

Licensing Sub-Committee Report

Item No:	
Date:	15 February 2018
Licensing Ref No:	17/14501/LIPN - New Premises Licence
Title of Report:	Dorset Cafe Dorset House Basement and Ground Floor 27 Melcombe Street London NW1 6AG
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
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2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Mr Dave Nevitt
Received:	14 th December 2017
I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.	

2-B Other Persons	
Received:	31 st December 2017
<p>I am a leaseholder of a flat above the Dorset Café. I am deeply unhappy by the fact that the Westminster Council did not contact any of the neighbour or resident association. I randomly found this application and I am deeply shocked by not having been contacted beforehand.</p> <p>Please now read my objection: I am extremely worried that an alcohol selling licence would be awarded to the Dorset Café. I am living above. It will occur noise from the people consuming alcohol inside and outside the premises. As a resident I totally object this. Being on the way of supporters going to Wembley park, this place will be a further occasion for more binge drinking before and after the games.</p> <p>I am also worried by the type of people that place might attract. Dorset Square (just a few yards away) is already a well-known spot for drug dealing in North London, and this new alcohol selling place could be a new drug dealing spot. In a context of reduction of budget for the police, how is the council considering tackling crime, anti-social behaviour and noise pollution that this place could cause?</p> <p>May I also draw the council's attention on the gambling place Ladbrokes on Gloucester Place that is also bringing strange people into the area? What is the council's plan to make the Dorset Square Ward a better place to live for the residents? I do not think that awarding an alcohol selling licence to Dorset Café would benefit any of the residents around. This will just make the local mafia richer and the resident less safe as a consequence.</p> <p>Recently the former Cafe Saporito on 14 Melcombe street transformed into wine and vape bar without any consultation of the residents, because the licence has been awarded beforehand to Caffe Saporito.</p> <p>I do hope the council will think twice before awarding an alcohol licence to a place that will be opposite to another bar. The consequences are extremely worrying and the councillors will be held responsible for any rise of crime in the area should they grant it.</p>	

Received: 31st December 2017

I have been living in [REDACTED], since 2006. [REDACTED]

[REDACTED] kindly forwarded me the correspondence below.

I could not agree more with his feedback. I never get involved in giving feedback to the council about applications. However in this case I feel I should draw your attention to this situation. The neighbourhood is degrading quickly, to the detriment of the residents, and this would be a further step.

I also feel a formal consultation has not been launched.

Received: 22 December 2017

We object to this outside alcohol request. We are a residential neighborhood and our bedroom windows are facing Melcombe Street almost directly opposite this cafe.

Received: 3rd January 2018

Firstly I am deeply disappointed that the team did not circulate details of the licencing request to Dorset House residents, which I find extremely odd considering the premises are part of our building!

As a Dorset House resident with my flat facing Melcombe street, we are frequently woken up by the sounds of people shouting while walking past. The noise nuisance from people eating and drinking just below our homes will be significant. The construction / layout is such that sounds, including those of people talking, travel up several floors. This is hugely disruptive to residents which includes convalescing elderly citizens, families with young children and professionals living in Dorset House.

The area is besieged by beggars and drunks and several are a permanent fixture on Melcombe street with more added each new day. Adding an open area restaurant will add to this.

There are already far too many drinking venues in this finite area. Why do we need yet another alcohol serving premises? Are the liquor requirements not more than served by existing units? Should the council not be seeking to close these units rather than allow more to open?

The council is probably well aware of the rodent and pest issue of which Dorset has had more than its fair share. An open air food serving unit will add to the pests.

The proposal is very pedestrian unfriendly. This street has very heavy footfall being the walkway to Marylebone station. I had to call the police when I was shoved over by a couple of youngsters while walking home from Tesco with my grocery bags. I could have been seriously injured had it not been for a passerby's presence of mind. Blocking the pavement with tables will just add to the congestion.

It is the council's and licensing authority's gift to make the area and our city a wonderful place to live for residents, businesses to thrive and tourists to visit. I sincerely hope this

responsibility is executed with due care.

Thank you for the kind consideration of resident interests and our request for the peaceful enjoyment of our homes.

3. Policy & Guidance

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

Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	(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. (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.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

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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	April 2017
4	The Environmental Health Service Representation	14 th December 2017
5	Representation	31 st December 2017
6	Representation	31 st December 2017
7	Representation	22 nd December 2017
8	Representation	3 rd January 2018

Applicant Supporting Documents

None

Premises History

Appendix 2

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

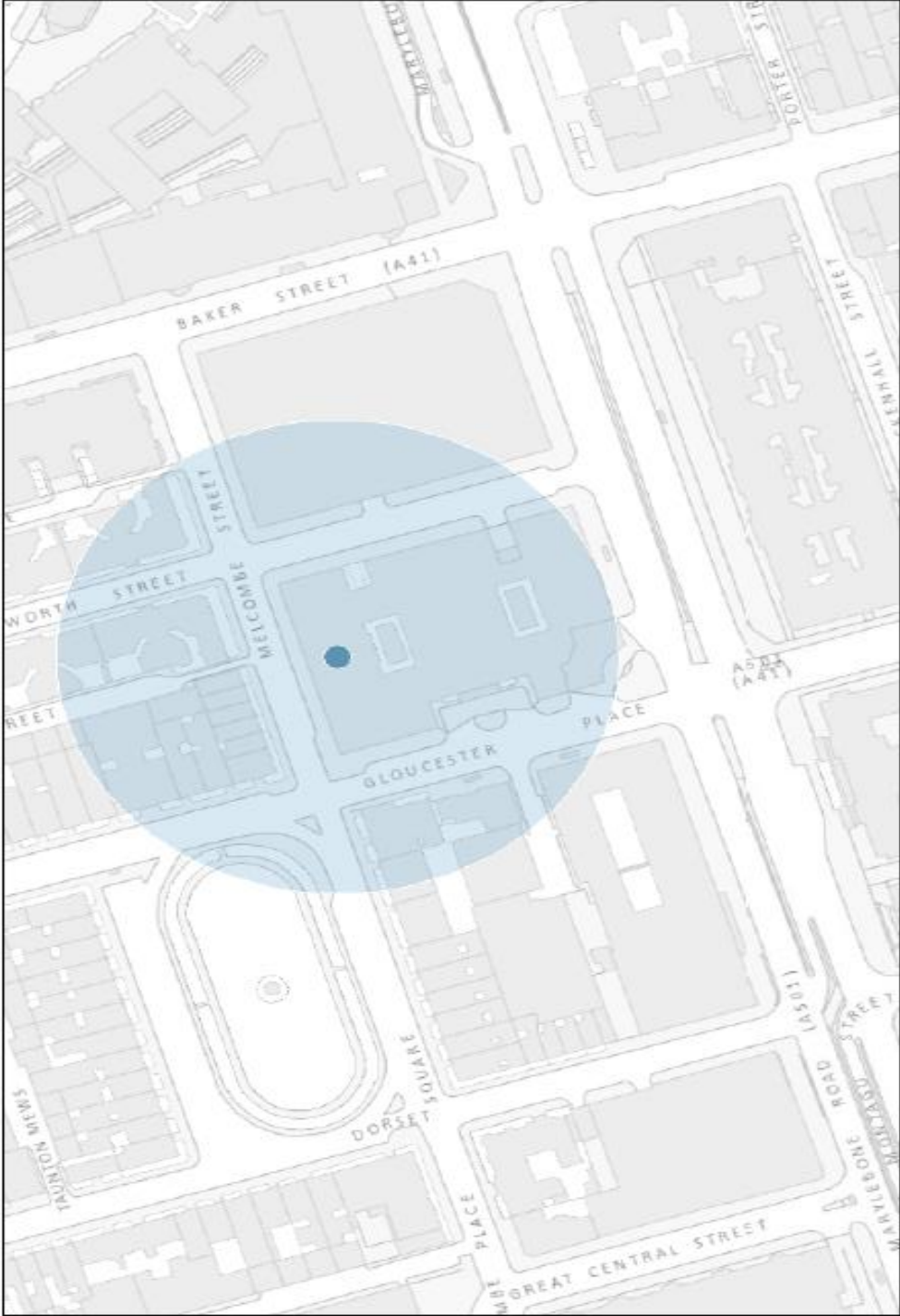
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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 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.
11. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
12. All outside tables and chairs shall be rendered unusable by (22:15) each day.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. 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.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. 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.
17. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,

- (iii) 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,
- (iv) 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 2200, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in 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 their meal.

18. The sale and supply of alcohol for consumption outside of the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
19. Customers permitted to temporarily leave and then re-enter the premises building e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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 take away service of food or drink after 22:00

Dorset Cafe Dorset House Basement And Ground Floor 27 Melcombe Street



February 1, 2018

Resident Count: 385

DISTANCE	Licence Number	Trading Name	Address	Premises Type	Time Period
1.496564871	16/04367/LIPDPS	Oddbins	35 Melcombe Street London NW1 6AG	Shop (large)	Monday to Sunday; 09:00 - 22:30
35.09982465	14/08184/LIPV	Caffe Saporito	14 Melcombe Street London NW1 6AH	Cafe	Monday to Thursday; 07:00 - 22:00 Friday to Saturday; 07:00 - 23:00 Sunday; 09:00 - 20:00
41.31296778	09/09627/LIPV	The Phoenix Palace Chinese Restaurant	5 - 9 Glentworth Street London NW1 5PG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
56.71186091	16/04807/LIPDPS	Dorset Square Hotel	39-40 Dorset Square London NW1 6QN	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30 Monday to Sunday; 00:00 - 00:00 Sunday; 12:00 - 22:30
63.24526015	17/11242/LIPDPS	Allsop Arms Public House	137-143 Gloucester Place London NW1 5AL	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00