

Licensing Sub-Committee Report

Item No:	
Date:	10 November 2016
Licensing Ref No:	16/09099/LIPN - New Premises Licence
Title of Report:	Burj Alarab Arabesque 13C Crawford Street London W1U 6BZ
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 August 2016		
Applicant:	Burj Alarab Arabesque Ltd		
Premises:	Burj Alarab Arabesque		
Premises address:	13C Crawford Street London W1U 6BZ	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
Premises description:	<p>The premises already operates as a restaurant primarily offering food of a Middle Eastern theme to customers seated at tables within the restaurant and to customers seated at tables on the private forecourt to the front of the restaurant. It is situated in a row of commercial premises, including other cafes and restaurants.</p>		
Premises licence history:	The premises has not previously held a premises licence.		
Applicant submissions:	<p>The application is to permit the serving of hot food and drink after 23:00. No licence for retail sale of alcohol nor regulated entertainment is sought as part of this application.</p> <p>Background music only will be played inside the venue - which is not licensable.</p> <p>In addition to the interior of the premises, it is proposed to serve hot food and hot drink to customers seated at the outside tables, which are located on a private forecourt.</p> <p>Mr Abbas (director of the applicant company) has previously managed a restaurant / cafe in Westminster, and it is noted that he is conversant with both the Licensing Act 2003 and promotion of the Licensing Objectives.</p> <p>The applicant has proposed four model conditions in order to promote the licensing objectives (see Appendix 4). In addition, the applicant has agreed seven conditions with the Police and a further two from Environmental Health (see Appendix 4).</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	03:00
Seasonal variations/ Non-standard timings:			During the Holy month of Ramadan it is requested that the provision of Late Night Refreshments continues until 5am, to cater for the large majority of Muslim customers who can only eat between sunset and sunrise.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	03:30	03:30	03:30	03:30	03:30	03:30	03:30
Seasonal variations/ Non-standard timings:			Premises to remain open until 06:00 hours during the Holy month of Ramadan.				
Adult Entertainment:			None.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	26 September 2016
<p>I wish to make the following representation:</p> <p>1. Provision of Late Night Refreshment and for the hours requested may have the likely effect of increasing Public Nuisance in the area</p> <p>The applicant has provided some conditions which are under consideration.</p> <p>Clarification is sought as to whether the whole of the ground floor (including external private forecourt) or only the private forecourt is to be used for licensable activities. There is also no indication of the proposed capacity for the premises particularly for any proposed use of the external area.</p> <p>Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from the proposed extended hours of use. Such information should be provided as part of a comprehensive Appendix 11 (as stated in Westminster's Statement of Licensing policy) assessment to prevent Public Nuisance in the area.</p>	

The Environmental Health officer has proposed two conditions which have been accepted by the applicant (see **Appendix 4**).

Responsible Authority:	Metropolitan Police
-------------------------------	---------------------

Representative:	PC Sandy Russell
------------------------	------------------

Received:	9 September 2016
------------------	------------------

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. It is our belief that if granted the application would undermine the Licensing Objectives.

There are concerns that this application will cause further policing problems in an already demanding area. It is for these reasons that we are objecting to the application at this stage in the application process.

The Police have proposed seven conditions which have been accepted by the applicant (see **Appendix 4**).

2-B Other Persons

Name:	Mr Paul Stapley-Tovey
--------------	-----------------------

Address and/or Residents Association:	10-12 Crawford Street London W1U 6AZ
--	--

Received:	25 September 2016
------------------	-------------------

Licence period is too late for this residential area.

Name:	Mr James Hancock
--------------	------------------

Address and/or Residents Association:	Flat 1 96 Gloucester Place London W1U6HT
--	---

Received:	26 September 2016
------------------	-------------------

I object to this application for the following reasons:

A late night licence such as this is inappropriate for the residential area in which the premises are located. It should be noted that the café is already operating as late as 12am, serving food and drinks to customers seated both inside and on the street. I have also witnessed shisha smoking at this late hour.

There is no adequate ventilation installed in the premises. Foul cooking smells permeate the street via a non filtered fresh air duct located on the shop front.

The premises was granted a certificate of lawful use or development by Westminster council on 19.12.2012, ref: 12/03302/CLEUD. At the time the premises were operating as a sandwich bar, which also served cooked breakfasts and light lunches. This

sandwich bar closed at 5pm in the afternoon.

The lawful development certificate relates to the sandwich bar and therefore the current use is materially different from that described in both the application and the development certificate. As there have been material changes to the activities at these premises, I would suggest that the café is now already operating without an appropriate licence.

Because of this point, the lack of ventilation and the fact that the premises already operates late into the night without a licence to do so, I find it difficult to imagine that the owners or operators of this café will comply with any future licence that may be granted or restrictions imposed on the hours of operation. Therefore the application should be refused.

Name:	Mr Shaun Opperman
Address and/or Residents Association:	Flat 1 98 Gloucester Place London W1u 6ht
Received:	28 September 2016

There was a sandwich/breakfast bar here before so I would imagine this is already a change of use.

The licence being applied for is far too late for a residential area. The previous café used to close at 5 in the afternoon whereas customers now are already seated outside until midnight.

Cooking smells are vented directly out onto the street, which is unpleasant.

I feel that the application should be refused.

Name:	Mr Neil Taylor
Address and/or Residents Association:	3 Spring Mews Crawford Street London W1U 6AS
Received:	6 September 2016

I am concerned at the amount of noise there will be through the night, despite the fact that alcohol is not served in this restaurant. Late-night visitors tend to be younger and more boisterous and as they are not drinking, will come by car, so starting, leaving and parking plus slamming doors will add to the regular noise that a restaurant inevitably generates. It is unlikely that residents here will be a regular clientele during the night so it will only be people coming from elsewhere who will take advantage of such a facility.

The Council has turned down previous applications for late-night opening in this area and I hope that such a policy will continue. Were one restaurant now be granted such a licence, it will immediately generate further applications from others and Marylebone will totally lose its appeal as a residential area.

Name:	Mr P Vlad
Address and/or Residents Association:	Gloucester place London W1
Received:	5 September 2016

I live with my family very near this cafe, it used to be a nice sandwich shop that closes at 5 or 6 and closed on Sundays, now they are open late, it has a smoking den feeling and they operate shisha indoors illegally.

They do not have the right planning permission to apply for this licence, please check with planning and with the smoking enforcement team as they have just opened.

Should they have a late licence, they will operate outside till very late causing a lot of noise to the neighbourhood.

If you look at the drawings, they have included the outside as part of the licence, this is a sneaky way to try to start serving shisha outside late at night.

Name:	Mrs Giulia Aschieri
Address and/or Residents Association:	10-12 Crawford Street Flat 5 London W1U6AZ
Received:	14 September 2016

I am writing as a neighbour to Burj Alarab Arabesque and I do not wish the licence to be extended until 3am. I feel this is too late especially because it will result in a lot of noise and disruption to our sleep. I find this unreasonable especially on weekdays. This is a residential area and as such I am against this extension of licence.

Name:	Ms Helen Kwok
Address and/or Residents Association:	10-12 Crawford Street London W1U 6AZ
Received:	28 September 2016

I am writing to register my objection to the above application for a premises licence. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, in particular the prevention of public nuisance and advancement of public safety.

I neighbour the restaurant and live on the second floor above it at 10-12 Crawford Street. There are already tables positioned outside the restaurants downstairs and noise invariably filters up to my flat.

I appreciate that nearby restaurants in the street generally close towards midnight, and the noise and crowds on the footpath at closing time creates a noise nuisance – in particular as guests make arrangements to leave. This is generally tolerable, however, if

the premises were allowed to stay open any longer, this would go on until an unacceptably late time.

I note that Section 14 of the application proposes late night refreshments between the hours of 11pm to 3am (7 days). This would create a second wave of noise and traffic in the middle of the night which would further disrupt peace and quiet, when I am trying to sleep. I am also particularly concerned that this is not in character with our street and existing establishments which respect the peace and quiet which neighbours currently enjoy.

With respect to public safety, I often come home after midnight on weekends and currently feel safe in approaching my residence. I would not feel as safe coming home knowing that visitors leaving the restaurant will be either leaving or hanging around on the street.

Name:	Mr Engin Servi
Address and/or Residents Association:	10-12 Crawford Street London W1U 6AZ
Received:	14 September 2016

I am responding to your letter concerning application Ref: 16/09099 for Burj Al arab Arabesque, 13C Crawford Street, London, W1U 6AZ.

As the owner of neighbouring Ishtar Restaurant my objections are as follows:

1) As an established restaurant of last 12 years, we always did our best to maintain considerate relationship with our neighbours and always responded positively to occasional objections in the past to eliminate any disturbance may occur due our own fault. We do believe that the residential neighbours are satisfied with our attitude as they are also vocal about it.

Especially around our restaurant's closure hours we do show great effort for our customers to leave our premises quietly. However since the above mentioned restaurant started to operate their business on our street and keeping it open until early hour of the morning, our neighbours rightly getting confused as if the noise is coming from our restaurant. We contacted each resident to explain ourselves and we believe that they are satisfied with our argument which we are not responsible of late noise level.

2) I am not satisfied that the above restaurant has appropriate food cooking licence since their ventilation system is almost non-existent. The smell of the food cooking reaches our restaurant at full strength and our neighbours were also surprised at first because we did not have this food smell issue prior to opening of Burj Al arab Arabesque.

I do strongly believe that if the proposed application is granted by yourself, this issues going to get difficult to control. There for I am writing this letter to request my written opposition for this application. I would also like to add that my opposition has no relevance with trade competition. I am a firm believer that more of the same type of business gets more trade traffic.

I am confident that you will consider my objection within your guidelines.

Name:	Mrs Beverley St John Aubin
Address and/or Residents Association:	2 Spring Mews Crawford Street London W1U 6AS
Received:	17 September 2016

I am worried about excessive noise, which is already a problem most nights around midnight. Cars parking and leaving, banging doors, cars blocking the entrance to Spring Mews are a constant issue, which can only get worse if the licence is granted for an opening until 03.00. I would hope that all cafes/restaurants could close at 23.00 which would give residents a decent night's sleep whilst still allowing customers to enjoy themselves before then. Other similar applications have been turned down in the past, so I hope this one is as well. Previously the premises closed at 17.00 so never gave any problem to residents.

3. Policy & Guidance

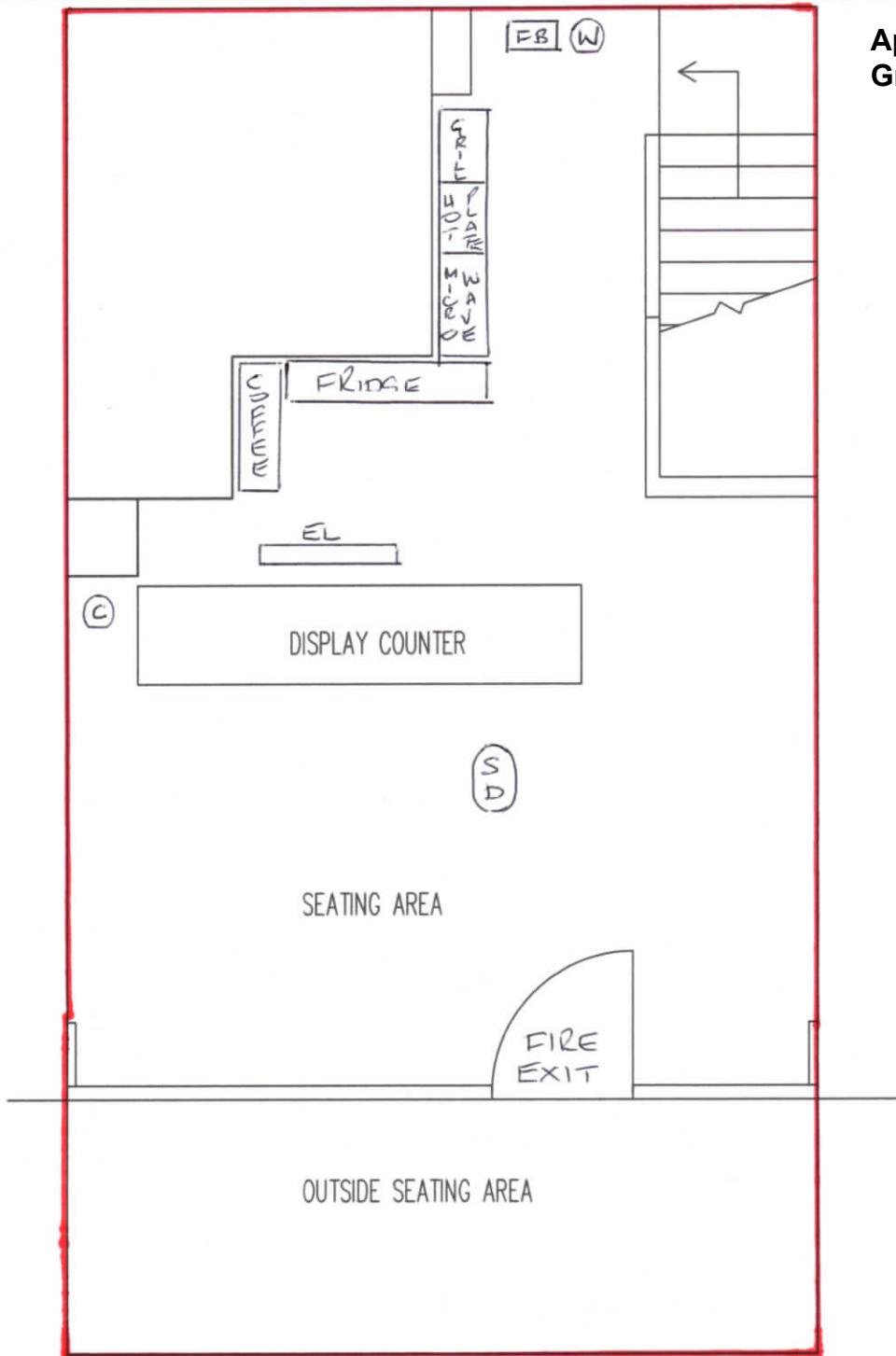
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
Policy FFP1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - none
Appendix 3	Premises history - none
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Nick Nelson Senior Licensing Officer
Contact:	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

**Appendix 1 -
Ground Floor**

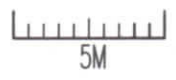


- EMERGENCY LIGHTING
- EXTINGUISHER (WATER)
- EXTINGUISHER (CO2)
- SMOKE DETECTOR
- FIRE BLANKET

**LICENSABLE
AREA**

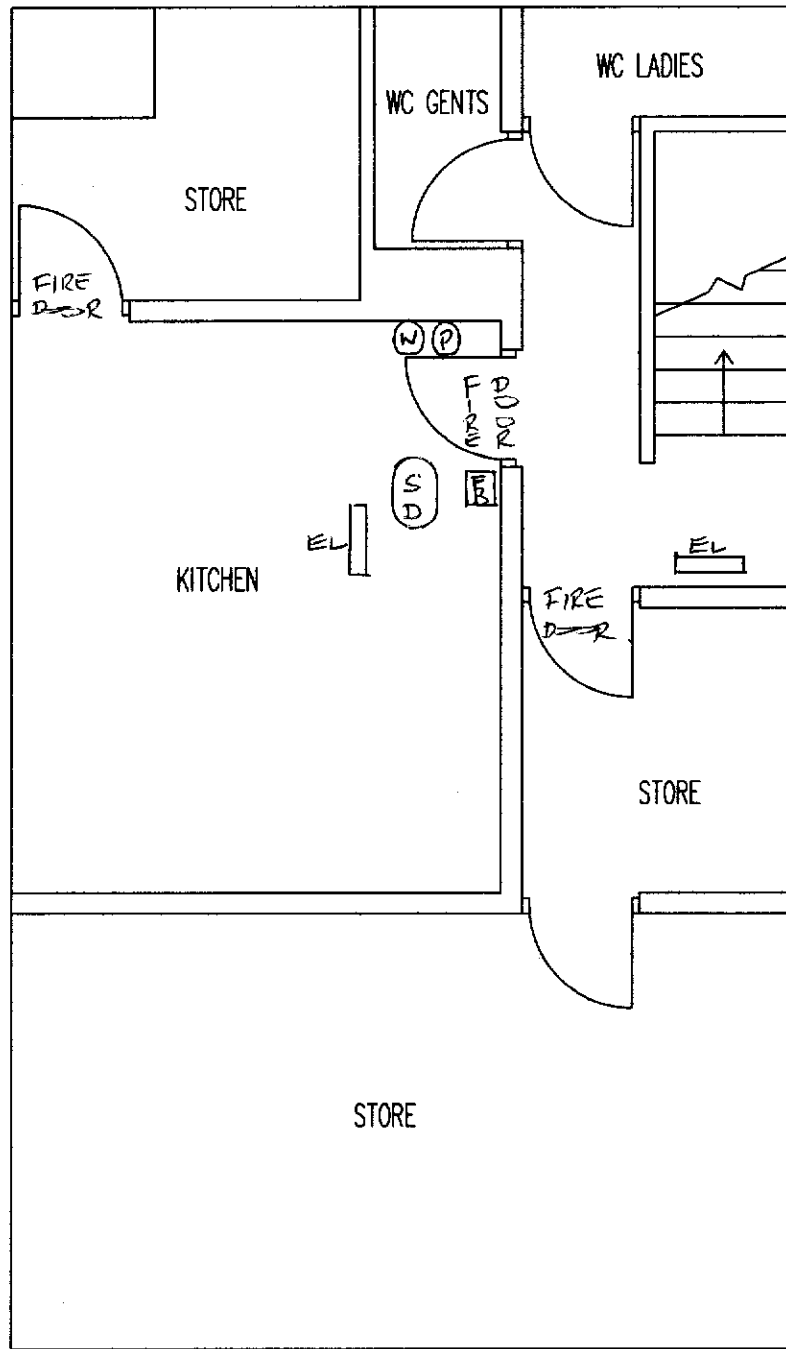
CRAWFORD STREET

GROUND FLOOR PLAN AND SITE PLAN

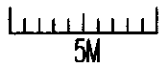







SCALE 1:100 @ A4
DATE 18/08/2016
DRAWING 1

RESTURANT
13C CRAWFORD STREET
LONDON
W1U 6BZ



BASEMENT PLAN



-  - EMERGENCY LIGHTING
-  - EXTINGUISHER (WATER)
-  - EXTINGUISHER (POWDER)
-  - SMOKE DETECTOR
-  - FIRE BLANKET

SCALE 1:100 @ A4
DATE 18/08/2016
DRAWING 1

RESTURANT
13C CRAWFORD STREET
LONDON
W1U 6BZ

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

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

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

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

Mandatory Conditions

None

Conditions consistent with the operating schedule

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. 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.

Conditions proposed by Environmental Health & agreed by the applicant

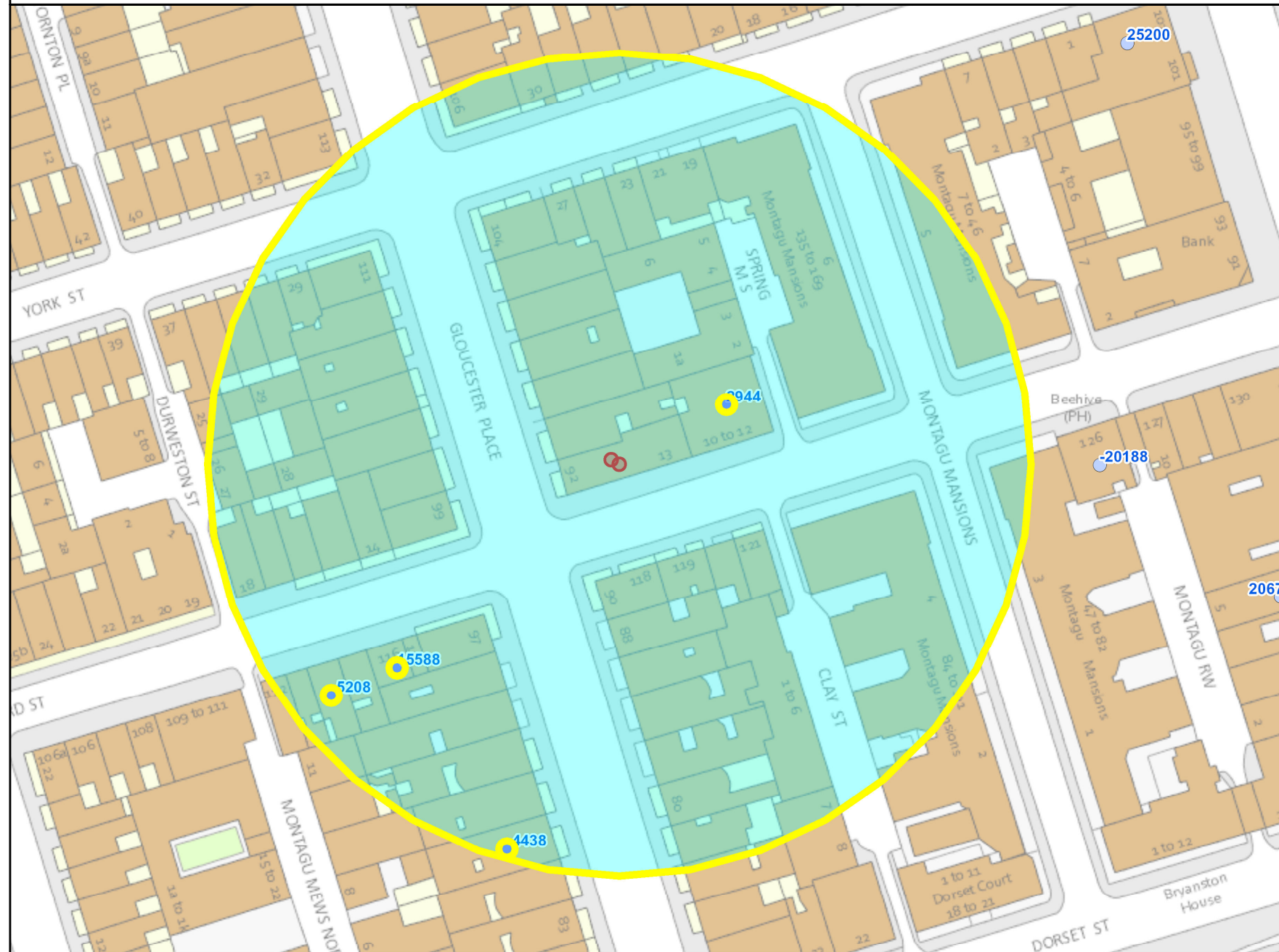
5. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
6. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Conditions proposed by the Police & agreed by the applicant

7. 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.
8. 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.
9. All outside tables and chairs shall be rendered unusable by 23.00hrs each day.
10. Sales of hot food and drink consumed on the premises shall cease at 01.00hrs
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. The premises shall only operate as a restaurant (a) in which customers are shown to their table, b) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, c) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00hrs.
13. During the month of Ramadan sales of hot food and drink are permitted inside the premises only until 05.00hrs.



Burj Alarab Arabesque



Residential Properties	295
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10
 Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database
 Date: 26/10/2016

Appendix 5 - Data List

Premises within 75m of: Burj Alarab Arabesque, 13C Crawford Street			
p / n	Name of Premises	Premises Address	Opening Hours
10/05714/LIPV	Ishtar Restaurant	10C Crawford Street London W1U 6AZ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:50
07/01520/WCCMAP	Monkey And Me	Basement And Ground Floor 115 Crawford Street London W1H 2JF	Friday to Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Monday to Wednesday 10:00 - 23:30 Sunday 12:00 - 01:00 Sunday 12:00 - 22:30
16/01463/LIPN	Z At Gloucester Place	87 Gloucester Place London W1U 6JF	
14/07886/LIPT	Savoy Market	Ground Floor 116 Crawford Street London W1H 2JJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	23 August 2016