

Licensing Sub-Committee Report

Item No:	
Date:	24 August 2017
Licensing Ref No:	17/07583/LIPN - New Premises Licence
Title of Report:	Caffe Fratelli 106-108 Wigmore Street London W1U 3RF
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 July 2017		
Applicant:	Caffe Fratelli Limited		
Premises:	Caffe Fratelli		
Premises address:	106-108 Wigmore Street London W1U 3RF	Ward:	Marylebone High Street
		Cumulative Impact Area:	No
Premises description:	According to the application the premises will operate as a cafe		
Premises licence history:	This is an application for a new premises licence therefore no history exists.		
Applicant submissions:	The premises is a cafe selling coffee, cold drinks, pasta dishes, main meals, sandwiches, salads, cakes and desserts. Nearby are mainly commercial properties with some residential, plus offices, cafes, restaurants and retail outlets. The premises cover the ground floor (open to public) and basement (staff area and customer toilets).		
Plans:	Copies of the premises plans are available on request and for display at the hearing.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol:				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	19:30	19:30	19:30	19:30	19:30	19:00	18:00

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	08:30	11:00
End:	19:30	19:30	19:30	19:30	19:30	19:00	18:00

2. Representations

2-A Responsible Authorities	

Responsible Authority:	The Metropolitan Police (withdrawn)
Representative:	PC Reaz Guerra
Received:	31 st July 2017

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

It is for this reason that we are objecting to the application

The Police have withdrawn their representation as the applicant has agreed the proposed conditions

Responsible Authority:	The Environmental Health Service
Representative:	Sally Fabbricatore
Received:	21 st July 2017

I refer to the application for a new Premises Licence for the above premises.

This representation is based on the Operating Schedule and the submitted plans, ground floor and basement, titled with the address.

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Friday 11:00-19:30 hours, Saturday 11:00-19:00 hours and Sunday 11:00-18:00 hours.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

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.

The layout plan shows 1 customer WC. Reference should be made to the British Standard 6465-1:2009 Sanitary Installations if customers are going to dine in the premises. The current provisions allow for a capacity of 15. A separation of a lobby should also be present.

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.

2-B Other Persons	
Name:	Mr Peter Cooper
Address and/or Residents Association:	[REDACTED]
Received:	18 th July 2017
<p>3:01 PM on 18 Jul 2017 I have the following observations</p> <p>Cafe Fratelli is an A1 CAFE Not a restaurant so serving alcohol seems incongruous unless they are proposing to change to A3 but anyway people can get a drink elsewhere. There is a wine bar 1 door away and a pub next to that.</p> <p>Absolutely NO evening licence as there are residential properties next door and the premises are on a very busy and dangerous crossroads so if granted no consumption should be allowed except with food and sitting at a table .</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
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
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Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	7 th July 2017
5	The Metropolitan Police Rep	31 st July 2017
6	The Environmental Health Service Rep	21 st July 2017
7	Mr Peter Cooper Rep	18 th July 2017

Applicant Supporting Documents
(None Submitted)

Appendix 1

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

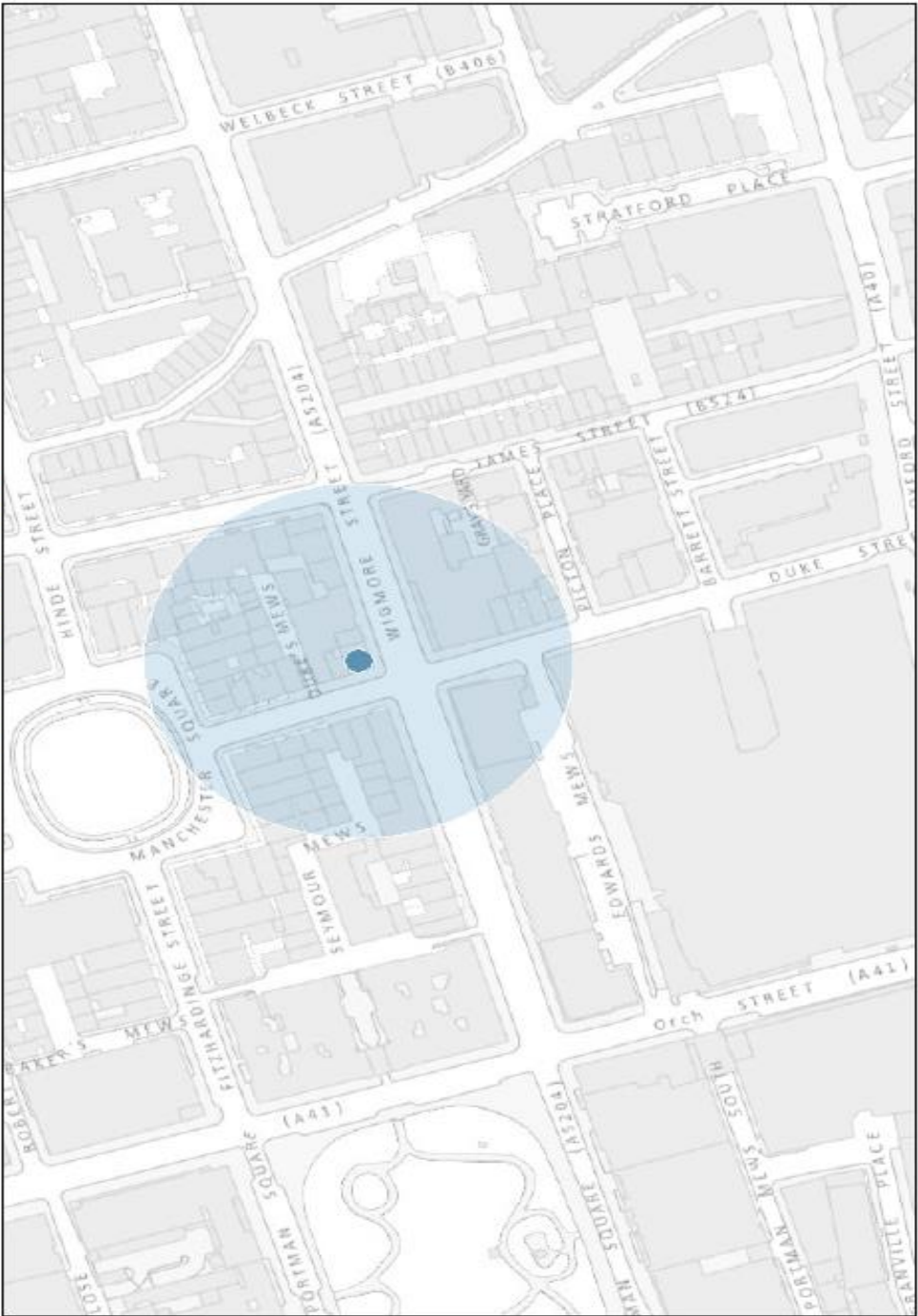
9. A 4 camera CCTV system is in place covering all public areas of the premises. The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days with time and date stamping and can be accessed and downloaded immediately when requested by the police or other authorised officer.
There will always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV.
10. The premises will be maintained in a safe manner at all times.
11. All exits will be kept unobstructed, easy to open and clearly signed.
12. All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of ID are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram. The premises will operate a "No ID, No Sale" policy at all times for persons who look under 25 . Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority.

Conditions proposed by the Police and agreed by the applicant

14. 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.
15. 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.
16. The supply of alcohol shall be by waiter or waitress service only.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

19. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables ***and for consumption by such a person as ancillary to their meal.***
20. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
21. No more than **(15)**% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
22. There shall be no self service of alcohol.
23. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
24. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
25. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Caffe Fratelli 106-108 Wigmore Street



August 9, 2017

Resident Count: 106

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