fact that they tend to arrive and leave by car/taxi late at night. This then gives rise to car doors slamming, engines reviving up etc which all contribute to the noise. Whilst restaurants may claim that they ask their clients to leave quietly, this simply does not happen late at night.

A similar application from Ishtar Restaurant was turned down by the Council a few years ago as a result of all the objections from neighbours. Were this current application to be granted, it would presumably be followed by similar applications from the three cafes on the opposite side of Crawford Street, including Ishtar, which it would then be difficult to turn down. What has been up to now a quiet residential street would become a thriving nightspot which is the last thing anyone living here wants.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 October 2019

I wish to object to the proposal above. This is a largely residential area which is occupied by both families, the elderly and working individuals. To permit opening hours to 1.30am 5 nights a week and until 2.30am 2 nights a week is not in keeping with the area and is certainly not necessary. The application is for inside and outside use which would exacerbate the problems.

Nearby on the same street are other cafes/restaurants and to grant permission to extend opening hours to one would set an unwelcome precedent to others.

The noise pollution and car pollution as existing is, at times, difficult and unpleasant to live amongst. Often the access to Spring Mews is partially blocked by parked cars, requiring me to find the owner who is dining at one of the nearby restaurants. In order to do this I have to stop

on Crawford Street. Parking is becoming a major issue in Crawford Street and Spring Mews as the cliental park on the single yellow lines. When returning to their vehicles they chat noisily, bang car doors and are generally inconsiderate to those who live here.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	12 October 2019

I have lived in the [REDACTED] in question for more that forty years. We have suffered regularly from late night revellers at e.g. the Beehive Tavern, as well as from the two other shisha cafes in the street. We certainly do not want the problem made worse. I am puzzled at the proliferation of these establishments in the area and wonder whether they can all be needed

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 October 22019

We live in [REDACTED]. We, my partner and young child of eleven have become increasingly concerned about the proliferation Shisha bars Crawford Street, the newest arrival being Gulf House. I am extremely concerned that Gulf House has now submitted a licence application which will allow the café to remain open serving hot food - and presumably shisha - until 1:30 in the morning. There have been complaints about this establishment and many complaints about the two shisha cafes in the same block in Crawford Street. It is possible that if Gulf were to remain open until 1:30 then Sara Café and Arabesque could also attempt to open later and the cumulative effect on the neighbourhood would be disastrous. I can smell the acrid smoke in the hallway and in my front room and I dare say others have noticed this too. As well as being unpleasant, it is also toxic and we should all be concerned about the detrimental effect this has on our health. Living in a basement, the smoke pools outside our flat, especially the gaseous elements such as carbon monoxide, which have no odour.

I have become increasingly concerned about the presence of the charcoal burner in the basement on the corner of Crawford Street, used by Sara Cafe to fuel their shisha pipes and cannot understand why the council has not seen fit to instruct the removal of the burner immediately.

In addition to this, I would like to highlight the poor working practices of Gulf House - littering, obstructing the pavement and parking infringements.

In short, we strenuously object to Gulf House's application to stay open until late as it does not conform with WCC Licencing Objectives and the prevention of public nuisance.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	9 October 2019

I strongly object to the licence change. It is essentially to sell Shisha not food.

Noise and anti-social activity will continue into the early hours of the morning from people coming and going. I have received complaints about Gulf House.

### 3. Policy & Guidance

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

<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 FFP1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. 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

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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 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service Representation	11 October 2019
<b>5</b>	Interested Party Representation (1)	20 October 2019
<b>6</b>	Interested Party Representation (2)	10 October 2019
<b>7</b>	Interested Party Representation (3)	10 October 2019
<b>8</b>	Interested Party Representation (4)	21 October 2019
<b>9</b>	Interested Party Representation (5)	18 October 2019
<b>10</b>	Interested Party Representation (6)	21 October 2019
<b>11</b>	Interested Party Representation (7)	9 October 2019
<b>12</b>	Interested Party Representation (8)	10 October 2019
<b>13</b>	Interested Party Representation (9)	10 October 2019
<b>14</b>	Interested Party Representation (10)	9 October 2019
<b>15</b>	Interested Party Representation (11)	21 October 2019
<b>16</b>	Interested Party Representation (12)	22 October 2019
<b>17</b>	Interested Party Representation (13)	21 October 2019
<b>18</b>	Interested Party Representation (14)	21 October 2019
<b>19</b>	Interested Party Representation (15)	10 October 2019
<b>20</b>	Interested Party Representation (16)	12 October 2019
<b>21</b>	Interested Party Representation (17)	12 October 2019
<b>22</b>	Interested Party Representation (18)	10 October 2019
<b>23</b>	Interested Party Representation (19)	12 October 2019
<b>24</b>	Interested Party Representation (20)	14 October 2019
<b>25</b>	Interested Party Representation (21)	10 October 2019
<b>26</b>	Interested Party Representation (22)	10 October 2019
<b>27</b>	Interested Party Representation (23)	10 October 2019
<b>28</b>	Interested Party Representation (24)	11 October 2019
<b>29</b>	Interested Party Representation (25)	11 October 2019
<b>30</b>	Interested Party Representation (26)	12 October 2019
<b>31</b>	Interested Party Representation (27)	10 October 2019
<b>32</b>	Interested Party Representation (28)	9 October 2019
<b>33</b>	Interested Party Representation (29)	9 October 2019
<b>34</b>	Interested Party Representation (30)	11 October 2019
<b>35</b>	Interested Party Representation (31)	13 October 2019
<b>36</b>	Interested Party Representation (32)	12 October 2019
<b>37</b>	Interested Party Representation (33)	10 October 2019
<b>38</b>	Interested Party Representation (34)	9 October 2019



**Applicant Supporting Documents**

**Appendix 2**

None submitted

## **Premises History**

## **Appendix 3**

There is no licence or appeal history for the premises.

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

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

None

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

None

### **Conditions proposed by the Environmental Health**

1. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Notices shall also state that there is to be no loitering outside the premises after 23:00 hours.
3. Deliveries to the premises shall only take place between 0800 and 2300 hours.
4. 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.
5. During the hours of operation 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 the aforementioned 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.
6. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. The number of seated persons inside the premises (excluding staff) shall not exceed 26 persons.

8. No licensable activities shall take place in the basement.
9. All outside tables and chairs shall be rendered unusable by 23.00 each day.
10. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.



Resident Count: 283

<b><u>Licensed premises within 75 metres of 127 Crawford Street, W1</u></b>				
17/14429/LIPDPS	The Beehive Public House	126 Crawford Street London W1U 6BF	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
15/03355/LIPT	Reubens Restaurant	79 Baker Street London W1U 6RG	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/11707/LIPDPS	Everyman Baker Street	Ground Left 96-98 Baker Street London W1U 6TJ	Cinema	Thursday; 09:00 - 01:00   Friday to Saturday; 09:00 - 02:00   Sunday to Wednesday; 09:00 - 00:00

15/01460/LIPN	Publicis Groupe	Ground Floor 84 Baker Street London W1U 6TG	Office	Monday to Sunday; 00:00 - 00:00
17/14366/LIPDPS	Chipotle Mexican Grill	Basement And Ground Floor Caparo House 101-103 Baker Street London W1U 6HQ	Restaurant	Monday to Saturday; 11:00 - 23:30   Sunday; 11:00 - 22:30   Bank Holiday; 11:00 - 23:00
19/08813/LIPDPS	Zizzi	35-38 Paddington Street London W1U 4HQ	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/06004/LIPDPS	Bella Italia	Basement And Ground Floor 100 Baker Street London W1U 6TW	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 10:00 - 00:00