



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	10 November 2016
Licensing Ref No:	16/06061/LIPV - Premises Licence Variation
Title of Report:	Rose Cafe 57 Praed Street London W2 1NS
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:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	14 June 2016		
<b>Applicant:</b>	Mr Hassan Kadhim Ali		
<b>Premises:</b>	Rose Cafe		
<b>Premises address:</b>	57 Praed Street London W2 1NS	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises operates as a café over the ground floor and basement.		
<b>Variation description:</b>	To increase the hours of late night refreshment (and opening hours accordingly) until 02:00 Monday to Saturday and 01:00 on Sundays.		
	To increase the hours of late night refreshment (and opening hours accordingly) until 03:00 Monday to Sunday in June, July, December and for the month of Ramadan each year.		
<b>Premises licence history:</b>	The premises has held a premises licence since 27 March 2014. The current licence holder has been the single licence holder for the duration of the licence.		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	23:30	23:00	02:00	Ground floor and basement	No change
<b>Tuesday</b>	23:00	23:30	23:00	02:00	Ground floor and basement	No change
<b>Wednesday</b>	23:00	23:30	23:00	02:00	Ground floor and basement	No change
<b>Thursday</b>	23:00	23:30	23:00	02:00	Ground floor and basement	No change
<b>Friday</b>	23:00	00:00	23:00	02:00	Ground floor and basement	No change
<b>Saturday</b>	23:00	00:00	23:00	02:00	Ground floor	No change

					and basement	
<b>Sunday</b>	N/A	N/A	23:00	01:00	Ground floor and basement	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				23:00 to 03:00 Monday to Sunday in June, July, December and for the month of Ramadan each year.	
	None				No change	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:00	23:30	07:00	02:00	Ground floor and basement	No change
<b>Tuesday</b>	07:00	23:30	07:00	02:00	Ground floor and basement	No change
<b>Wednesday</b>	07:00	23:30	07:00	02:00	Ground floor and basement	No change
<b>Thursday</b>	07:00	23:30	07:00	02:00	Ground floor and basement	No change
<b>Friday</b>	07:00	00:00	07:00	02:00	Ground floor and basement	No change
<b>Saturday</b>	07:00	00:00	07:00	02:00	Ground floor and basement	No change
<b>Sunday</b>	07:00	23:00	07:00	01:00	Ground floor and basement	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				07:00 to 03:00 Monday to Sunday in June, July, December and for the month of Ramadan each year.	
	None				No change	

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	21 July 2016
I wish to make the following representation	
1. Provision of late night refreshment and hours requested to permit the Provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the Area.	
The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the Area.	

The original application made in 2014 (ref. 14/00915/LIPN) was for Late Night Refreshment Indoors Monday to Thursday 23:00 to 01:00 and Friday to Saturday 23:00 to 00:30. The Licensing Sub-Committee on 27th March 2014 reduced the requested hours to core terminal hours because of the particularly residential area and the risk of public nuisance. There is no information within this application to allay the concerns of the Licensing Sub-Committee of 27th March 2014.

In the last 12 months, two public nuisance complaints have been received from two local residents. Details will be provided later.

The applicant has provided no supporting conditions and Environmental Health have concerns with the application.

Environmental Health have provided additional documentation in the form of:

- Licensing Sub-Committee minutes from 27 March 2014; and
- A complaint history for the premises.

Please refer to **Appendix 2**.

In addition, Environmental Health has proposed amendments to conditions 11 and 14 on the current premises licence (see **Appendix 4**).

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Michael Day
<b>Received:</b>	27 July 2016

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated close to the Edgware Road Cumulative Impact Area, a locality where this is traditionally high crime and disorder but I believe this application will cause further policing problems in the area.

<b>2-B Other Persons</b>			
<b>Name:</b>	Dr David Humphreys		
<b>Address and/or Residents Association:</b>	18 St Michael's Street, London		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	1 August 2016		

The Rose Café is adjacent to a number of residential properties, including mine. Activity within the Café is not generally a problem for us. However, the Café acts as a focal point for a number of more informal gatherings around about it, and there are frequent issues with parking on Junction Place (which is very narrow) and on the ramp of the car park which serves the hotel and houses on St Michael's Street, as well as loud

discussions late at night which reverberate around the space between Tune Hotel and the St Michael's Street houses. I appreciate that these more informal gatherings are hard for the café owners to control but the potential for these to become more bothersome to those of us trying to sleep would increase significantly if the licensing hours were to be extended to 2.00am on weekdays – or indeed to 3.00 am for four months of the year as is being proposed.

<b>Name:</b>		Mrs Elizabeth Virgo	
<b>Address and/or Residents Association:</b>		Paddington Waterways & Maida Vale Society	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	30 July 2016		

Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity of Paddington Station and those who use the station either for travel or for passing through.

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area. However, the application extending hours for Late Night Refreshment raises the issue that the likely impact of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance. It could also impair the prevention of crime and disorder.

We are concerned about the impact of noise on residents and, particularly, on children living in the locale. There has been a plethora of licensing applications to our knowledge lately in this area and we are very concerned that the impact of yet another one should be weighed up.

However, this application is seeking to extend hours well beyond its current 'core' hours, which were granted in 2014. We do not see any justification in the application for extending the hours beyond those currently permitted.

The following points are relevant:

- The application suggests that the current licence permits late night refreshment midnight. It does, but only on Fri-Sat, in line with core hours. The application seeks to extend late night refreshment to 2am Mon-Sat, 1am Sun. We consider that this is highly likely to impact adversely on the licensing objectives.
- The premises is situated on the corner of Praed Street and Junction Place, which is a quiet residential street. The premises has frontages on Praed Street and Junction Street. Beyond Junction Street, there are more residential streets. Residents could therefore be impacted by noise from outside the premises and by customers dispersing. People can be attracted to late opening premises which look like they may provide hot food and drink to take away.

- The hours sought are therefore well beyond 'core hours' and what is reasonable in this locality. We also note that there has been a spate of applications in recent weeks for very late licences on this stretch of Praed Street. This is a concerning development for us, coming as it does after the extension of hours in 2014 for 28 Praed Street. We are concerned that the grant of that application is now being used as a precedent by others.

- We note that the formal decision notice following the application for a new licence in 2014 (ref: 14/00915/LIPN) states that core hours were acceptable but 'the Sub-Committee was concerned that this was a particularly residential area and that there was a greater potential for public nuisance if Rose Café was granted the terminal hours applied for in full.' We endorse this.

- We are also concerned that this application, when seen in the context of other recent applications, will result in issues of 'cumulative impact' as seen in the designated 'cumulative impact areas'. The Edgware Road cumulative impact area (CIA) is a short distance away, and we are wary of the problems which led to the designation of Edgware Road as a CIA spreading to Praed Street.

- We note that the s182 Guidance recognizes that this is a relevant issue to raise even when outside a designated area: 'The absence of a [cumulative impact area] policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives' (para 13.33).

- The hours sought mean that customers will be coming to and leaving the premises very late at night. This could disturb residents in the area. Customers will also be leaving at times when public transport is less easy to obtain, which could lead to customers walking to Edgware Road, which is in a designated cumulative impact area. This is entirely contrary to the purpose of Edgware Road's designation as a cumulative impact area.

For these reasons we consider that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance. It could also impair the prevention of crime and disorder.

We are concerned about the impact of noise on residents and, particularly, on children living in this locale.

We would ask that the application is refused.

We consider that there should be no use of outside tables after 22.00.

We would ask that the licence be confirmed as it stands and the variation in hours not be approved, leaving the operation to work with Core Hours.

<b>Name:</b>		Mr John Zamit	
<b>Address and/or Residents Association</b>		South East Bayswater Residents' Association	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	30 July 2016		

We object to this variation application and support representation from PW&MV Society.

We consider if variation granted it would cause loss of amenity and nuisance to residents in area and also there is potential of crime and disorder.

Longer hours if granted would set a precedent in area and other applications to open later would follow.

### 3. Policy & Guidance

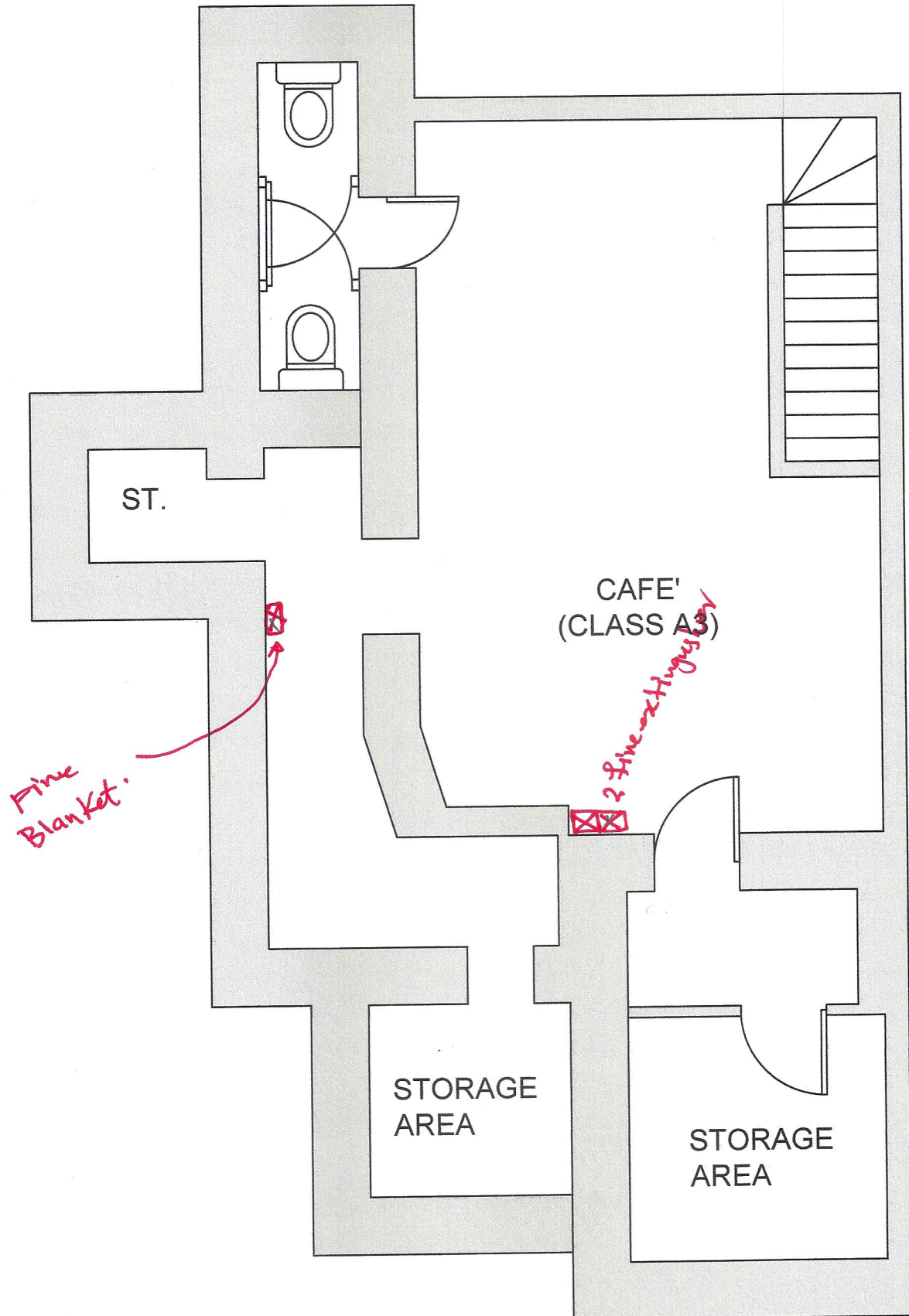
The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours 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 will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
<b>Policy FFP1 applies</b>	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

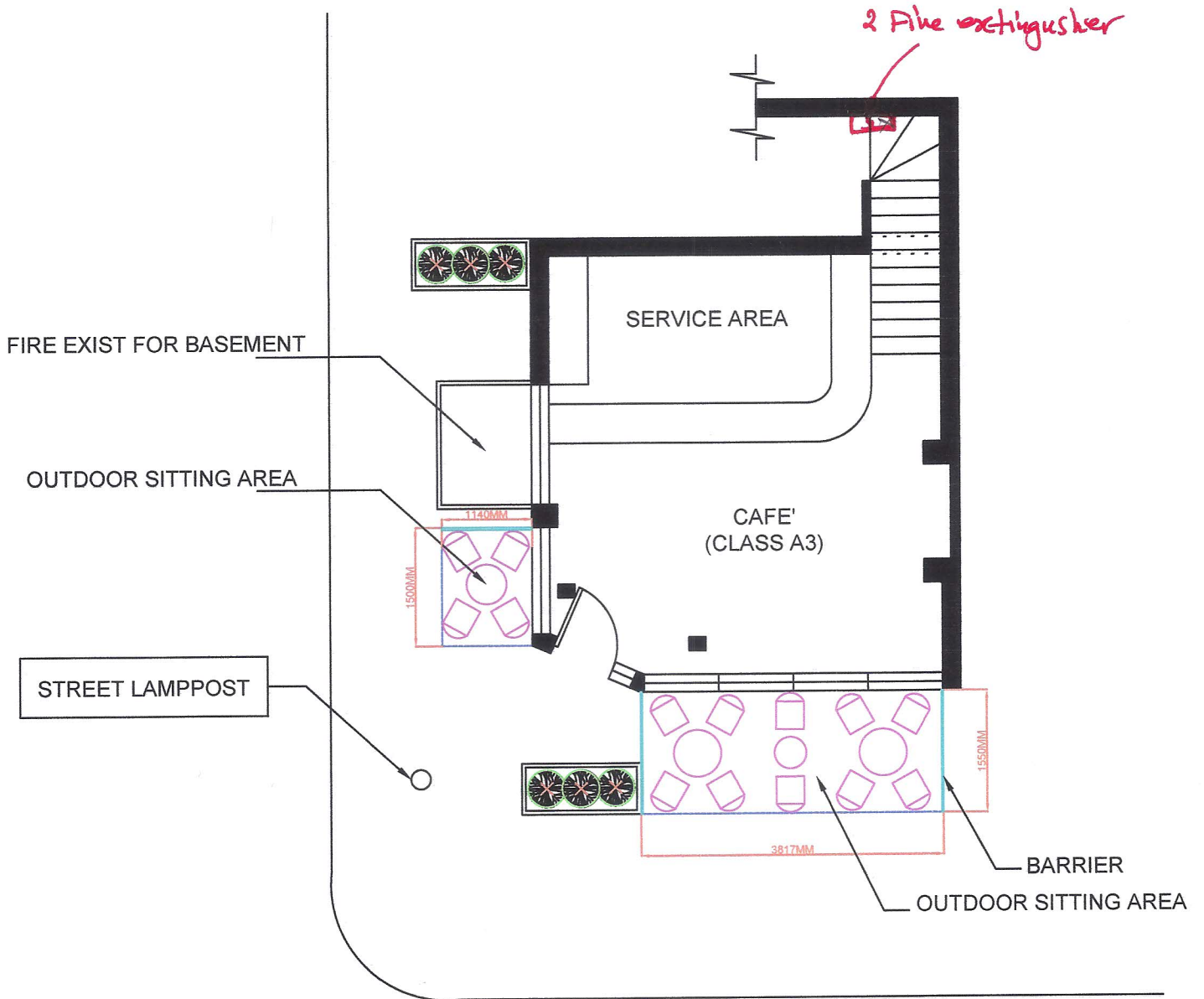
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Environmental Health supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
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Basement





Ground Floor

**LICENSING SUB-COMMITTEE No.5***Thursday 27<sup>th</sup> March 2014*

Membership: Councillor Tim Mitchell (Chairman), Councillor Andrew Havery and Councillor Ahmed Abdel-Hamid

Legal Adviser: Barry Panto  
 Policy Adviser: Chris Wroe  
 Committee Officer: Jonathan Deacon

Relevant Representations: Objecting to application - Environmental Health, Metropolitan Police, Ward Councillor, 3 residents' associations, 3 local residents and  
 In support of application - 1 local resident.

Present: Mr Nicholas Kingsley-Smith (Solicitor, representing the Applicant), Mr Hassan Kadhim Ali (Applicant), Mr Dave Nevitt (Environmental Health), Ms Kay Cummings (Licensing Inspector), Ms Karen Scarborough (Hyde Park Estate Association and also representing Paddington Waterways and Maida Vale Society), Mr John Zamit (South East Bayswater Residents' Association) and Ms Valerie Dyson (local resident).

<b>Rose Café, 57 Praed Street, W2</b>	
<b>14/00915/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment: Indoors</b>
	Monday to Friday: 23:00 to 01:00 Saturday to Sunday: 23:00 to 00:30.
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted core terminal hours for late night refreshment (indoors) - Monday to Thursday until 23:30 and Friday to Saturday until midnight, subject to conditions as set out below. The Council's policy for premises supplying fast food outside the Stress Areas (Policy FFP1) is that 'applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1'. The Sub-Committee considered that the licensing objectives were likely to be promoted in the event that the premises operated until the core terminal hours. However, the Sub-Committee considered that this was a particularly residential area and that there was a greater potential for public nuisance if Rose Café was granted the terminal hours applied for in full.

In granting core terminal hours Monday to Saturday and requiring the premises to close at 23:00 on Sunday, the Sub-Committee took into account that the café did not sell alcohol. The Applicant had addressed the Police's original concerns regarding the potential for crime and disorder having agreed their proposed conditions including that there would be no food or drink consumed outside the premises. The Applicant was not proposing any takeaway of hot food or drink. The Applicant had also agreed a number of conditions proposed by Environmental Health to promote the licensing objectives, apart from one which was that 'there shall be no new entry of patrons after 23:00 hours'. Mr Kingsley-Smith had requested that this condition was not imposed as the proposed capacity of 25 people would not tend to stay very long on the premises and there was not likely to be any trading after 23:00 hours if customers were not allowed to enter after that time. Mr Nevitt for Environmental Health advised that the premises had in the past had a history of complaints but that since shisha smoking had ceased this had cured many of the problems. Ms Cummings informed Members of the Sub-Committee that she had visited the premises at the weekend and no issues had been raised. In those circumstances, the Sub-Committee decided not to impose this condition.

In deciding not to grant the hours applied for in full, the Sub-Committee took into account Mr Nevitt's comments that the reason he maintained his representation was that the Applicant was applying until 01:00 for late night refreshment most evenings and there was an increased likelihood of public nuisance at this hour. Rose Café was in close proximity to residents.

The Sub-Committee heard from Ms Dyson, a local resident who lives immediately adjacent to Rose Cafe. In addition to describing the difficulties for residents when the premises had been open until late into the night when shisha smoking had taken place, she stated that even when customers were eating on the premises and not taking hot food or drink off the premises, they still congregated, smoked and created noise into the early hours of the morning. She had been required to stop using the front bedroom and use a room at the back in order to avoid being disturbed. She believed it was unreasonable for this kind of activity to take place at 01:00 or 02:00 including the sweeping of the pavement and the noise of vehicles. Ms Dyson commented that there were still some issues at the premises but that she had not complained to the Council's Noise Team due to the time it takes for officers to visit. She had additional concerns about additional people using the pavement which she stated is narrow and resulted in wheelchairs and pushchairs being blocked.

Ms Scarborough added that hot food did attract customers to stay in the area for longer. Mr Zamit made the point that the area was very quiet, the road was very narrow and it could be seen how nuisance was able to occur.

The Sub-Committee noted that the premises had previously been able to operate until the early hours of the morning if it sold cold food and drink which could potentially inconvenience local residents. However, with core hours being granted at the premises, staff would be required to close Rose Cafe at the permitted terminal hours. Mr Kingsley-Smith stated during the hearing that the

	<p>premises had not been operating after 23:00 hours for approximately a year.</p> <p>A number of conditions were attached by the Sub-Committee to the licence including deliveries only taking place between 08:00 and 20:00 as requested by the Amenity Societies to prevent public nuisance which was acceptable to the applicant. The Amenity Societies had no objection to the Applicant operating until 23:00 hours on Sundays.</p>
<b>2.</b>	<b>Opening Hours:</b>
	<p>Monday to Friday: 07:00 to 01:00  Saturday to Sunday: 07:00 to 00:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted core terminal hours Monday to Saturday (Monday to Thursday 07:00 to 23:30 and Friday and Saturday 07:00 to 00:00). The Sub-Committee also granted a terminal hour of 23:00 on Sunday.</p> <p>See reasons for decision in Section 1.</p>

<b>Conditions attached to the Licence</b>	
Mandatory conditions – None	
1.	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.
2.	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
- 4b.No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
5. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.
6. Food and drink shall not be consumed in the external areas after 23.00 hours.
7. Children shall not be allowed at the premises after 23:00
8. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
9. 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) any complaints received regarding crime disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
- 10.All customers shall be off the premises by 23:30 hours Monday to Thursday, midnight Friday to Saturday and 23:00 on Sunday.
11. There shall be no take-away of hot food or hot drink after 23:00 hours.
12. After 23:00 hours the number of persons (including staff) permitted in the premises at any one time shall not exceed 25 persons
13. After 23:00 hours patrons temporarily leaving the premises, such as for the purposes of smoking, shall only use the Praed Street forecourt and will be limited to a maximum of 4 persons at any one time.
14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
15. At closing time staff shall encourage patrons to disperse quietly away from the premises and not congregate outside.
16. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

17. No fumes, steam or odours shall be emitted from the licensed premises so as to
18. 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.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. 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.
21. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.

## Recent complaint history - Rose Café, 57 Praed Street

	<b>Date &amp; time</b>	<b>Complaint</b>	<b>Action</b>
1	07.08.2016 @ 01:20	Visit to premises as customers sat outside, door open and hot tea being provided	Two officers attended and spoke to male members of staff whose details were not provided. Visit carried out to the premises as it was open and trading. There were 2 persons seated at a table in Junction Place and 5 persons sat at outside tables and chairs in Praed Street. The front door was wide open. A male member of staff took a teapot and cup from the premises to an outside table. A male behind the counter who had a poor command of English was spoken to. He initially denied that the premises was supplying any hot drinks but then admitted that the premises were open until 02:00 hrs on the orders of the owner.
2	24.01.2016 @ 00:06	Noise from the terrace outside the cafe - people talking loudly (shouting). Cafe doesn't have a license for the terrace	24.01.2016 @ 01:33 No activity in area at time of drive-by.
3	25.08.2015	Noise coming from commercial property with people leaving loudly and leaving car engine on early on in the morning	An officer called complainant twice but he didn't answer & no facility to leave a message. Details to be passed to the relevant Licensing Team to follow up

## Pre-licence complaint history

	<b>Date</b>	<b>Complaint</b>	<b>Action</b>
	24.10.2012	@ 22:43 Loud voices and shouting goes on through the evening and until 3 in the morning	p c didnt want a visit. drive by @ 00:21 noise not snn. 12 people o/s talking quietly.
	03.10.2012	@ 00:15 Loud talking and shouting from Rose Cafe since 7pm	No visit done
	12.09.2012	@ 00:39 noise coming from Rose Cafe	@ 02:04 Officer visited and observed that Café was closed.
	06.09.2012	@ 00:53 loud noises from cafe on 57 Praed Street customer advised cafe open to 3am 4 am every night	@ 02:11 officers visited and observed 8 people seated o/s no noise audible.

	05.09.2012	@ 00:31 Loud noise coming from Rose Cafe at 57 Praed Street.	@ 01:00 left msg on ansaphone, to drive by
	21.08.2012	@ 00:16 Loud noise coming from Rose Cafe - 57 Praed Street. Ongoing issue - caller is stressed and needs a long term solution. Caller has advised that his physical and mental health has been affected due to this issue	@ 04:13 Visit premises closed unable to visit earlier busy night.
	06.07.2012	four TENs application	17.07.2012 All four TENs withdrawn due to objection from EH and referral to LSC
	05.08.2012	@ 22:30 people at 57 Praed street, rose cafe up until 2am or later making lots of noise on mobile phones, out in the street and very loud even when indoors. On-going issue.	@ 23:45 S80 notice ref. 12/01407/EP80NC served on premises and handed to person who is applicant of application in issue.
	31.05.2012	00:18 Large group of people outside Rose cafe Praed street	@ 01:55 an officer visited but premises was closed at time of visit, no tables & chairs outside. No activity noted.
	23.05.2012	@ 23:44 Loud talking shouting on-going problem	00:14 Call back and complainant confirmed noise had reduced
	18.04.2012	@ 21:42 Noise from the rose cafe.57 Praed street, on-going issue but particularly loud tonight	Officer visited and observed 11 people smoking shisha outside, not unreasonably loud (customer confirms it has quietened down. No further action
	08.02.12	@ 15.33 an officer attended premises and spoke to a member who admitted to be in charge regarding customers smoking in substantially enclosed area on forecourt. Person in charge apologised.	20.06.12 person in charge attended interview regarding breach of Health Act. He signed a file note. He was warned that further breaches will result in immediate prosecution



**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
14/00915/LIPN New application	Application for a new premises licence	27.03.2014	Granted by Licensing Sub-Committee

**There is no appeal history**

*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 -**

**Mandatory:**

None

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

1. 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.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
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. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
5. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
6. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.
7. Food and drink shall not be consumed in the external areas after 23.00 hours.
8. Children shall not be allowed at the premises after 23:00
9. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
10. 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) any complaints received regarding crime disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
11. All customers shall be off the premises by 23:30 hours Monday to Thursday, midnight Friday to Saturday and 23:00 on Sunday.

*Proposed amendment by Environmental Health to read:*

*All customers shall be off the premises by 02:00 hours Monday to Saturday, and 01:00 on Sunday save for Ramadan Month(s) and 20th to 31st December when customers shall be off the premises by 03:00 Monday to Sunday.*

12. There shall be no take-away of hot food or hot drink after 23:00 hours.
13. After 23:00 hours the number of persons (including staff) permitted in the premises at any one time shall not exceed 25 persons
14. After 23:00 hours patrons temporarily leaving the premises, such as for the purposes of smoking, shall only use the Praed Street forecourt and will be limited to a maximum of 4 persons at any one time.

*Proposed amendment by Environmental Health to read:*

*After 23:00 hours patrons who temporarily leave the premises and then re-enter, such as for the purposes of smoking, shall be limited to a maximum of 4 persons at any one time; shall not take drinks and glass containers with them and shall only use the Praed Street forecourt*

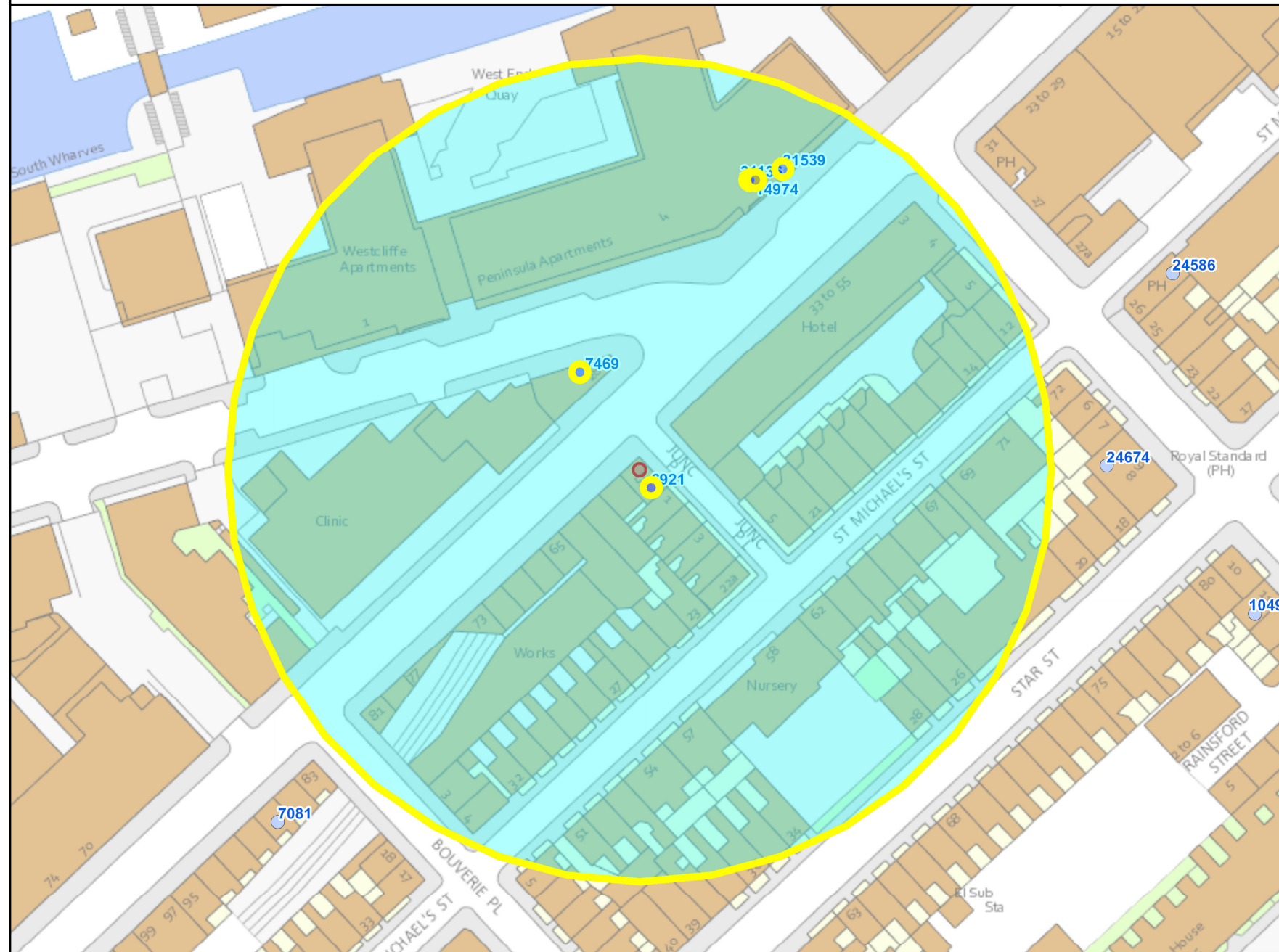
15. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
16. At closing time staff shall encourage patrons to disperse quietly away from the premises and not congregate outside.
17. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. No fumes, steam or odours shall be emitted from the licensed premises so as to
19. 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.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. 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.
22. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.

**Condition proposed by the Paddington Waterways & Maida Vale Society**

26. There shall be no use of outside tables after 22.00.



# Rose Cafe, 57 Praed Street



Residential Properties	243
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10  

 Meters

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

## Appendix 5 - Data List

Premises within 75m of: Rose Café, 57 Praed Street			
p / n	Name of Premises	Premises Address	Opening Hours
13/00300/LIPT	See Cafe	4D Praed Street London W2 1XJ	Monday to Saturday 09:00 - 23:00 Sunday 10:00 - 22:30
16/00557/LIPCH	Tesco - Paddington Express	Unit 8 West End Quay South Wharf Road London W2 1LA	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
16/02746/LIPDPS	Grand Union	Unit 1 West End Quay South Wharf Road London W2 1LA	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
14/09849/LIPV	Fantasia	28 Praed Street London W2 1NH	Monday to Wednesday 10:00 - 01:00 Thursday to Saturday 10:00 - 01:30 Sundays before Bank Holidays 12:00 - 00:15 Sunday 12:00 - 23:00
14/00915/LIPN	Rose Cafe	57 Praed Street London W2 1NS	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30

**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**

<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
<b>4</b>	Application form	14 June 2016
<b>5</b>	Current licence	6 May 2014