



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

15/03502/LIPV

Date:

16 July 2015

Classification:

For General Release

Title of Report:

**Carmina Cafe
Basement Floor To Ground Floor
88 Wigmore Street
London**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Ms Susan Patterson
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 2207
E-mail: spatterson@westminster.gov.uk**

APPLICATION DETAILS

Application Type:	Variation of a premises licence application under the Licensing Act 2003.		
Applicant:	Ms Anisoara Camelia Olariu	Date Application Received:	13 May 2015
Premises Name and Address:	Carmina Cafe Basement Floor To Ground Floor 88 Wigmore Street London W1U 3RB		
Ward Name:	Marylebone High Street	Stress Area:	No
Description of Premises:	The premises are a café over the ground floor and with facilities in the basement <i>Note: These premises benefit from a private a forecourt around 2 sides of the premises and therefore does not have a Tables and Chairs Licence, see Appendix A(i)</i>		
Variation Description:	<p>The proposed application is to:</p> <p>Remove condition 29 and replace with: Alcohol shall be served and consumed on the outside tables & chairs area, by a waiter or waitress service and until 21:00 everyday.</p> <p>To amend condition 13 to state: The supply of alcohol at the premises shall only be to a person seated and only served by a waiter or waitress only.</p> <p>To remove condition 14, "the supply of alcohol shall be by waiter /waitress only" (Applicant has now agreed with the Police that this will remain on the licence)</p> <p>To amend condition 20 to state: A maximum capacity of 50 persons at the premises.</p> <p>In addition the application is to permit the hours for the sale of alcohol to 10:00 – 21:00, Monday – Sunday, on the outside tables and chairs.</p>		

Proposed Licensable Activities and Proposed Hours:

<u>Licensable activities permitted under the existing Premises Licence 11/09338/LIPN</u>	<u>Variation to Licensable Activities</u>
<p>Sale of Alcohol: On the premises</p> <p>Monday to Saturday: 11:00 to 23:00 Sunday:09:00 to 22:00</p>	<p>Sale of Alcohol: On the premises</p> <p>Café inside Monday to Saturday: 11:00 to 23:00 Sunday:09:00 to 22:00</p> <p>Tables and chairs outside – BUT ON PREMISES DEMISE Monday to Sunday: 10:00 to 21:00</p>

Non Standard Timings	Non Standard Timings
Not applicable	No Change
Capacity	Capacity
46 exc staff	50
Opening Hours	Opening Hours
Monday to Saturday: 08:00 to 23:00 Sunday 09:00 – 22:00	Main Cafe Monday to Saturday: 08:00 to 23:00 Sunday 09:00 – 22:00 Tables and chairs outside Monday to Saturday: 10:00 to 21:00 Sunday 10:00 – 21:00

1. Relevant representations

- 1.1 The Environmental Health Service make an adverse representation against this application stating that the removal of conditions 13, 14 and 29 may increase public nuisance and impact adversely on public safety, they have suggested conditions, which are included in Appendix B. Additionally they have supplied a history of licensing enforcement visits to the premises, included with their representation.
- 1.2 The Metropolitan Police service has withdrawn their representation against this application, following the applicant agreeing that condition 14 will stay on the licence.
- 1.3 There are five resident that have made representation against this application on the grounds of public nuisance and promotion of public safety and say inter alia,
- That the existing café is causing problems of public nuisance, and undermining public safety by straying on to the narrow council pavement with their signboards, and sometimes tables and chairs and ice cream vending machine, causing the public to walk in the road..
 - That the licence conditions regarding no consumption of alcohol on the outside tables is being breached regularly.
 - That the consumption of alcohol outside will add to noise and public nuisance that the residents suffer and add to the congestion on the pavement on a busy intersection and a street with heavy traffic.
 - And one has provided photographs from 2013 showing the premises allowing the consumption of alcohol on the outside tables in various styles of glassware.

2. Policies Applicable

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

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.

3. Summary

3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

3.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix B to this report.

4. Current Licensing Position

These premises currently hold a Premises Licence 11/09338/LIPN. Full licence history can be found in **Appendix A**.

5. Residential Density

56 of the 250 units within a 75m radius of the premises are residential or proposed residential or under construction (22%), refer to **Appendix C**. N.B This map is a version from 2011, as the system is not working currently.

6. List of Appendices

- A – Premises Licence History
- A(i) – Planning clarification
- B - Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Email clarification to application
- Plans
- Existing Premise Licence
- Representations received including Environmental Health Enforcement visits summaries and Environmental Health Service conditions proposed for this application
- Photos from City Street Management Team

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Application 11/09338/LIPN	Sale of alcohol Monday to Saturday: 11:00 to 23:00 Sunday:09:00 to 22:00	8.12.2011	Granted by Licensing Sub Committee

There is no appeal history

Patterson, Susan

From: Perkins, Jeff
Sent: 01 December 2011 12:10
To: Eaton, Sam
Subject: RE: Carmina Cafe, 88 Wigmore Street, London W1U 3RB - 11/09338/LIPN

Dear Sam

Private forecourts exist along both frontages (Wigmore St & Mandeville Pl)

Regards

Jeffrey Perkins

Technical Assistant

Development Planning, Built Environment, Westminster City Council

my tel: [02076412642](tel:02076412642)

my ref: DP/HP/JRP/

my address: Highways Planning, 12th floor, Westminster City Hall, SW1E 6QP

From: Eaton, Sam
Sent: 29 November 2011 15:57
To: Perkins, Jeff
Subject: Carmina Cafe, 88 Wigmore Street, London W1U 3RB - 11/09338/LIPN

Dear Jeff,

I wonder if you could give me some information please?

Can you please confirm if the above premises have a private forecourt? I have requested this information from the applicant twice and have not received a response.

Could you please clarify this as I do not see a tables and chairs licence on our system and the application is due to attend licensing sub committee.

Many Thanks

Miss Sam Eaton

Environmental Health Case Officer

Environmental Health Licensing & Consultation - Premises Management

Westminster City Council
4th Floor West
City Hall
64 Victoria Street
London
SW1E 6QP

Telephone 020 7641 1868

Fax 020 7641 7815

email: seaton1@westminster.gov.uk

Web: www.westminster.gov.uk

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 appropriate for the promotion of the licensing objectives.

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

Conditions: On Current Licence - (This application suggest removal and changes to some of the existing licence conditions and these are detailed and highlighted in bold and underlined)

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

A responsible person in relation to a licensed premises means the holder of the 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.

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

9. A suitably worded sign will be displayed at the point of entry to the premises and at the point of sale advising that proof of age may be required.

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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 to the public. This staff

member must be able to show a Police or authorised council officer recent data or footage 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regards crime and disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
13. The supply of alcohol at the premises shall only be to a person seated taking substantial food there and for consumption by such a person as ancillary to food.
(This application proposes the removal of this condition and the Metropolitan Police Service have agreed this removal, their representation is withdrawn)
14. The supply of alcohol shall be by waiter or waitress service only. **(This application initially proposes the removal of this condition and the Metropolitan Police Service disagreed so the applicant accepted their comments, their representation is withdrawn)**
15. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
16. There shall be no self service of alcohol.
17. There shall be no supply of draught beer.
18. No beer or cider above 5.5% ABV to be sold from the premises.
19. A proof of age scheme, such as Challenge (21), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
20. The maximum number of persons accommodated at any one time shall not exceed 46 persons excluding staff.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
23. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
24. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
25. The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.

26. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
27. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
28. Licensable activities are restricted to the ground floor only.
29. No alcohol purchased at the premises shall be consumed outside the premises including at the tables and chairs outside the premises. **(This application proposes the removal of this condition and the Metropolitan Police Service have agreed this removal, their representation is withdrawn)**
30. Tables and chairs shall not be placed outside the premises before 0730 hours each day.
31. All outside tables and chairs shall be rendered unusable by 2200 hours each day.

END OF EXISTING LICENCE CONDITIONS

Condition proposed in this application

32. The supply of alcohol at the premises shall only be to a person seated and by waiter or waitress only

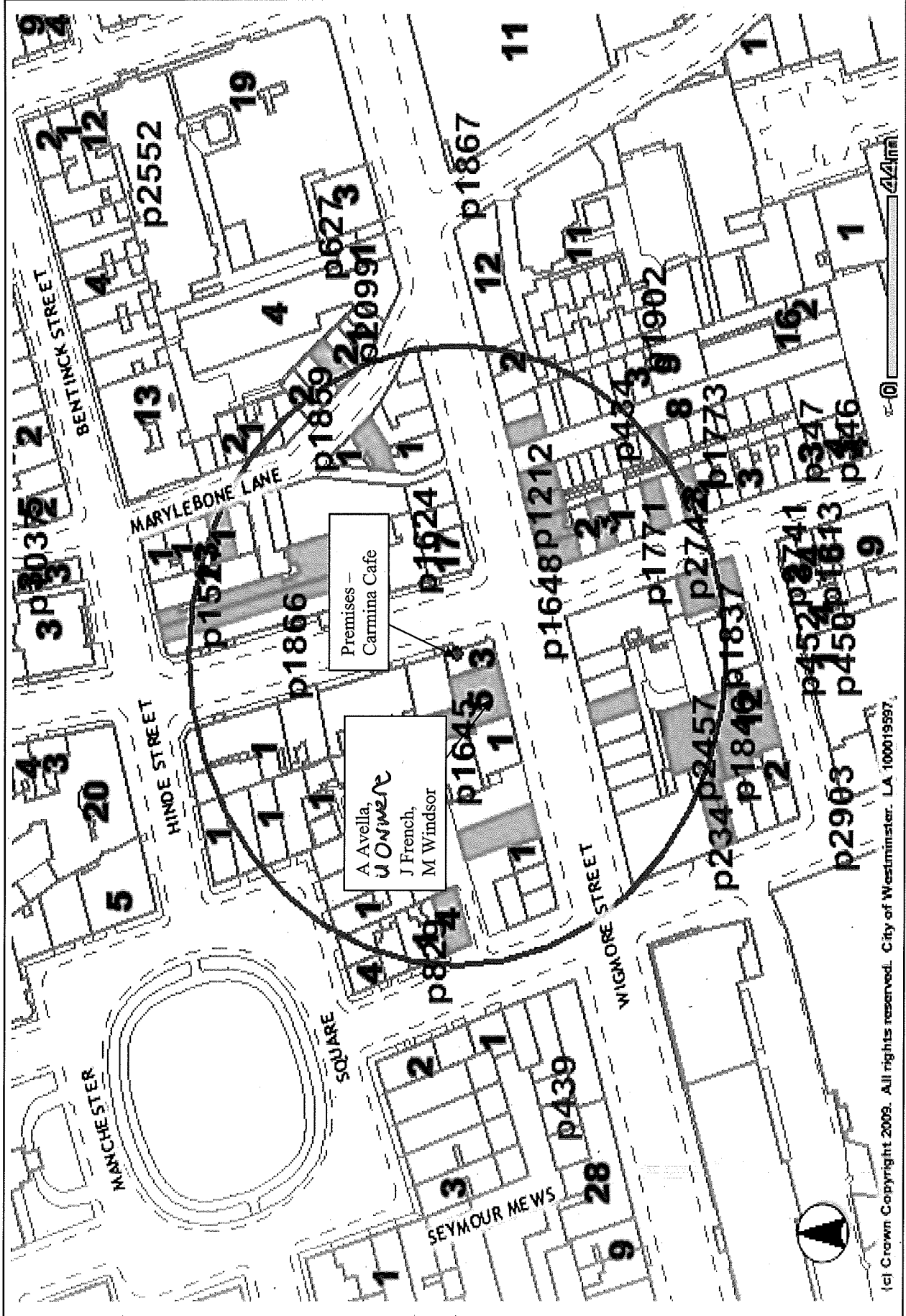
The following conditions are proposed by Environmental Health, 2.7.2015

33. Alcohol shall only be consumed by persons seated at tables.
34. Alcohol shall not be consumed outside after 21:00 hours every day
35. The maximum number of persons accommodated at any one time shall not exceed 50 persons (excluding staff).
36. A Challenge 21 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.

Carmina Café, 88 Wigmore Street, London



APPENDIX C



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Scale: Approx. 1:1000
 75m Radius

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 Data Source: Uniform Database – Date Created: 01/07/15

Residential	56
Proposed Residential	0
Under Construction	0
Other Uses	194
Proportion Residential of all Uses	22%

Premises within 75 metres of: Carmina Café, 88 Wigmore Street, London

p / n	Name of Premises	Premises Address	Licensed Hours
p829	Devonshire Arms Public House	Ground Floor 7 Duke Street London W1U 3EE	Monday to Saturday - 10:00 to 00:30 Sunday - 12:00 to 00:00
p1212	The Pontefract Castle	71 Wigmore Street London W1U 1QA	Monday to Saturday: 10:00 to 00:00 (Basement) Sunday: 12:00 to 23:30 (Basement) Monday to Thursday: 10:00 to 23:30 (All other areas) Friday to Saturday: 10:00 to 00:00 (All other areas) Sunday: 12:00 to 23:30 (All other areas) Sundays before Bank Holidays: 12:00 to 00:00 (All other areas)
p1527	Cocoro Restaurant	31 Marylebone Lane London W1U 2NH	Monday to Friday: 12:00 to 15:00 Monday to Friday: 18:00 to 23:00 Saturday: 18:00 to 23:00
p1624	Levant Restaurant	76 Wigmore Street London W1U 2SH	Monday to Saturday: 10:00 to 02:00 Sunday: 12:00 to 01:00
p1645	Black & Blue	90-92 Wigmore Street London W1U 3RF	Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00 Bar Area: Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00
p1648	Ayoush	77 Wigmore Street London W1U 1QE	Monday to Saturday: 10:00 to 02:00 Sunday: 12:00 to 01:00
p1770	Made In Italy Group Ltd	50 James Street Marylebone London W1U 1HB	Monday to Friday: 10:00 to 00:00 Saturday: 11:00 to 00:00 Sunday: 12:00 to 23:30
p1771	Cafe Rouge	48 James Street Marylebone London W1U 1HA	Monday to Saturday: 10:00 to 00:30 (Basement) Sunday: 12:00 to 00:00 (Basement) Monday to Saturday: 10:00 to 23:30 (Ground Floor) Sunday: 12:00 to 23:00 (Ground Floor)
p1808		3-4 Picton Place London W1U 1BJ	Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 22:30 (Time Limited Licence for 22 September 2010 to 20 October 2010)
p1809	Theatre Delicatessen	3-4 Picton Place London W1U 1BJ	Monday to Saturday: 12:00 to 23:00 (for licensable activities) Sunday: 12:00 to 22:30 (for licensable activities) (Time Limited Licence for 9th February 2010 to 31st March 2011)
p1837	Giraffe	35 James Street Marylebone London W1U 1EA	Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00
p1866	Mandeville Hotel	6 - 14 Mandeville Place London W1U 2BE	Monday to Sunday: 08:00 to 01:00 24 Hours for residents and their bona fide guests

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="88"/>
* Street	<input type="text" value="Wigmore street"/>
District	<input type="text"/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="W1U 3RB"/>
* Country	<input type="text" value="United Kingdom"/>

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number	<input type="text" value="11/09338/LIPN"/>
---------------------------	--

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="88"/>
Street	<input type="text" value="wigmore"/>
District	<input type="text"/>
City or town	<input type="text" value="london"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="W1U 3RB"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number	<input type="text" value="02072243771"/>
Non-domestic rateable value of premises (£)	<input type="text" value="40"/>

Section 3 of 17

VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

50

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

We would like to remove the condition 29) up to 21.00 hours each day alcohol reveal to the outside tables & chairs shall be by waiter or waitress service and only to person selected. The alcohol outside i want to be served Monday to Sunday from 10- 21 and condition 13) The supply of alcohol at the premises shall only be to a person seated and by waiter or waitress only. 14)- delete , 20) capacity 50 persons in site of the premises.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	08:00	End	23:00
Start	10:00	End	21:00

SUNDAY

Start	09:00	End	22:00
Start	10:00	End	21:00

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

13) The supply of alcohol at the premises shall only be to a person seated and by waiter or waitress only
14) delete
20) 50 persons capacity
29) up to 21.00 hours each day alcohol reveal to the outside tables & chairs shall be by waiter or waitress service and only to person selected Change of layout at the permises/ change of trading hours

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00

Continued from previous page...

Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/westminster/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Patterson, Susan

From: Camelia <carmina.cafe@yahoo.co.uk>
Sent: 08 July 2015 12:03
To: Patterson, Susan
Subject: Re: Your application

Yes, I confirm is only for outside tables & chairs the alcohol license. Many thanks! Camelia

Sent from my iPhone

On 8 Jul 2015, at 11:25, Patterson, Susan <spatterson@westminster.gov.uk> wrote:

Hello

I have spoken to the Environmental Health Officer today, Ian Watson who tells me that you intended that the hours you have put on the application form 10:00 to 21:00, in fact, you only intended to apply to the service of alcohol to your outside tables and chairs and not to your whole premises licence.

CAN YOU PLEASE CONFIRM THIS BY RETURN EMAIL TO ME, SO I CAN MAKE IT CLEAR IN THE COMMITTEE REPORT, WHICH YOU CAN SEE AFTER ITS PUBLISHED ON FRIDAY.

Also, will you be attending the committee hearing on Thursday 16th July and will you be on your own or bringing anyone?

Thanks


Susan Patterson
Senior Licensing Officer

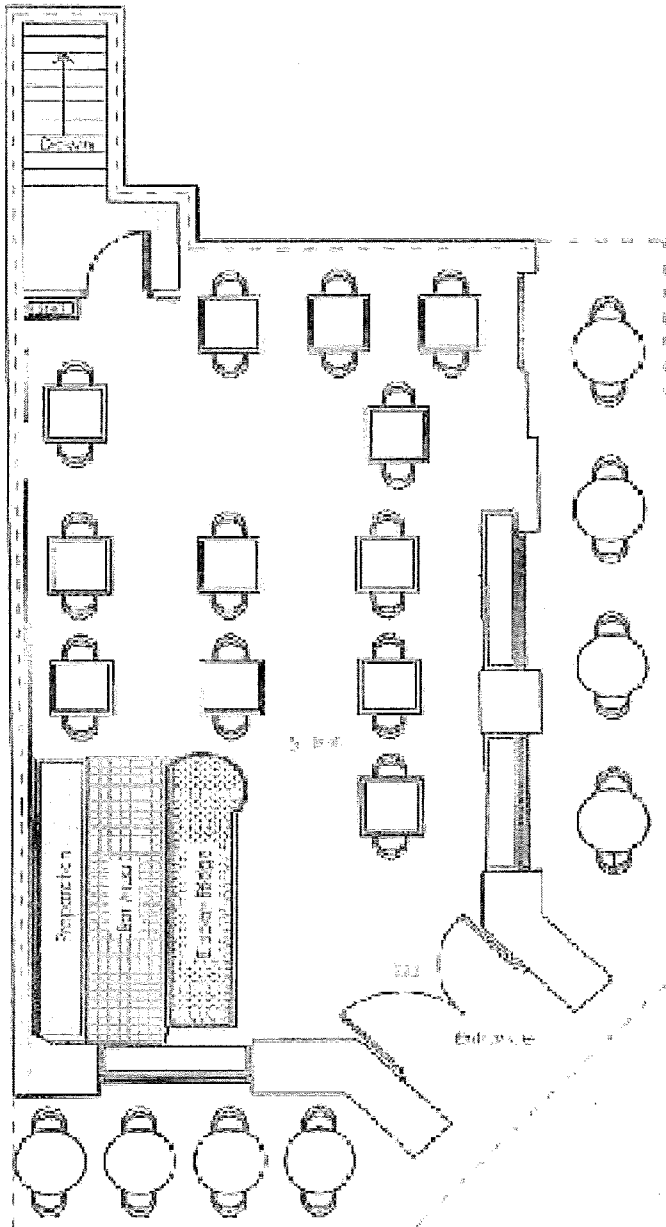
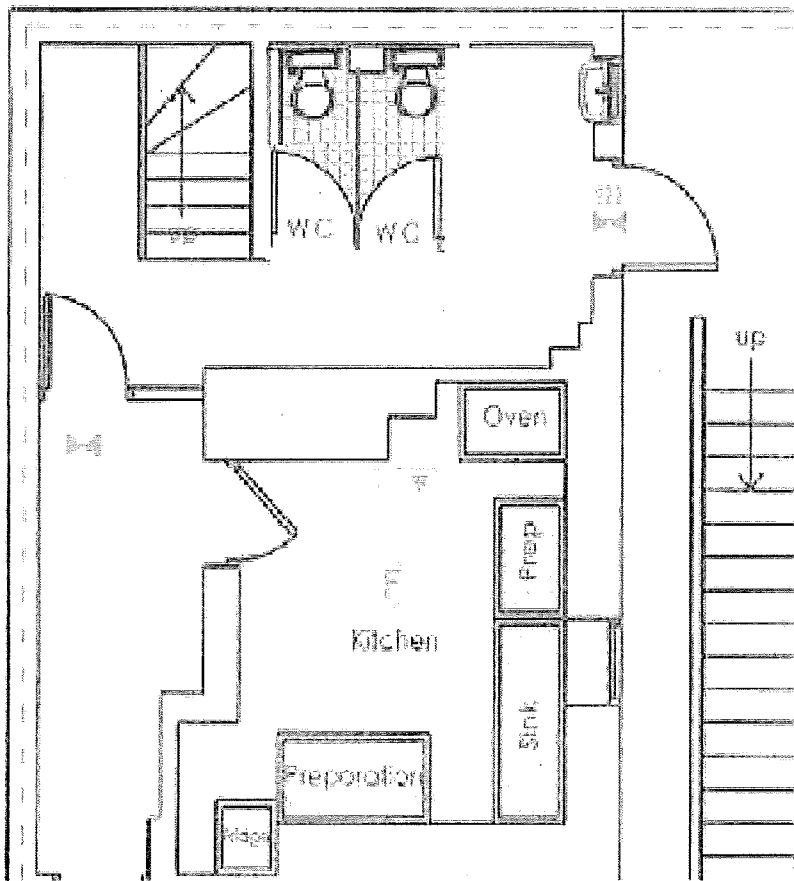
Licensing Team
Public Protection and Licensing Department
Westminster City Council
4th Floor East
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 2207
E-mail: spatterson@westminster.gov.uk
Web: www.westminster.gov.uk/licensing

<image001.jpg> <image002.jpg> <image003.jpg>









You can now apply online for the majority of licensing regimes that the authority is responsible for. Please visit www.westminster.gov.uk/licensing and following the relevant links to apply.

 please don't print this e-mail unless you really need to.



Ground Floor Plan

Key Symbols

-  Emergency Lighting
-  Fire Exit
-  CO2 Fire Extinguisher
-  Water Fire Extinguisher
-  Smoke Detectors
-  Fire Alarm
-  CCTV
-  Licensable Area



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Marylebone High
Street
UPRN: 010033582191

Premises licence

Regulation 33, 34

Premises licence number:

11/09338/LIPN

Original Reference:

11/09338/LIPN

Part 1 – Premises details

Postal address of premises:

Carmina Cafe
Basement Floor To Ground Floor
88 Wigmore Street
London
W1U 3RB

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 23:00
Sunday: 09:00 to 22:00

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00
Sunday: 09:00 to 22:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Ms Anisoara Camelia Olariu
50B Natal Road
London
N11 2HX

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Vlad-Tudor Mihai

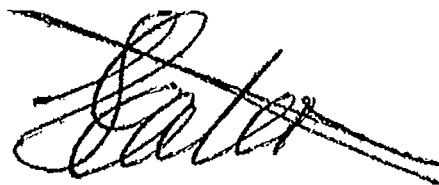
Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: LN/201100427
Licensing Authority: London Borough Of Enfield

Date: 15th June 2012

Signed: pp



Operational Director - Premises Management

Annex 1 – 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

Annex 2 – Conditions consistent with the operating Schedule

None.

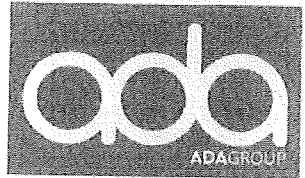
Annex 3 – Conditions attached after a hearing by the licensing authority

9. A suitably worded sign will be displayed at the point of entry to the premises and at the point of sale advising that proof of age may be required.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regards crime and disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
13. The supply of alcohol at the premises shall only be to a person seated taking substantial food there and for consumption by such a person as ancillary to food.
14. The supply of alcohol shall be by waiter or waitress service only.
15. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
16. There shall be no self service of alcohol.
17. There shall be no supply of draught beer.
18. No beer or cider above 5.5% ABV to be sold from the premises.
19. A proof of age scheme, such as Challenge (21), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
20. The maximum number of persons accommodated at any one time shall not exceed 46 persons excluding staff.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

23. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
24. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
25. The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
26. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
27. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
28. Licensable activities are restricted to the ground floor only.
29. No alcohol purchased at the premises shall be consumed outside the premises including at the tables and chairs outside the premises.]??
30. Tables and chairs shall not be placed outside the premises before 0730 hours each day.
31. All outside tables and chairs shall be rendered unusable by 2200 hours each day.

Annex 4 – Plans

Attached



The condition that is not copied, reproduced, retained or disclosed to any unauthorized person without the prior consent in written of ADA GROUP. Do not scale from this drawing Dimensions in mm. Not construction drawings.

Key Symbols

- Emergency Lighting
- Fire Exit
- CO2 Fire Extinguisher
- Water Fire Extinguisher
- Smoke Detectors
- Break Glass Manual Alarm Call-Point
- Fire Alarm
- CCTV
- Licensable Area

Supplementary Notes:

N/A

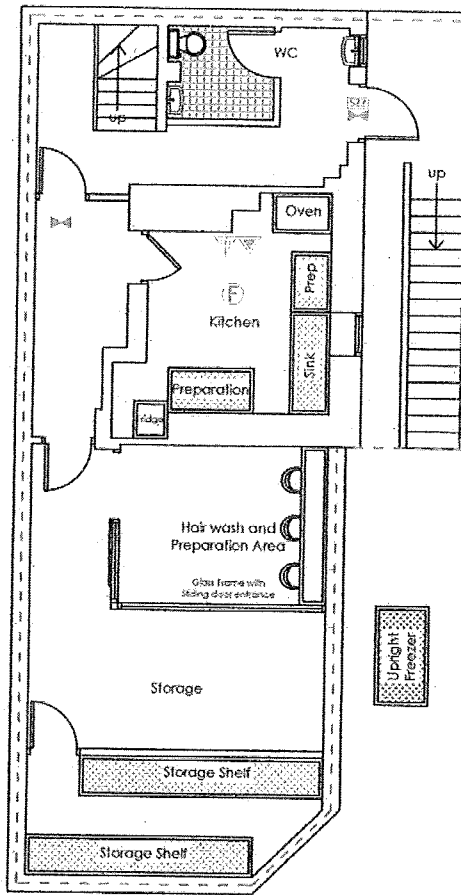
Client:
 Camina Cafe
 88 Wigmore street, Marylebone
 London W1U 3RB

Drawing Title:
 Floor Plan

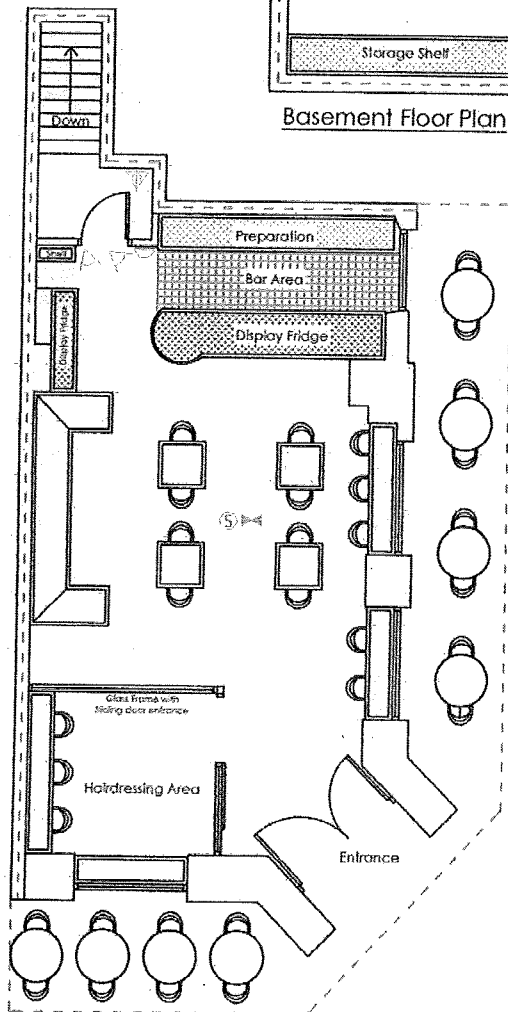
Date:
 01-06-2011

Drawing no:
 88WIG-001

Scale:
 1:100 @ A4



Basement Floor Plan



Ground Floor Plan



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Marylebone High
Street
UPRN: 010033582191

Premises licence
summary

Regulation 33, 34

Premises licence number:

11/09338/LIPN

Part 1 – Premises details

Postal address of premises:

Carmina Cafe
Basement Floor To Ground Floor
88 Wigmore Street
London
W1U 3RB

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol

Monday to Saturday:	11:00 to 23:00
Sunday:	09:00 to 22:00

The opening hours of the premises:

Monday to Saturday:	08:00 to 23:00
Sunday:	09:00 to 22:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Ms Anisoara Camelia Olariu
50B Natal Road
London
N11 2HX

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

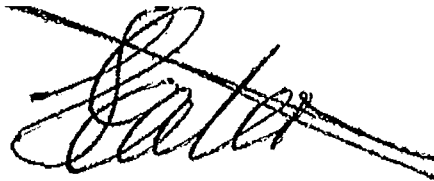
Name: Vlad-Tudor Mihai

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 15th June 2012

Signed: pp



Operational Director - Premises Management

TO Licensing Officer

REFERENCE 15/03502/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 6th July 2015

The Licensing Act 2003

Carmina Café, 88 Wigmore Street, W1

I refer to the application for variation of the Premises Licence.

Listed is the history of enforcement visits to the premises.

Saturday 23rd May 2015. Unlicensed Street trading - ice-cream trolley on private forecourt less than 7m from highway. Premises visited and saw a person selling ice-cream from a stationary trolley on private forecourt less than 7m from public highway outside 88 Wigmore Street. Spoke to owner of business - Ms Anisoara Olariu - who said that they had been doing this for two years and that they had permission from the Council. She could not tell me who had given this permission and a search of Uniform records did not show that any such permission had been given. To get further advice regarding 7m rule and to refer back to Ms Olariu.

No further action to be taken as this issue is classed as forecourt trading and as ice-cream is being sold inside the premises will be treated as an extension of the business. Case closed.

Friday 18th July 2014. Premises inspector visit.

Premises has conditions on licence stating alcohol must be served with food and that it cannot be consumed at table and chairs outside. The officer in charge of the premises requested that we conduct a test purchase to see if the premises would breach these conditions. Sat outside the premises and were brought menus. Orders made for alcohol and no food. Alcohol brought to us, at no point did staff ask us to move or require us to eat. Whilst we were there 2 men sat at a nearby table and ordered a bottle of wine. They did not order food either. We paid the bill at the table and got a receipt. At the time of our leaving the other 2 customers still had not consumed any food.

Thursday 5th June 2014 @ 16.58 hours. Complaint that cafe serving alcohol outside without a licence to customer using the existing licenced tables and chairs. Not investigated.

Friday 23rd August 2013 @ 19.16 hours. Complaint of live music outside and serving alcohol outside. Visited complainant @ 20.00 hours and music audible in bedroom of flat (window open) - went to restaurant - singer in doorway with speakers facing into the street - spoke to owner Camelia Olariu - business is operated by Carmina & Lancelot Ltd. Advised that speakers should be removed from the doorway and the music turned down. This was done and the level of the music was deemed to be satisfactory. Advised that any future problems may result in notice service.

Monday 22nd July 2013 office meeting held at the request of Ms Olariu, premises owner and Mr Fahmy, Licensing Enforcement and Ian Watson, Environmental Health to discuss recent complaints.

- She accepted that licence condition 29 (which prohibits alcohol purchased at the premises being consumed outside, including at the tables and chairs outside the premises) is sometimes breached. She was advised that this is a criminal offence which (if repeated) could result in prosecution and/or a formal review of the licence). Ms Olariu said she understood, but queried why this condition was in place. She was reminded that the condition was imposed at a public hearing which she attended, and that she did not appeal the decision, as was her right (see below). She said that she may apply to vary the licence (full variation application required) to relax or remove this condition. It was suggested that a suitable application may be to add the words "After 8pm" to the start of condition 19, but that any application may be opposed and ultimately may be refused.
- She confirmed that live musicians do play amplified music at the venue once a month and that for part of the evening they are outside the venue, on the private forecourt. It was stated that she was taking advantage of the recent relaxation of licensing requirements which arose from the Live Music Act 2012. I said that I agreed, from what she said, that such a benefit extended to her up to 11pm for performances INSIDE the venue, but if they perform outside this may well give rise to complaints of noise nuisance and (possibly) a formal review of the premises licence. The licensee agreed to keep the performers inside from now on.

Friday 5th July 2013 @ 22.09 hours. Complaint about band outside premises. Very loud music. Also serving alcohol, caller thinks they don't have licence. Premises visited @ 22.29 hours and band had loud speakers set up on pavement, advertised on website. Very loud, now stopped. E-mail to licensing to make them aware of alcohol and outside tables issue. Licensing emailed premises license holder to ask for explanation re allegations.

Friday 21st June 2013 @ 22.02 hours. Complaint of loud music. Premises visited @ 22.50 hours and no noise witnessed. Complainant did not want feedback.

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

Ian Watson
Senior Practitioner Environmental Health (Licensing)

TO Licensing Officer

REFERENCE 15/03502/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 2nd July 2015

The Licensing Act 2003

Carmina Café, 88 Wigmore Street, W1

I refer to the application for variation of the Premises Licence.

The following conditions are proposed by Environmental Health.

1. Alcohol shall only be consumed by persons seated at tables.
2. Alcohol shall not be consumed outside after 21.00 hours every day.
3. The maximum number of persons accommodated at any one time shall not exceed 50 persons (excluding staff).
4. A Challenge 21 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.

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

Ian Watson
Senior Practitioner Environmental Health (Licensing)

TO Licensing Officer

REFERENCE 15/03502/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY

TELEPHONE

DATE

Ian Watson (iwatson@westminster.gov.uk)

020 7641 3183

30th June 2015

The Licensing Act 2003

Carmina Café, 88 Wigmore Street, W1

I refer to the application for variation of the Premises Licence.

This representation is based on the operating schedule submitted.

The applicant is seeking the following

1. To remove conditions 13, 14 and 29.
2. To vary condition 20 to increase capacity to 50 persons.
3. To add a condition, 'The supply of alcohol at the premises shall only be to a person seated and by waiter or waitress only.'
4. To vary the hours for the sale of alcohol 'On' the premises to 10.00 – 21.00 hours Monday to Sunday.
5. Change the layout of the premises.

I wish to make the following representation

1. The removal of conditions will have the likely effect of an increase in public nuisance in the area.
2. No objection.
3. No objection.
4. No objection.
5. No objection.

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

Ian Watson
Senior Practitioner Environmental Health (Licensing)

TO Licensing Officer

REFERENCE 15/03502/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 8th June 2015

The Licensing Act 2003

Carmina Café, 88 Wigmore Street, W1

I refer to the application for variation of the Premises Licence.

This representation is based on the operating schedule submitted.

The applicant is seeking the following

1. To remove conditions 13, 14 and 29.
2. To vary condition 20.
3. To add a condition, 'The supply of alcohol at the premises shall only be to a person seated and by waiter or waitress only.'
4. To vary the hours for the sale of alcohol to 10.00 – 21.00 hours Monday to Sunday.
5. Change the layout of the premises.

I wish to make the following representation

1. The removal of conditions will have the likely effect of an increase in public nuisance in the area.
2. The increase in capacity will impact on Public Safety at the premises.
3. No objection.
4. The increase in hours for the supply of alcohol will have the likely effect of an increase in public nuisance in the area.
5. The change of layout will impact on Public Safety at the premises.

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

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Patterson, Susan

From: Russell, Sandy
Sent: 19 May 2015 10:36
To: carmina.cafe@yahoo.co.uk
Cc: Anand-Patel, Sumeet; Premises Licensing
Subject: 88 Wigmore Street (15/03502/LIPV)

Dear Camelia,

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application to vary premises licence 11/09338/LIPN. It is our belief that if granted the application would undermine the Licensing Objectives.

I am aware that the premises are not situated within the Stress Area however, police do have concerns regarding the changes applied for as they are not clear in the application. I would like to meet with you at the premises to discuss this

Please could this be arranged for one afternoon next week? I am available on Wednesday and Thursday.

I look forward to hearing from you.

Kind Regards,

Sandy Russell

PC Sandy Russell 4167CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 1721

Patterson, Susan

From: Owojori, Olaposi
Sent: 16 June 2015 10:27
To: Anand-Patel, Sumeet
Subject: FW: 15/03502/LIPV (88 Wigmore Street)


fyi

Mr Ola Owojori
Senior Licensing Officer
Licensing Team
Public Protection and Licensing Department
Westminster City Council
4th Floor East
64 Victoria Street
London SW1E 6QP

Telephone 020 7641 7830
Fax 020 7641 7815
email: oowojori@westminster.gov.uk
Web: www.westminster.gov.uk




USE PUBLIC ACCESS FOR
INFORMATION ON APPLICATIONS,
TO CHECK THEIR PROGRESS OR STATUS

PUBLIC  ACCESS

Register to receive email alerts on properties or
streets you are interested in?



You can now apply online for the majority of licensing regimes that the authority is responsible for. Please visit www.westminster.gov.uk/licensing and following the relevant links to apply.

 please don't print this e-mail unless you really need to

From: Russell, Sandy
Sent: 28 May 2015 19:06
To: Camelia
Cc: Premises Licensing
Subject: RE: 15/03502/LIPV (88 Wigmore Street)

Thank you Camelia,

Based on the agreed changes being made to the current operating schedule, police now withdraw our representation.

Sandy

From: Camelia [<mailto:carmina.cafe@yahoo.co.uk>]
Sent: 28 May 2015 18:51

To: Russell, Sandy
Subject: Re: 15/03502/LIPV (88 Wigmore Street)

Thank you very much , I totally agree with your conditions! Regards,
Camelia Olariu
Sent from my iPhone

On 28 May 2015, at 18:14, Russell, Sandy <srussell@westminster.gov.uk> wrote:

Dear Mrs Olariu,

I apologise for not being able to visit you at your premises but thank you for taking the time to speak to me on the telephone. Police propose the following condition changes, if you agree to them please let me know as this will enable me to withdraw my representation.

The addition of : Alcohol consumed inside and outside the premises building shall only be consumed by patrons seated at tables.

The removal of condition 29 from your current licence is agreed

The removal of condition 13 is agreed

Condition 14 should remain.

Police do not make capacity change decisions, this would be down to EH and the Fire Authority

I am back in the office on 8th June, 2015, if you have any questions please call me then.

Kind Regards,

Sandy Russell
Police Licensing
Tel: 0207 641 1709

PC Sandy Russell 4167CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 1721

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Westminster City Council: www.westminster.gov.uk

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Details of public representations relating to 15/03502/LIPV

Comments received electronically via PublicAccess:

- **Mr John French - Flat 3, 90 Wigmore Street, London**
Received:

Dear Sirs,

NOTIFICATION OF A PREMISES LICENCE VARIATION APPLICATION UNDER THE
LICENSING ACT 2003
Carmina Cafe, Basement Floor To Ground Floor, 88 Wigmore Street REF: 15/03502/LIPV

I am resident at 90 Wigmore St, Flat 3 and I am writing to you to object to the proposed application by the above to serve alcohol at the tables on the street front. I have occupied this flat since 1990 and am very much aware of the situation outside this building and below my windows.

General comments

- 1. I find the wording of the application very difficult to understand and suggest that it is re submitted in language that makes it absolutely clear what is being requested.*
- 2. Wigmore Street is very busy with traffic. At the crossroads with Mandeville Place and Wigmore Street the pavement is extremely narrow and dangerous (there have been fatalities in the past).*
- 3. The tables, chairs and signs for Carmina Cafe are regularly placed on the Council pavement and from time to time alcohol is served at these tables in contravention of the existing licence. You will have records of previous complaints from local residents accompanied by photographs.*
- 4. There is now a large ice cream vending machine on the pavement immediately outside Carmina Cafe adding to the congestion. Is Council permission required for this?*
- 5. I understood that the existing permission for sale of food is for cold food only. As you will see fish and chips is now widely advertised as being available and the smell can be noticed from the flats above. You will know from your records that the cafe was closed for a week last year for a mouse infestation.*

- **Mr _ Mrs Sven Becker - 2 Mandeville Place, London, W1U 2BF,**
Received: 28 May 2015
OBJECTION

To whom it may concern,

I am writing to object to the premises licence variation application 15/03502/LIPV (submitted by Carmina Cafe) on the basis of Prevention of Public Nuisance.

I write as a local resident and neighbour of Carmina Cafe, who lives directly across the street from the outside tables on the Mandeville Place side of Carmina's corner site. Our main bedroom is directly opposite these tables. Allowing alcohol to be served at these outside tables will inevitably mean louder and much more animated conversations which will make it harder for us to sleep, and to have peaceful enjoyment of our main residence. Moreover Carmina's outside space is actually very narrow, and tables and chairs often encroach on the public right of way.

The area is already very well served by licensed premises serving outside (notably James Street). Records will show that over the years many noise complaints were made to the Westminster Noise Team relating to patrons of establishments very near Carmina (Levant, Ayoush, etc). The proposed variation to Carmina's license will only make it harder for local residents to have peaceful enjoyment of their dwellings. North of Wigmore Street the character of the neighbourhood is much more residential and rights of residents should be defended in the face of encroaching commercial concerns. The site currently occupied by Carmina was originally a kitchen showroom, which then became a cafe, then Carmina came as a cosmetic salon that served food, but then got rid of the salon and began operating only as food and beverage establishment, and now wants to serve alcohol outside. You can see how the use of the site has been allowed to morph from its original intent to a point where commercial interests are allowed to impinge on the rights of residents.

Thank you very much for giving this objection due consideration.

Mr and Mrs Sven Becker

- **U Onwere - Flat 4, 90 Wigmore St, London W1U**
Received: 9 Jun 2015
OBJECTION

I write on account of 90 Wigmore St, Flat 4 and I am writing to you to object to the proposed application by the above cafe to serve alcohol at the tables on the street front.

2. It would be an absolute disaster if you were to grant Carmina Cafe a licence to serve alcohol. Wigmore Street is very busy with traffic and Carmina Cafe is at the crossroads with Mandeville Place and Wigmore Street where the pavement is extremely narrow and dangerous.

3. The tables, chairs and signs for Carmina Cafe are regularly placed on the pavement and obstruct pedestrians. I believe you already have records of previous complaints from local residents accompanied by photographs and also of previous breaches by Carmina Cafe of its licence terms. In addition, I also believe you have records that the cafe was closed for a week last year for a mouse infestation.

1. If alcohol is allowed to be served on the pavement tables this will inevitably add to extra congestion on this dangerous crossing. I very much doubt if the management of Carmina Cafe would be able to control customers standing up drinking on the pavement if the chairs were fully occupied.
2. I also draw to your attention occasional unruly behaviour from street drinking outside Black and Blue restaurant (92 Wigmore Street) together with extra noise and cigarette smoke immediately below our windows.
3. Street drinking will result in this narrow pavement becoming an outside bar with particular danger to pedestrians trying to cross Wigmore St at the traffic lights and facing heavy traffic.
4. There are already enough drinking establishments nearby and Carmina Cafe would be an extremely dangerous place to grant an additional licence.

I am pleading strongly to the Council NOT to grant this application which would have a serious detrimental effect on the lives of local residents and would be a considerable danger to pedestrians and others.

Yours faithfully,

U. Onwere

Comments received via other means:

- **Alex Avella - Flat 2 , 90 Wigmore Street, London**
Received: 20 May 2015 by Neighbour Consulted Via Letter
OBJECTION ATTACHED

- **Mr Michael Windsor - Flat 1, Wigmore Mansions, 90 Wigmore Street, London**
Received: 8 Jun 2015 by Neighbour
OBJECTION ATTACHED

Patterson, Susan

Subject:

FW: REF 15/03502/LIPV; CARMINA CAFÉ

From: Alex Avella [<mailto:alex.avella@gmail.com>]

Sent: 20 May 2015 17:36

To: Premises Licensing

Subject: REF 15/03502/LIPV; CARMINA CAFÉ

I am resident at 90 Wigmore St, Flat 2. I am writing to you to appeal against the application for serving alcohol outside the premises that the Carmina Café has made. I am worried on a number of fronts if this application is granted:

1) THREAT OF UNRULY BEHAVIOUR - Since the granting of a license to Black and Blue for alcohol, we have, on several occasions, had to deal with unruly behaviour on the pavement outside 90 Wigmore St. There is a real danger that the "feel" of Wigmore St is being slowly eroded as these licenses are approved. This is starting to create a second Soho. That is not the reason why people choose to live in Marylebone and certainly not the reason why I bought my flat 10 years ago. In simple terms, I fear that Wigmore Street could start seeing more drunkards. Clearly Carmina Café doesn't want to attract such types directly but do we have to trust their judgment by allowing a license to be granted...especially in the light of numerous license breaches already (see point 3).

2) NOISE POLLUTION - Carmina has a number of tables outside the restaurant. A late licence would certainly increase the noise coming from the place. During the summer, this would be very disruptive since opening windows would mean hearing a lot of noise from the people sitting outside and smelling smoke.

3) CARMINA CAFÉ HAS A HISTORY OF BREACHING ITS ALCOHOL LICENSE WITH IMPUNITY; GRANTING A LICENSE NOW WOULD SEEM TO REWARD SUCH DISDAIN FOR THE COUNCIL - Carmina has a documented history of breaching its license already, ie, serving alcohol liberally OUTSIDE on many occasions. These have been reported to and investigated by Gavin Venamore. IT WOULD SEEM STRANGE TO GRANT A LICENCE TO A BUSINESS THAT HAS BEEN BREACHING ITS CURRENT LICENCE NUMEROUS TIMES ALREADY. It would set a poor precedent for how other businesses should deal with the council on issues where they 'want' what they can't have.

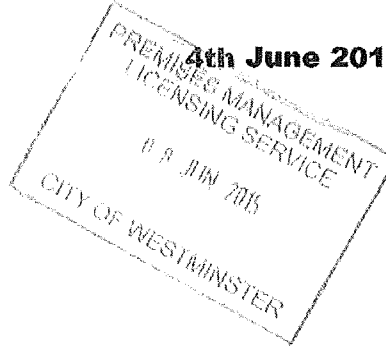
Overall, my fear is that once the slippery slope of outside drinking starts on a street, the ability to control a number of very negative externalities rapidly declines.

ALEX AVELLA

Sent from my iPad

**Michael Windsor
Flat 1, Wigmore Mansions
90 Wigmore Street
London W1U 3RD**

**City of Westminster,
Licensing Authority,
Licensing Services, 14th Floor
City Hall,
64 Victoria Street,
London SW1E 6QP**



4th June 2015

Your Ref: 15/03502/LIPV

Re: Premises known CARMINA CAFE, 88 Wigmore Street, London W1U 3RB

Dear Sir/Madam

I am resident at 90 Wigmore Street, flat1.

I am opposing this application on the grounds, this application will cause nuisance to Residence of Wigmore Mansions, 90 Wigmore Street and the rest of Wigmore Street. Any alcohol consumed outside premises, also encourage the customers to hang around our residences entrance cause nuisance and danger, and to other pedestrians using the payment. They have seating area outside, also cigarette ends are currently causing nuisance to residents in the area from licensed premises, this will happen on our doorstep.

We Wigmore Mansions Residences We Share a wall with Carmina Cafe which we already have problems with existing licensed premises in the area.

The Carmina Cafe, already bridge the condition of their license many times over, from day one they were granted licence, they ignored the condition on the license prohibiting them to serve alcohol on the tables outside the cafe, I am enclosing the photos taking from my balcony and


from the street shows they have been serving alcohol on the tables outside the cafe.

Once Carmina cafe noticed I am taking Photos of bridging their license, they started to serve alcohol in a water glasses, see it on a photos enclosed.

They have also bridge the license they hold, by having life music every Friday inside the cafe.

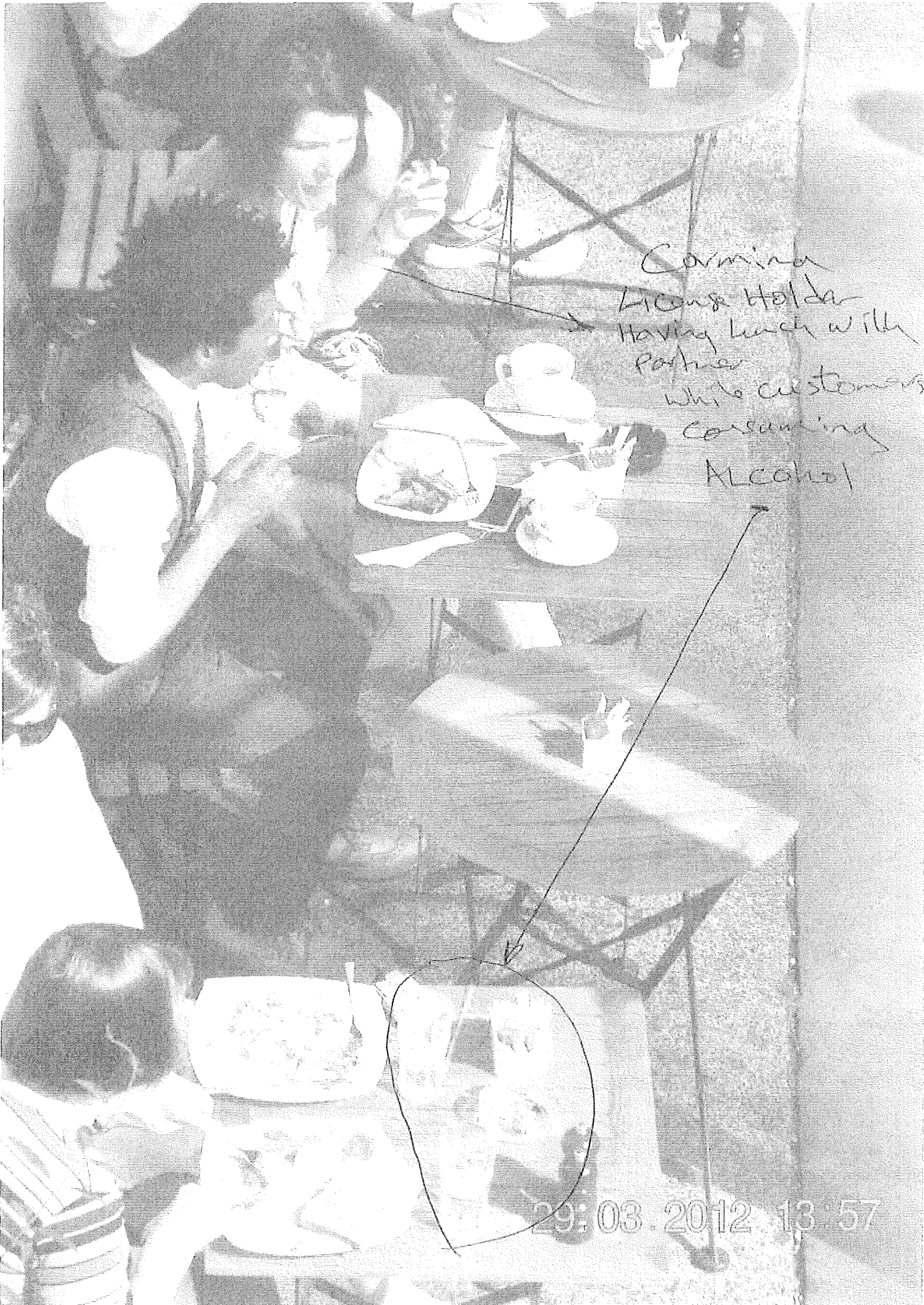
Finally this premises broke the law many times over , should not be considered Life Music and Alcohol Licence.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Michael Windsor', with a horizontal line underneath.

Mr Michael Windsor

Enclosed Photos



Carmina
License Holder
Having lunch with
partner
while customers
consuming
Alcohol

29:03.2012 13:57





28.03.2012 11:26



29.05.2012 18:47



19.06.2013 20.44



30.06.2013 18:47



09.07.2013 21:12



03.08.2013 18:21



03/02/15 20:03
Stamp The Photo from ArvenSoft

GPS: 51.5159,-0.1507



08/07/2015 16:19:20

Stamp The Photo from ArvanSoft