

# Licensing Sub-Committee Report

Item No:	<input type="text"/>
Date:	<input type="text"/>
Licensing Ref No:	15/12126/LIPN - New Premises Licence
Title of Report:	Pappiland Cafe Ground Floor 12 Norfolk Place London
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	3 March 2016		
<b>Applicant:</b>	Pappiland Limited		
<b>Premises:</b>	Pappiland Cafe		
<b>Premises address:</b>	Ground Floor 12 Norfolk Place London W2 1QL	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This premises operates as a cafe and wishes to sell alcohol to its customers.		
<b>Premises licence history:</b>	This premises has not benefitted from a licence under the Licensing Act 2003.		
<b>Applicant submissions:</b>	<p><b>The applicant has not submitted any extra information however in a discussion with the Police, the applicant has agreed to reduce the hours for the sale of alcohol to 12:00 – 23:00 Monday to Sunday. The Licensing Service have not received written confirmation from the applicant stating that they are amending their application therefore the hours below reflect the hours applied for in the original application.</b></p>		

## 1-B Proposed licensable activities and hours

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	None						

## Hours premises are open to the public

Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	None						
<b>Adult Entertainment:</b>	None						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	28 <sup>th</sup> March 2016
<p>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 may undermine the Licensing Objectives.</p> <p><b>Our objections relate to the following:</b></p> <ul style="list-style-type: none"><li>• There are insufficient conditions proposed by the applicant</li><li>• The times sought are beyond core hours for licensed premises in Westminster</li></ul> <p><b>Following a discussion, the applicant has agreed to reduce the hours for the sale of alcohol to 12:00 – 23:00 Monday to Sunday. The Licensing Service have not received written confirmation from the applicant stating that they are amending their application therefore the hours stated in this application reflect the hours applied for in the original application.</b></p> <p>Note: The Metropolitan Police Service have proposed conditions to the applicant which have not yet been agreed. Please refer to Appendix 4 for the conditions.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	29 <sup>th</sup> March 2016
<p>I refer to the application for a new premises licence for the above premises.</p> <p>The applicant has submitted new plans of the premises showing the ground floor.</p> <p><b>The applicant is seeking the following:</b></p> <ol style="list-style-type: none"><li>1. Supply of Alcohol 'on' the premises on Monday to Sunday 12:00 to 00:00 hours.</li></ol> <p><b>I wish to make the following representations as numbered above:</b></p> <ol style="list-style-type: none"><li>1. The supply of alcohol and for the hours requested may have the likely effect of causing an increase in Public Nuisance in the area</li></ol> <p>The applicant has provided some undertakings in the operating schedule to support the licensing objectives but these will need to be re-worded into appropriate conditions.</p> <p>As this is an application for new premises licence Environmental Health would wish to assess the premises for Public Safety and the potential for nuisance, such as from odour and noise, from the plant and machinery employed in its operation.</p> <p>The applicant is requested to contact the undersigned to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns including an</p>	

appropriate safe capacity and also taking into consideration the provision of sanitary accommodation being in line with British Standard 6465.

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

Note: Environmental Health have proposed conditions to the applicant which have not yet been agreed. Please refer to Appendix 4 for the conditions.

<b>2-B Other Persons</b>	
<b>Name:</b>	Mr John Zamit
<b>Address and/or Residents Association:</b>	FOR SEBRA & BRA Chairman SEBRA (South East Bayswater Residents Association) 2 Claremont Court Queensway LONDON W2 5HX
<b>Received:</b>	29 <sup>th</sup> March 2016
<p>I write on behalf of South East Bayswater Residents Association (SEBRA) and Bayswater Residents Association (BRA) to make a representation in respect of this application. The reference number given above is the reference number as shown on the Licensing Register on the City Council's website. It starts with '15' rather than '16'. Is the reference number incorrect?</p> <p>This representation is made on the grounds of 'prevention of public nuisance'. There are residential units adjacent to the premises, and the area around is predominantly residential. The application seeks:</p> <ul style="list-style-type: none"> <li>o Sale and supply of alcohol midday to midnight Mon-Sun</li> <li>o Opening hours - 7am to midnight Mon-Sun</li> </ul> <p>We have the following points to make:</p> <ul style="list-style-type: none"> <li>o The hours proposed for sale of alcohol are very late for a quiet street, and are outside the Council's 'core hours' policy HRS1.</li> <li>o If the application was to be granted in its current form, the premises could operate as a vertical drinking bar. We are sure that this is not the applicant's intention, but we note the lack of conditions ensuring that alcohol is ancillary to table meals, and served by waiter/ess to persons seated.</li> <li>o The application to sell alcohol to midnight Mon-Sun, However, there is no application for 'late night refreshment'. The applicant will therefore not be able to sell hot food (or coffee etc) after 11pm. Although they can sell cold food, the attractiveness to people who have been drinking is less than hot food. Serving only cold food is not likely to mitigate the adverse effects of alcohol consumption late at night.</li> <li>o We note that the application states that the premises provides 'cold food, snacks...'. We are not sure if no hot food is provided before 11pm, although we note that there is an area on the plans marked 'griddle'.</li> <li>o The reason for the application seems to be to boost business in the evenings, which is currently slow. The applicant states that Paddington is in a 'very busy' area. Some parts of Paddington are indeed very busy. In the evenings, this street is not one of them. There is therefore potential for noise nuisance.</li> <li>o There is no application for sale of alcohol for consumption off the premises, which we welcome. However, it is not clear from the plans whether there are tables and chairs outside the premises building and, if so, whether they are included within the 'licensed area'.</li> </ul>	

- o What is the proposed overall capacity?
  - o The premises does not have the correct planning permission to operate as a café, although we appreciate that this is not in itself a reason not to grant a premises licence.
  - o We assume that the police will ask for CCTV etc if they think it appropriate.
- Should a licence be granted, we would like to see the hours reduced to a level which is appropriate for the street and immediate locality. In any event, there can be no hot food after 11pm.
- Should a licence be granted, we would also like to see a number of conditions added:
- o A condition that there be no sales of beer, lager or cider above 5.5% abv.
  - o A condition that alcohol may only be sold ancillary to a substantial table meal, and is served by waiter/ess to persons seated.
  - o A condition that notices are put up to remind customers to leave the area quietly.
  - o Conditions restricting servicing (deliveries, collections of rubbish and glass bottles etc) to reasonable hours eg. 8am - 9pm
  - o We assume that all customers will be off the premises by the end of whatever 'opening hours' might be granted, if any, and would wish to see a condition to this effect on the licence
- We would be more than happy to discuss the points raised in this representation.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy PB1 applies:</b>	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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - None Supplied
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Photos of the premises <b><i>(at the time of compiling this report for callover the photos were not available)</i></b>
<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

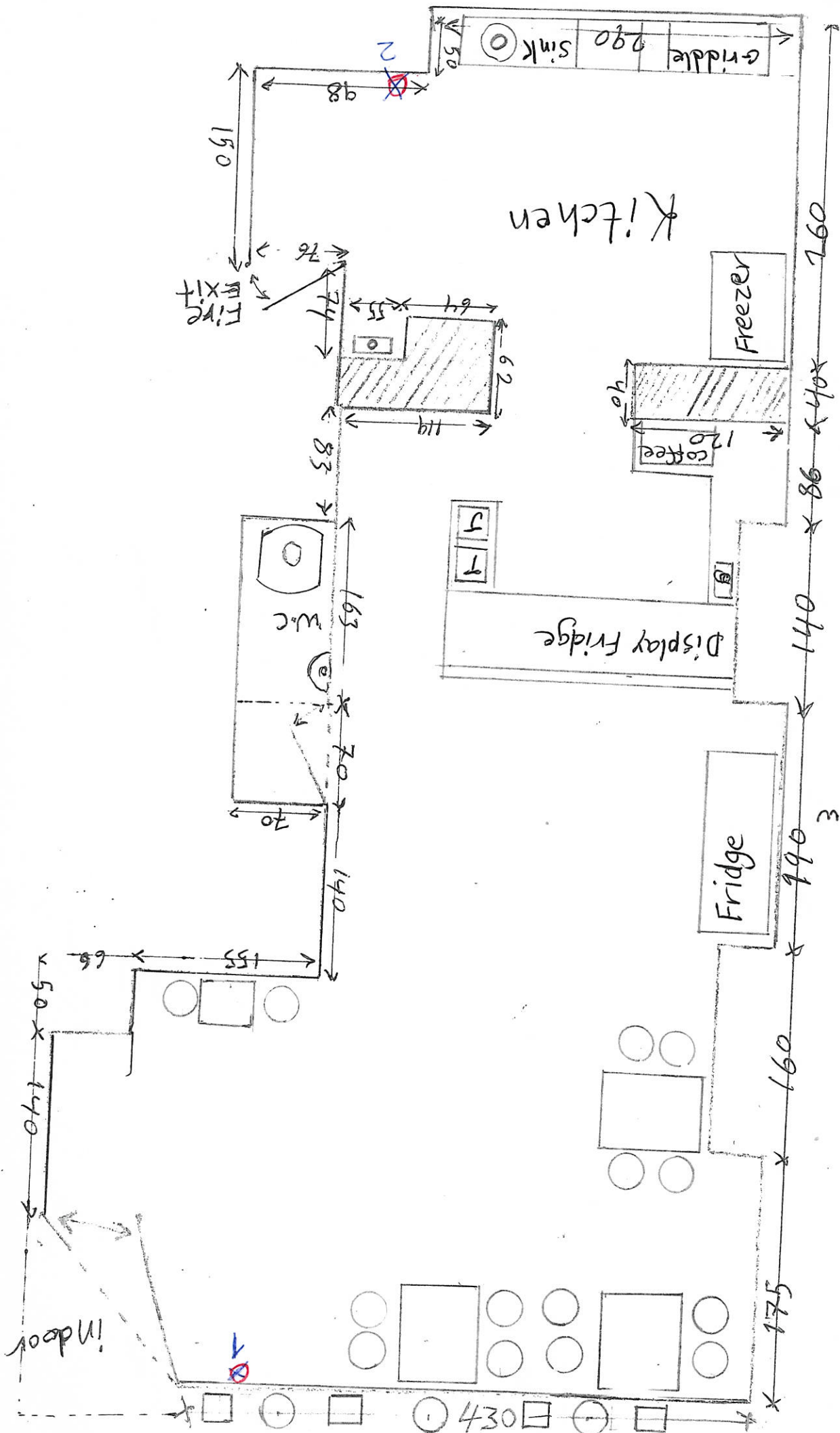
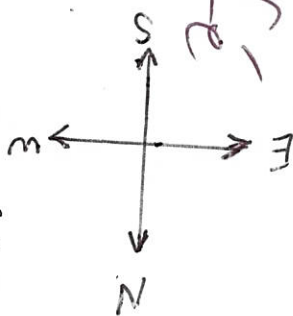
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

# Pappi Land Cafe

1-2 = Fire extinguisher.



# **APPENDIX 2**

**(no further information)**



## **Appendix 3**

There is no licence or appeal history for the premises

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

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

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

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

### **Mandatory Conditions**

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**

No conditions proposed

### **Conditions proposed by the Police**

9. 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 preceding 31 day period.
10. 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 are 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.
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. This does not include customers seated at the outside tables.
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 concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service
13. The premises shall only operate as a restaurant:
- (i) Where the supply of alcohol is by waiter or waitress service only,
  - (ii) Which provide food in the form of substantial table meals that are prepared
  - (iii) On the premises and are served and consumed at the table using non disposable crockery.
  - (iv) Which do not provide any take away service of food or drink after 23.00, and
  - (v) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated on the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to the meal.

14. Outside tables and chairs shall be removed or rendered unusable by 22:00 hours.

15. The alcohol available shall be restricted to beer and wine only.

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

16. The number of persons permitted at the premises (including external forecourt) at any one time shall not exceed 25 (including staff)

17. 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.

20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

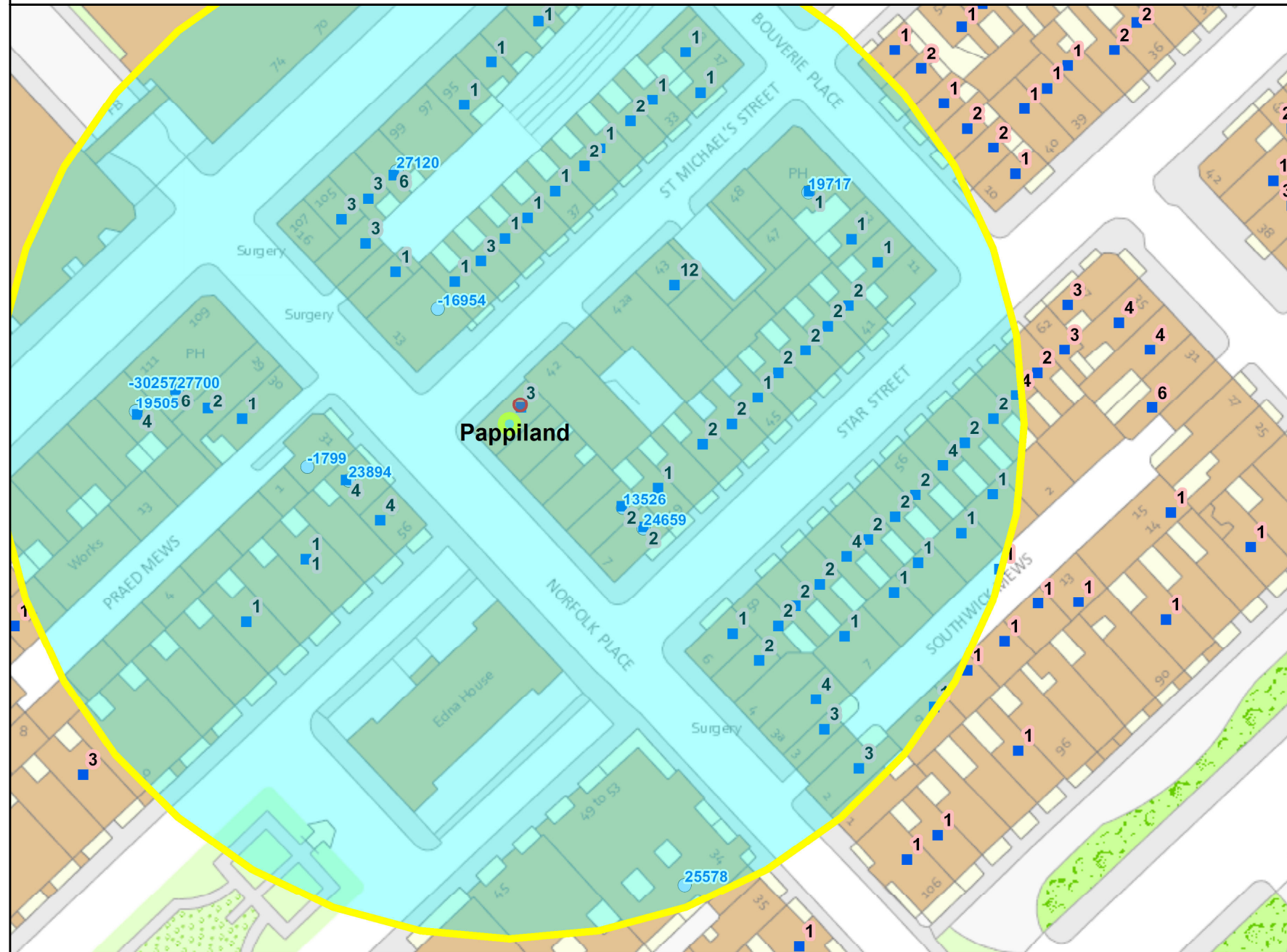
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.

26. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.

# **APPENDIX 5**



# Pappiland Cafe, Ground Floor, 12 Norfolk Place, London



Residential / Proposed Residential	150
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

9  
Meters



**Premises within 75 metres of: Pappiland Café, Ground Floor, 12 Norfolk Place, London**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
23894	Ryath Indian Restaurant	32 Norfolk Place London W2 1QH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-16954	The Frontline Restaurant	13 Norfolk Place London W2 1QJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19717	Sir Alexander Fleming Public House	16 Bouverie Place London W2 1RB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-30257	Fountains Abbey	Fountains Abbey 109 - 111 Praed Street London W2 1RL	Thursday to Saturday 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Wednesday 07:00 - 23:30
-27038	Tulsi News	87 Praed Street London W2 1NT	Monday to Sunday 06:00 - 00:00
-1799	Ground Floor	31 Norfolk Place London W2 1QH	Monday to Sunday 06:00 - 22:00
13526	Indian Connoisseur Restaurant	8 Norfolk Place London W2 1QL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19505	Peking Cuisine	113-115 Praed Street London W2 1RL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

# **APPENDIX 6**