

# Licensing Sub-Committee Report

Item No:	
Date:	4 April 2024
Licensing Ref No:	24/00676/LIPN - New Premises Licence
Title of Report:	Fatayer Altayer 198 Edgware Road London W2 2DS
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Karyn Abbott
Contact details	Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 February 2024		
<b>Applicant:</b>	Dibsi Ltd		
<b>Premises:</b>	Fatayer Altayer		
<b>Premises address:</b>	198 Edgware Road London W2 2DS	<b>Ward:</b>	Marylebone
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Edgware Road
<b>Premises description:</b>	<p>According to the application form the premises intends to operate as a Cafe/restaurant with fresh bakery specialising in Syrian baked pastries and bread and shawarma.</p> <p>The operating schedule suggests there will be roughly 8 tables and seating for approximately 28 people where food will be served until 4am daily and no alcohol will be on site.</p>		
<b>Premises licence history:</b>	This is a new application and therefore there is no premises licence history.		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	<p>Following mediation the applicant has reduced the terminal hour for late night refreshment and the premises closing time from 04:00 to 01:00.</p> <p>The hours as now applied for are set out at section 1-B below.</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<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>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<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>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			None				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Tom Stewart
<b>Received:</b>	21 February 2024
<p>Dear Westminster Licensing Service,</p> <p>I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <b><u>198 Edgware Road, London, W2 2DS.</u></b></p> <p>I have considered the information that has been provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Council's Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking:</p> <p><b>Late Night Refreshment - Monday to Sunday 23:00-04:00</b></p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <p>The hours requested to provided late night refreshment may have the likely effect of undermining the licensing objective; <b>The Prevention of Crime and Disorder.</b></p> <p>The hours request fall <b>far</b> outside the core hours for fast food/takeaway premises or Restuarant. The premises is also located within the Edgware Road Special Consideration Zone ("ERSCZ"). The applicant has made no reference to this within their application and have failed to demonstrate how they will operate within the ERSCZ and promote the licensing objectives.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbriatore
<b>Received:</b>	28 February 2024
<p>I refer to the new Premises Licence for the above premises. The premises is situated in the Edgware Road Special Consideration Zone.</p> <p>This representation is based on the Operating Schedule, and layout plans, however little detail has been given on these so a full assessment cannot be made.</p> <p>The applicant is seeking to provide Late Night Refreshment 'indoors' from 23:00 hours to 04:00 hours Monday to Sunday.</p> <p>I wish to make the following representation in relation to the above application, the proposed of hours and activity of Late Night Refreshment may cause an increase in Public Nuisance in the area and may impact on Public Safety.</p> <p>Confirmation is required if WC provisions are available for customers on the premises. Conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.</p>	

**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.**

Should you wish to discuss the matter further please do not hesitate to contact me.

**2-B Other Persons**

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]

**Status:**

Valid

**In support or objection:**

OBJECTION

**Received:**

22 Feb 2024

Re: Fatayer Altayer, 198 Edgware Road, London, W2 2DS ref 24/00676/LIPN

On behalf of the Marylebone Councillors I am writing to object to the above named application as a "Fresh bakery with Syrian Pastries and bread, Shwarma, including 8 tables and approximately 28 people serving late night refreshment from 23:00 to 04:00, as this will not promote the licensing objectives, namely, Prevention of Public Nuisance, Prevention of Crime & Disorder, Prevention of Children from Harm and Public Safety.

The Marble Arch BID together with the Council and Councillors are working tirelessly to promote the licensing objectives on Edgware Road which is a Special Consideration Zone. It is fact that Edgware Road is residential on the streets on both sides of Edgware Road and there has been considerable anti social behaviour.

It is interesting to note that the applicant has offered an SIA but this means they acknowledge there are potential issues in this area otherwise an SIA would not be necessary. This does not prevent anti social behaviour once the patrons have left the premises

We strongly object to the hours sought even though no alcohol is applied for as this could become a destination venue. 1am would seem reasonable in this location. It is also not clear whether deliveries will be made from the premises and how the premises would operate would be helpful to know. If their business model is only viable if they can operate with the hours sought then this is not a consideration for the Licensing Authority.

Thank you for your consideration and please acknowledge receipt.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy SCZ1 applies</b>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> <li>• West End Buffer.</li> <li>• Queensway/Bayswater.</li> <li>• Edgware Road.</li> <li>• East Covent Garden.</li> <li>• Mayfair.</li> <li>• Victoria.</li> </ul>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active</li> </ol>



	<p>measures proposed for a ‘winding down’ period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>For the purpose of Clauses A and B above, the Core Hours for applications for this premise as defined within this policy are:</p> <p>8. Restaurants  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, ‘premises uses’ are defined within the relevant premises use policies within this statement.  Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p><b>Policy RNT1(A) applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council’s Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council’s Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> </ol>

	<p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p>
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#### 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, marriage and civil partnership, 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

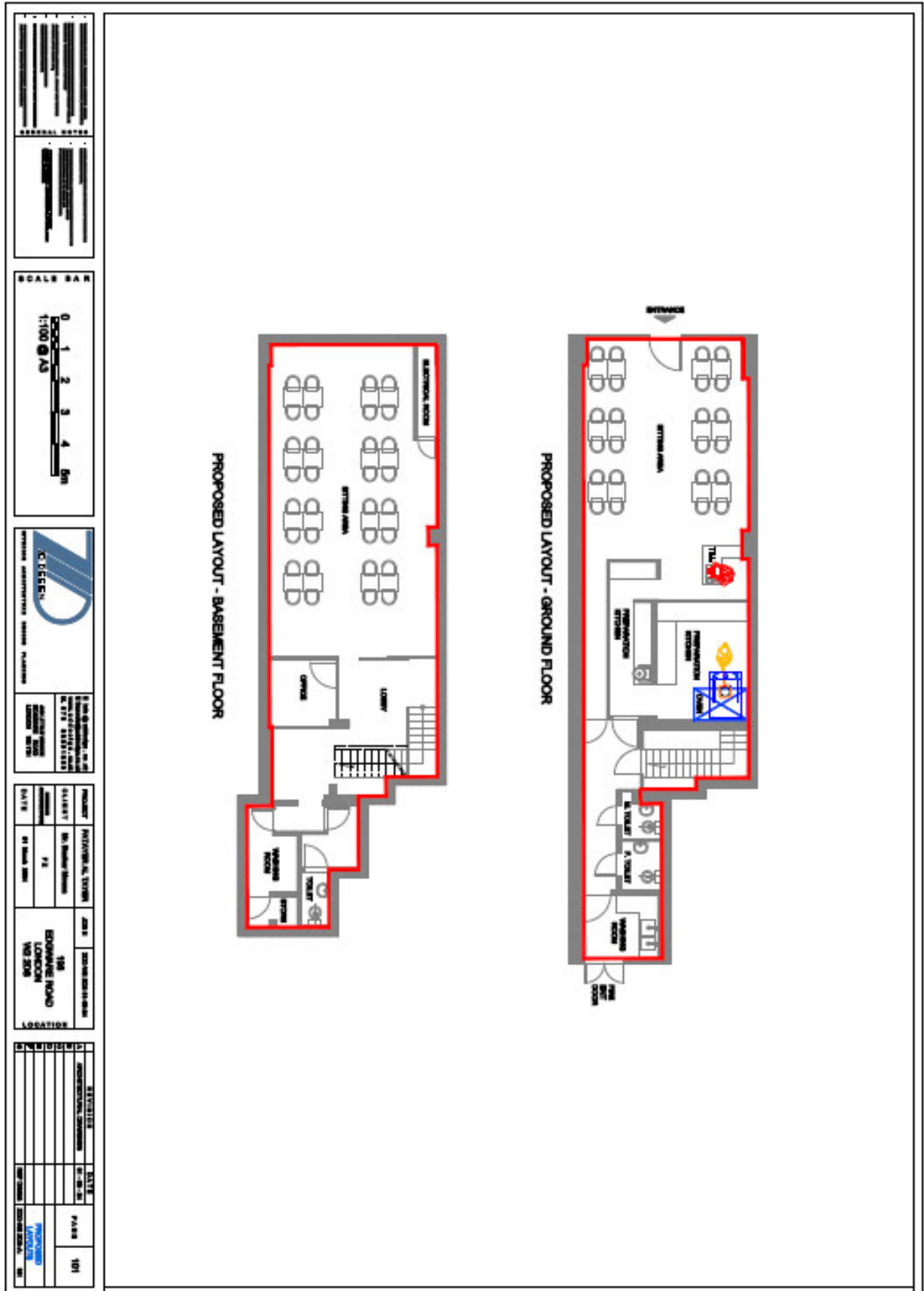
<b>Report author:</b>	Miss Karyn Abbott
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

**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	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Metropolitan Police Service	21 February 2024
<b>6</b>	Environmental Health Service	28 February 2024
<b>7</b>	Interested Party Representation	22 February 2024







**Applicant Supporting Documents**

**Appendix 2**

None

## **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**

1. License SIA security badge holder staff member on site.
2. No alcohol served or consumed on the premises.

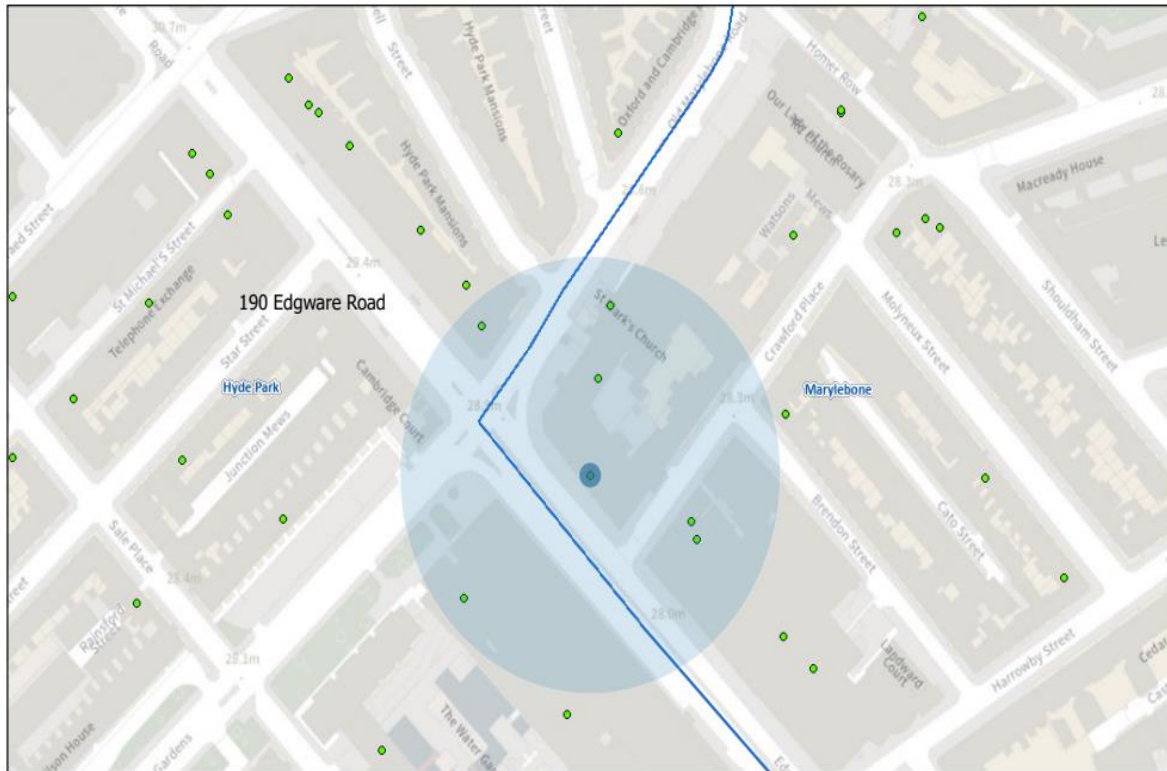
**Conditions proposed by the Environmental Health**

None

**Conditions proposed by the Police**

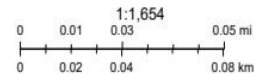
None

**198 Edgware Road**



20/03/2024, 06:37:44

- Property Mailing List
- Ward Boundaries
- Ward Labels



**Resident Count: 134**

<b>Licensed premises within 75m of 198 Edgware Road</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
10/09311/LIPRW	Salwa Takeaway	4 Crawford Place London W1H 5NB	Takeaway food outlet	Monday to Sunday; 07:00 - 05:00
24/00654/LIPCH	McDonald's	178 - 180 Edgware Road London W2 2DS	Restaurant	Monday to Sunday; 05:00 - 00:00
23/02902/LIPVM	Gopuff	145-147 Edgware Road London W2 2HR	Shop	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday;



				00:00 - 00:00
15/04057/LIPN	Raging Ball Sports Club (Basement)	Raging Ball Snooker Club 159 - 163 Edgware Road London W2 2HR	Snooker hall or club	Monday to Sunday; 00:00 - 00:00