

# Licensing Sub-Committee Report

Item No:	
Date:	31 July 2017
Licensing Ref No:	17/05363/LIPN - New Premises Licence
Title of Report:	Unit 15 Ground Floor and Mezzanine Newport Place London WC2H 0NE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@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>	18 May 2017		
<b>Applicant:</b>	Shaftesbury Chinatown Ltd		
<b>Premises:</b>	Unit 15		
<b>Premises address:</b>	Ground Floor and Mezzanine Newport Place London WC2H 0NE	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	<p>According to the application, the premises will operate as a restaurant and bar. For the most part the supply of alcohol has to be by waiter or waitress service to seated customers where the consumption of the alcohol must be ancillary to a table meal. There is no requirement for a substantial table meal and 15% of the customers can consume alcohol in a hatched area within the premises without it being ancillary to any food at all</p>		
<b>Premises licence history:</b>	<p>This is an application for a new premises licence for a unit at a new building development and therefore no history exists.</p>		
<b>Applicant submissions:</b>	<p>The premises will operate as a restaurant with bar in the Central Cross development. The application follows planning consent 15/02497/FULL and pre-application licensing advice reference 16/10398/PREAPM.</p> <p>The site is bounded by 10 to 18 Newport Place, 28 to 35 Newport Court and 51-79 Charing Cross Road. The premises licence application is submitted in conjunction with 6 neighbouring premises licences applications for the development site. The new premises licences will replace existing licences issued in respect of the building. The new licensed uses will result in an overall decrease in licensed capacity and earlier terminal hours when compared with the historical licensed uses. A schedule of the existing premises licences is appended to the application.</p> <p>Please see additional documents attached at Appendix 2</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			To allow the permitted activities from the end of New Year's Eve to the start of New Year's Day.  Sunday's prior to Bank Holidays to operate until 01:00.				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			To allow the permitted activities from the end of New Year's Eve to the start of New Year's Day.  Sunday's prior to Bank Holidays to operate until 01:00.				

<b>Recorded Music</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			To allow the permitted activities from the end of New Year's Eve to the start of New Year's Day.  Sunday's prior to Bank Holidays to operate until 01:00.				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	08:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			To allow the permitted activities from the end of New Year's Eve to the start of New Year's Day.  Sunday's prior to Bank Holidays to operate until 01:00.				
<b>Adult Entertainment:</b>			Not applicable.				

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Sally Thomas
Received:	31 <sup>st</sup> May 2017

**Unit 15, Development Site bounded by 10 to 18 Newport Place, 28 to 35 Newport Court and 51-79 Charing Cross Road, London, WC2H 0NE**

I refer to the application for a new Premises Licence for the above premises.

**The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.**

This representation is based on the Operating Schedule and the submitted plans, the ground floor and mezzanine titled with the address and drawing number 906\_LI\_04 and dated July 2016.

The applicant is seeking the following on the **ground floor and mezzanine**:

1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Saturday 10:00-01:00 hours and Sunday 12:00-00:00 hours.
2. To allow Late Night Refreshment 'indoors' Monday-Saturday 23:00-01:00 hours and Sunday 23:00-00:00 hours.
3. To allow the provision of Regulated Entertainment of Recorded Music 'indoors' Monday to Saturday 10:00-01:00 hours and Sunday 12:00-00:00 hours.
4. To allow the above provisions from the end of New Year's Eve to the start of New Year's Day and on Sundays prior to bank holidays to operate until 01:00 hours.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The provision of Regulated Entertainment may cause an increase in Public Nuisance in the cumulative impact area.
4. The non-standard timings may cause an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.**

<b>Responsible Authority:</b>	Metropolitan Police Service
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<b>Representative:</b>	PC Reaz Guerra
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<b>Received:</b>	6 <sup>th</sup> June 2017
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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 as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

<b>Responsible Authority:</b>	Licensing Authority
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<b>Representative:</b>	Mr David Sycamore
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<b>Received:</b>	14 <sup>th</sup> June 2017
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As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety


We wish to make representation to the above applications as they are all located in the Westminster City Council cumulative impact area. We are aware that the area previously accommodated several licensed premises but these applicants must be considered in light of the new Statement of Licensing Policy which was implemented in 2016.

Units 13, 14 and 15 are described as restaurants in the Cumulative Impact Area and must demonstrate they will not impact on the Licensing Objectives or add to Cumulative Impact. We note that model condition 66 has not been offered, so the premises does not conform with our current restaurant policy. (Policy RNT2). The hours currently sought fall outside of the core hour's policy (HRS1) We would like to see that the hatched areas are limited to pre meal drinks only and with a capacity set on them rather than a percentage of total area of the premises.

The proposal of units 9, 10, 11 and 12 will not operate with model condition 66 and therefore will operate as bars which are contrary to our policy (PB2). The take away of Late Night Refreshment would also be deemed against the policy (FFP2). All of the premises seek to deviate from the core hour's policy. MD2 relates specifically to premises which wish to provide regulated entertainment in the cumulative impact area. It is the current policy to refuse applications unless seeking to vary hours to within core hours. All applications are currently outside of the core hour's policy (HRS1)

We believe not only will the individual premises add to cumulative impact, but the combination of all 7 will inevitably lead to an increase. We share some of the concerns raised by residents and other responsible authorities.

We would ask to attend the site and would ask the applicant to address why there an exemption to policy should be granted. Please accept this as formal representation and we would welcome further dialogue from applicants.

<b>2-B Other Persons</b>	
<b>Name:</b>	R Jarvis & E.Jarvis
<b>Address and/or Residents Association:</b>	
<b>Received:</b>	15 <sup>th</sup> June 2017
<b>17/05363/LIPN: Unit 15 Newport Place, London WC2H 0NE</b>	
<b>Representations on / Objections to Licence Application(s) for sale of alcohol, late night refreshment and / or recorded music</b>	

I / we hereby make the following representations on and / or objections to the above referenced Licensing Application(s) made by or on behalf of Shaftesbury Chinatown Ltd in relation to the above numbered Unit(s) individually and indeed collectively regarding all 7 Units on the grounds of the potential individual and / or cumulative adverse impact on the licensing objectives especially given that this is in the Westminster West End Cumulative Impact (Environmental Stress) Area, which already contains a high / exceptional (arguably saturated) number, type and density of licensed premises.

It is submitted that it is inappropriate to consider any individual application in isolation from either the remaining 6 other applications noted above or the current number, type and density of licensed premises in the Westminster West End Cumulative Impact Area.

Vale Royal House is a residential development of 118 apartments over retail over underground car parking adjoining the Chinatown Conservation Area. Newport Court is a narrow pedestrian thoroughfare which until the current development under Vale Royal House comprised largely retail units to each side of the court that already possesses some units with licenced activities.

#### Applicant's Schedule of former licenses

The former units under Vale Royal House to both Newport Court and Newport Place were almost exclusively retail and unlicensed, as demonstrated by the applicant's schedule of existing licences. All but one of the existing licenses in that schedule related to premises that formerly existed to Charing Cross Road.

The applicant's schedule is therefore a fiction as the former licensed premises ceased to trade and left the retail part of the building, because of, and prior to commencement of the redevelopment of the entire retail part of the building and the licenses that applied to the former licensed premises are surely now of no effect. In short there are no current licenses pertaining to the building.

Further, the former license pertaining to 79CXR / ManBar was revoked for various reasons that would adversely impact on the licensing objectives relevant to the present application(s) following numerous complaints from residents in Vale Royal House (directly above the licensed premises). This is clear evidence of past and therefore future potential to adversely impact on the licensing objectives.

The former shop, Zhejiang Food, that was licensed to sell alcohol for consumption off the premises (only) has no equivalent Unit to which the current applications relate and therefore the previously licensed activity should be disregarded in considering the current applications either individually or collectively. It is noted that the licensed hours were Mon – Sun 10:00 to 22:00.

In any event I /we object to the grant of any licence allowing off sales for any of the Units that are the subject of these applications.

The remaining former licensed premises were a mixture of restaurants, restaurants with bars or bars with varying starting and ending licenced hours for alcohol, late night refreshment and, for some units only, regulated entertainment.

### Licences for the supply of alcohol

The Monday to Saturday starting hours for licenses for the sale of alcohol previously varied from 09:00 to 11:00.

The applicant is seeking a 10:00 start time. If the Licensing Committee is minded to grant a licence for the sale of alcohol on the premises for any of the Units that are the subject of this / these application(s) I / we do not object to a 10:00 start time, which should apply equally to any Unit granted a licence.

The Sunday starting hours for licenses for the sale of alcohol varied from 09:00 to 12:00. The applicant is seeking a 12:00 start time. If the Licensing Committee is minded to grant a licence for the sale of alcohol on the premises for any of the Units that are the subject of this / these application(s) on a Sunday, I / we do not object to a 12:00 start time, which should apply equally to any Unit granted a licence.

The Monday to Thursday ending hour was 23:30 and the Friday to Saturday ending hours were 23:30 to 00:00 (excluding 79CXR/ManBar which had its licence revoked). The Sunday ending hours were 22:30.

I / we submit that reasonable hours for the supply of alcohol that should apply on any / all units that may be granted a licence are 10:00 to 23:30 Monday to Saturday and 12:00 to 22:30 on Sunday with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

### Opening hours

As regards hours the premises are open to the public the applicant is seeking 07:00 to 01:00 Monday to Saturday and 08:00 to 00:00 Sunday for all units. In all the circumstances I / we object to the applicant's proposed hours and request that these are limited to 09:00 to 23:30 Monday to Saturday inclusive and 09:00 to 22:30 on Sunday, with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

### Licences for recorded music

As regards licences for recorded music, noise was a major issue with the formerly licensed premises under Vale Royal House and no effective controls were in place or actions taken by licence holders to limit noise and avoid nuisance requiring action by residents with the Westminster EHO Noise Team, and others, to take formal action to control noise, which in the case of 79CXR/ManBar resulted in the licence being revoked.

The applicant seeks 10:00 to 01:00 Monday to Friday and 12:00 to 00:00 Sunday as standard hours, which I / we consider unreasonable given the residential occupation / use (and the necessity to have quiet enjoyment of our flats and uninterrupted sleep) over the Units which are the subject of the application(s). I / we submit that reasonable standard hours in all the circumstances are 10:00 to 23:30 Monday to Saturday inclusive and 10:00 to 22:30 on Sunday with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

The recorded music licence should also be subject to conditions (suggested conditions



noted below) to effectively limit the noise produced at source and prevent noise and vibration being a nuisance to residential occupiers over the Units that are the subject of the application(s).

#### Licences for late night refreshment

The former licences were from 23:00 to 23:30 Monday to Thursday and 23:00 to 23:30 or 00:00 Friday and Saturday with no LNR hours on Sunday.

The applicant seeks 23:00 to 01:00 Monday to Saturday and 23:00 to 00:00 on Sunday.

I / we submit that reasonable hours in all the circumstances are 23:00 to 23:30 Monday to Saturday and not at all on Sunday with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

#### Observations on Application Forms (generally applicable to all 7 applications).

It appears to be premature for the Licencing Committee to consider these licencing applications in the absence of actual Unit 9 to 15 tenants being identified and therefore the style of use being known.

#### Part 1 – Premises details

It is noted that:

1. The unit numbers 13, 14 & 15 for licencing application purposes differs from the unit numbers for planning approval purposes;

#### Part 2 – Applicant details

1. Shaftesbury Chinatown Limited are applying as a person other than as an individual and as a limited company and are proposing to carry on a business which involves the use of the individual Unit premises for licensable activities;
2. At (B) Other applicants, no telephone number has been provided;

#### Part 3 – Operating Schedule

1. The pre-application licencing advice reference 16/10398/PREAPM was not disclosed on the City of Westminster licencing application portal;
2. The building, of which the City of Westminster is the Freeholder and landlord to residential and commercial tenants / lessees related to the uses noted hereafter comprises **118 residential units in Vale Royal House** over the development site and the residential and retail elements sit over an underground car park.
3. The building and the Unit(s) to which this (these) application(s) apply are within the West End Cumulative Impact Area (see the map at Appendix 15 of the City of Westminster Statement of Licensing Policy 2016).
4. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider when

considering both policy and applications for licensed activities.

5. The growth, type and density of licensed premises is exceptionally high in the West End Cumulative Impact Area is such that problems of nuisance and disorder are everyday events both within, adjacent to and some distance away from existing licensed premises selling alcohol for sale on and off the premises, recorded music, late night refreshment or late night food outlets which are not licensed to sell alcohol.
6. This is evidenced by the noise, smoke, drunkenness, violence, prostitution, illegal cigarette selling, drug dealing / use, theft, busking, urine, vomit, litter and generally filthy state of the West End Cumulative Impact Area;
7. The late night / early hours' noise is a product of both noisy licensed premises (customers / recorded music), the customers of other licensed premises, pedicabs, deliveries and associated refuse and / or refuse collection activities.
8. This adversely impacts on the licensing objectives:
  - a. Crime and disorder;
  - b. Public Safety;
  - c. Public Nuisance; and
  - d. Protection of children from harm.
9. There is good evidence that crime and disorder (including serious crime) or nuisance is a frequent problem in the immediate vicinity of Vale Royal House / the building including urination, drug dealing / use, assault / battery and (attempted) rape and arson within Vale Royal House. This evidence is within the knowledge of the Metropolitan Police and The City of Westminster (City West Homes, Environmental Health (Noise Team) and St James' Ward Councillors).
10. Each of these Units that are the subject of these individual applications has the potential to both individually and cumulatively further adversely impact on the promotion of the licensing objectives due to the significant number of licensed premises concentrated in the West End Cumulative Impact Area;
11. Sale and supply of alcohol should be restricted to only for consumption on the premises.
12. No details of the Designated Premises Supervisor have been provided on the application forms.
13. The DPS is not, contrary to the declaration at Part 4 – signature and inconsistent with the Checklist at page 17, named in the Application Form at Box J. The applications therefore appear to be defective and it is submitted should not be considered in the absence of complete information or appropriate conditions regarding the DPS.

Representations on Licence Conditions:

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions, which it considers are appropriate

for the promotion of the licensing objectives.

In carrying out its licensing functions the City Council must have regard to Guidance issued under the Act by the Secretary of State. Revised Guidance states that conditions on a premises licence are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstances of an individual licensed premises and determined on a case-by-case basis.

Conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and be translated to form part of the operating schedule for the premises. It appears that no such Risk Assessment(s) have been seen / included in the applications as published on the City of Westminster Licencing Application Portal.

A number of the applicant's proposed conditions are in all the circumstances inconsistent with Westminster's Licencing Policy (e.g. RNT2) appropriate to Restaurant (as opposed to PH, bar or club) premises in Westminster's West End Cumulative Impact Area and sited immediately below residential accommodation.

I / we therefore request that, where the Licensing Committee is minded to grant any licence, which for the avoidance of doubt I / we oppose, the following Conditions (the applicant's conditions (or amended applicant's conditions) or taken from or based on Westminster's Model Conditions, August 2015, produced to assist all parties and promote a consistent approach when proposing conditions on a premises licence) are imposed, in addition to the Mandatory Conditions under the Licensing Act 2003, on the grounds that such conditions are in all the circumstances of the application, Westminster's West End Cumulative Impact Area and the proximity of Vale Royal House reasonable conditions.

1. 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 provides 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; 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.
2. Notwithstanding condition 1, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
3. Notwithstanding condition 1, alcohol may be supplied and consumed prior to their meal in the bar area (***designated on the plan***), by up to a maximum at any one time, of (xx) persons dining at the premises. (Applies to Units 13, 14 & 15 only).

4. There shall be no sales or supplies of alcohol for consumption off the premises.
5. There shall be no sales or supplies of hot food or hot drink for consumption off the premises and no food or drink shall be prepared outside the premises / building.
6. The applicant / license holder shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points shall 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 of evidential quality, 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 a Police or authorised council officer throughout the entire 31 day period.
7. 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
9. A noise limiter shall be fitted to any recorded musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) shall be effected without prior knowledge and approval of an authorised officer of the Environmental Health Service following formal consultation with the residents of Vale Royal House. No additional sound generating equipment shall be used on the premises.
10. 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.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. All windows and external doors shall be kept closed after **22:00** hours, or at any time when regulated entertainment (recorded music) takes place, except for the immediate access and egress of persons.
13. There shall be no admittance or re-admittance to the premises after (**22.00**) except for patrons permitted to temporarily leave the premises to smoke.
14. Any and all tables and chairs, which shall be subject to grant of a tables & chairs licence, shall be designated as no smoking and be removed from the outside area by (**22.00**) each day.

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

16. 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.

17. 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.

18. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

20. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

21. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

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

23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **(22.00)** hours and **(08.00)** hours on the following day.

24. The number of persons permitted in the premises at any one time (including staff) shall not exceed **(X)** persons [to be agreed with the Environmental Health Consultation Team].

25. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

26. 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.

27. 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 and any such collections shall be from designated refuse storage collection points accessed only from

Newport Court or Shaftesbury Avenue in accordance with the approved refuse storage and collection arrangements.

28. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

29. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

30. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

31. 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.

32. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

33. 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 or by the venue;
- (b) all ejections of patrons;
- (c) any complaints received concerning noise; 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.

34. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

35. No special effects or mechanical installations shall be arranged, operated or stored on the premises.

36. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be

increased.

37. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take food, drinks or glass containers with them.

38. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section, 'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means the Westminster West End Cumulative Impact Area and the area bounded by a line 1 mile beyond the Westminster West End Cumulative Impact Area.

39. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

40. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day and deliveries to the premises shall only be effected via the service road off Shaftesbury Avenue.

41. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as adjacent to the car park / fire station wall.

42. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

43. The premises licence holder shall ensure that any patrons outside the premises shall be seated at tables and chairs, subject to an appropriate licence, and do so in an quiet and orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

44. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

45. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

46. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

47. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

49. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

50. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

51. The certificates listed below shall be submitted to the licensing authority upon written request.

- a. Any permanent or temporary emergency lighting battery or system
- b. Any permanent or temporary electrical installation
- c. Any permanent or temporary emergency warning system.

52. Flashing or particularly bright lights in, on or outside the premises shall not be installed, save insofar as they are necessary for the prevention of crime.

53. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

54. 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.

55. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

56. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

57. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

58. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

59. The licences granted do not permit any Plays, Films, Indoor Sporting Events, Boxing or Wrestling entertainments, Live Music, Performance of Dance, Anything of a similar description to that falling within Live Music, Recorded Music or Performance of



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

60. Before the premises are opened to the public there shall be an approved vermin eradication / control plan agreed with Westminster EHO and put into effect.

**Mandatory Conditions prescribed by the Licensing Act 2003 as amended**

***Mandatory conditions where the licence authorises the sale of alcohol***

***Alcohol sales authorised under a Premises Licences***

*(Note: Conditions 4, 5, and 7 relate to on-sales only)*

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 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.

8. 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.

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

(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.

(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.

(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.

***Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity***

1. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Observations on Process

1. I/we note (from the copy of the Notice that was posted on the Vale Royal House, Newport Court Entrance notice board on or about 13<sup>th</sup> June 2017) that the City of Westminster notified the Owner / Occupier of Flat 95 Vale Royal House on 22<sup>nd</sup> May 2017 of the New Premises Licence Applications by Shaftesbury Chinatown Ltd for units 9-14 inclusive, Development Site Newport Place.
2. I / we have not received any such notice from the City of Westminster. Why did all Owners / Occupiers not receive a Notification from the City of Westminster?
3. Whilst the letter is dated 22<sup>nd</sup> May 2017 the Notices affixed to the Heras fencing at the perimeter of the site in Newport Court and Newport Place were dated 18<sup>th</sup> May 2017.
4. No application form for unit 9 is uploaded to the Westminster Licensing Portal.
5. No Public Notice is uploaded to the Westminster Licencing Portal

In Consideration Of this application I would further ask the committee to be aware of that given it is situated below the residential properties of some 117 flats above that is Vale Royal House:

The related property is part of a site below that has been internally demolished, redeveloped and stripped back to bare wall and ceilings. Thus there is not at this time any renewed sound insulation in place. Shaftesbury Chinatown Property therefore cannot rely upon any reassurances it provides about the transmission of noise and vibration to the above properties as it does not know. It is still a skeleton structure.

Currently, because of the stripped out nature of the site, The London Underground Tube trains which run below can be heard and felt in the properties above. This did not exist previously.

The future tenants of the property remains unnamed, therefore there is no named Personal License Holder on the application to enforce and take responsibility for the license. The nature of the business also is not fully identified and vague.

The application is therefore premature and it should be upon the incumbent of the future tenancy to show that, post any fitting of the premises, it has ensured there are legal and proper insulation layers and equipment installed (as identified by the original planning permissions) and proved that the business has established a history of proper compliance.

Further, the Planning Committee considered a 1pm license to be inappropriate given the existing licenses in the area and for good reason. This was laid out clearly with full knowledge before any work commenced.

The license application references are not displayed on the Public Notice posted and attached to the property, therefore obstructing and preventing full and proper ability to object to any application.

<b>Name:</b>	Mr Ljubisa Boskovic
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	13 <sup>th</sup> June 2017

I would hereby like to object to the licensing application for this unit, and notably its requests to play music, sell alcohol, and serve late night alcohol. Our block is suffering from significant anti-social behaviour and in the past, several bars and clubs situated in units on Charing Cross road between Newport Court and Shaftesbury Avenue resulted in major and repeated inconvenience and nuisance for residents, including public drunkenness, anti-social behaviour, unacceptable noise and more. They consistently had to be closed for exactly those reasons.

Moreover, local residents were consulted about the redevelopment project and the explicit answer given by representatives of the developers when they held an 'open house' in one of the units and were asked about the types of units that would be hosted was that this would be luxury and boutique retail shops selling quality clothes, objects etc and in no way bars or clubs. I have no doubt that if the answer had been different and any suggestion had been made that the new units would host bars and clubs, local residents would have objected in the strongest terms, especially as the new design of the units - which now extend all the way to the windows of residents above would make disturbances even worse than before and lead to even increased risks of anti-social behaviour and nuisances.

What is more, we are shocked to see that such license requests have been made for multiple units, and the cumulative effect would be disastrous. Licensing should therefore not be granted and the units should be used as was described when the developers presented the project to the local residents, that is, as a series of retail shops and not as entertainment unit dealing with late night activities, alcohol, and music, which will have a major negative effect on the life, peace, and safety of local residents.

<b>Name:</b>	A Cox & S Cox
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	15 <sup>th</sup> June 2017

**17/05363/LIPN: Unit 15 Newport Place, London WC2H 0NE**

**Representations on / Objections to Licence Application(s) for sale of alcohol, late night refreshment and / or recorded music**

I / we hereby make the following representations on and / or objections to the above referenced Licensing Application(s) made by or on behalf of Shaftesbury Chinatown Ltd in relation to the above numbered Unit(s) individually and indeed collectively regarding all 7 Units on the grounds of the potential individual and / or cumulative adverse impact on the licensing objectives especially given that this is in the Westminster West End Cumulative Impact (Environmental Stress) Area, which already contains a high / exceptional (arguably saturated) number, type and density of licensed premises.

It is submitted that it is inappropriate to consider any individual application in isolation from either the remaining 6 other applications noted above or the current number, type and density of licensed premises in the Westminster West End Cumulative Impact Area.

Vale Royal House is a residential development of 118 apartments over retail over underground car parking adjoining the Chinatown Conservation Area. Newport Court is a narrow pedestrian thoroughfare which until the current development under Vale Royal House comprised largely retail units to each side of the court that already possesses some units with licenced activities.

Applicant's Schedule of former licenses

The former units under Vale Royal House to both Newport Court and Newport Place were almost exclusively retail and unlicensed, as demonstrated by the applicant's schedule of existing licences. All but one of the existing licenses in that schedule related to premises that formerly existed to Charing Cross Road.

The applicant's schedule is therefore a fiction as the former licensed premises ceased to trade and left the retail part of the building, because of, and prior to commencement of the redevelopment of the entire retail part of the building and the licenses that applied to the former licensed premises are surely now of no effect. In short there are no current licenses pertaining to the building.

Further, the former license pertaining to 79CXR / ManBar was revoked for various reasons that would adversely impact on the licensing objectives relevant to the present application(s) following numerous complaints from residents in Vale Royal House (directly above the licensed premises). This is clear evidence of past and therefore future potential to adversely impact on the licensing objectives.

The former shop, Zhejiang Food, that was licensed to sell alcohol for consumption off the premises (only) has no equivalent Unit to which the current applications relate and therefore the previously licensed activity should be disregarded in considering the

current applications either individually or collectively. It is noted that the licensed hours were Mon – Sun 10:00 to 22:00.

In any event I /we object to the grant of any licence allowing off sales for any of the Units that are the subject of these applications.

The remaining former licensed premises were a mixture of restaurants, restaurants with bars or bars with varying starting and ending licenced hours for alcohol, late night refreshment and, for some units only, regulated entertainment.

#### Licences for the supply of alcohol

The Monday to Saturday starting hours for licenses for the sale of alcohol previously varied from 09:00 to 11:00.

The applicant is seeking a 10:00 start time. If the Licensing Committee is minded to grant a licence for the sale of alcohol on the premises for any of the Units that are the subject of this / these application(s) I / we do not object to a 10:00 start time, which should apply equally to any Unit granted a licence.

The Sunday starting hours for licenses for the sale of alcohol varied from 09:00 to 12:00. The applicant is seeking a 12:00 start time. If the Licensing Committee is minded to grant a licence for the sale of alcohol on the premises for any of the Units that are the subject of this / these application(s) on a Sunday, I / we do not object to a 12:00 start time, which should apply equally to any Unit granted a licence.

The Monday to Thursday ending hour was 23:30 and the Friday to Saturday ending hours were 23:30 to 00:00 (excluding 79CXR/ManBar which had its licence revoked). The Sunday ending hours were 22:30.

I / we submit that reasonable hours for the supply of alcohol that should apply on any / all units that may be granted a licence are 10:00 to 23:30 Monday to Saturday and 12:00 to 22:30 on Sunday with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

#### Opening hours

As regards hours the premises are open to the public the applicant is seeking 07:00 to 01:00 Monday to Saturday and 08:00 to 00:00 Sunday for all units. In all the circumstances I / we object to the applicant's proposed hours and request that these are limited to 09:00 to 23:30 Monday to Saturday inclusive and 09:00 to 22:30 on Sunday, with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

#### Licences for recorded music

As regards licences for recorded music, noise was a major issue with the formerly licensed premises under Vale Royal House and no effective controls were in place or actions taken by licence holders to limit noise and avoid nuisance requiring action by residents with the Westminster EHO Noise Team, and others, to take formal action to control noise, which in the case of 79CXR/ManBar resulted in the licence being revoked.

The applicant seeks 10:00 to 01:00 Monday to Friday and 12:00 to 00:00 Sunday as standard hours, which I / we consider unreasonable given the residential occupation / use (and the necessity to have quiet enjoyment of our flats and uninterrupted sleep) over the Units which are the subject of the application(s). I / we submit that reasonable standard hours in all the circumstances are 10:00 to 23:30 Monday to Saturday inclusive and 10:00 to 22:30 on Sunday with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

The recorded music licence should also be subject to conditions (suggested conditions noted below) to effectively limit the noise produced at source and prevent noise and vibration being a nuisance to residential occupiers over the Units that are the subject of the application(s).

#### Licences for late night refreshment

The former licences were from 23:00 to 23:30 Monday to Thursday and 23:00 to 23:30 or 00:00 Friday and Saturday with no LNR hours on Sunday.

The applicant seeks 23:00 to 01:00 Monday to Saturday and 23:00 to 00:00 on Sunday.

I / we submit that reasonable hours in all the circumstances are 23:00 to 23:30 Monday to Saturday and not at all on Sunday with a 1 hour extension on New Year's Eve and no extension on Sundays prior to bank Holidays.

#### Observations on Application Forms (generally applicable to all 7 applications).

It appears to be premature for the Licencing Committee to consider these licencing applications in the absence of actual Unit 9 to 15 tenants being identified and therefore the style of use being known.

#### Part 1 – Premises details

It is noted that:

1. The unit numbers 13, 14 & 15 for licencing application purposes differs from the unit numbers for planning approval purposes;

#### Part 2 – Applicant details

1. Shaftesbury Chinatown Limited are applying as a person other than as an individual and as a limited company and are proposing to carry on a business which involves the use of the individual Unit premises for licensable activities;
2. At (B) Other applicants, no telephone number has been provided;

#### Part 3 – Operating Schedule

1. The pre-application licencing advice reference 16/10398/PREAPM was not disclosed on the City of Westminster licencing application portal;

2. The building, of which the City of Westminster is the Freeholder and landlord to residential and commercial tenants / lessees related to the uses noted hereafter comprises **118 residential units in Vale Royal House** over the development site and the residential and retail elements sit over an underground car park.
3. The building and the Unit(s) to which this (these) application(s) apply are within the West End Cumulative Impact Area (see the map at Appendix 15 of the City of Westminster Statement of Licensing Policy 2016).
4. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider when considering both policy and applications for licensed activities.
5. The growth, type and density of licensed premises is exceptionally high in the West End Cumulative Impact Area is such that problems of nuisance and disorder are everyday events both within, adjacent to and some distance away from existing licensed premises selling alcohol for sale on and off the premises, recorded music, late night refreshment or late night food outlets which are not licensed to sell alcohol.
6. This is evidenced by the noise, smoke, drunkenness, violence, prostitution, illegal cigarette selling, drug dealing / use, theft, busking, urine, vomit, litter and generally filthy state of the West End Cumulative Impact Area;
7. The late night / early hours' noise is a product of both noisy licensed premises (customers / recorded music), the customers of other licensed premises, pedicabs, deliveries and associated refuse and / or refuse collection activities.
8. This adversely impacts on the licensing objectives:
  - a. Crime and disorder;
  - b. Public Safety;
  - c. Public Nuisance; and
  - d. Protection of children from harm.
9. There is good evidence that crime and disorder (including serious crime) or nuisance is a frequent problem in the immediate vicinity of Vale Royal House / the building including urination, drug dealing / use, assault / battery and (attempted) rape and arson within Vale Royal House. This evidence is within the knowledge of the Metropolitan Police and The City of Westminster (City West Homes, Environmental Health (Noise Team) and St James' Ward Councillors).
10. Each of these Units that are the subject of these individual applications has the potential to both individually and cumulatively further adversely impact on the promotion of the licensing objectives due to the significant number of licensed premises concentrated in the West End Cumulative Impact Area;
11. Sale and supply of alcohol should be restricted to only for consumption on the premises.
12. No details of the Designated Premises Supervisor have been provided on the application forms.



13. The DPS is not, contrary to the declaration at Part 4 – signature and inconsistent with the Checklist at page 17, named in the Application Form at Box J. The applications therefore appear to be defective and it is submitted should not be considered in the absence of complete information or appropriate conditions regarding the DPS.

#### Representations on Licence Conditions:

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions, which it considers are appropriate for the promotion of the licensing objectives.

In carrying out its licensing functions the City Council must have regard to Guidance issued under the Act by the Secretary of State. Revised Guidance states that conditions on a premises licence are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstances of an individual licensed premises and determined on a case-by-case basis.

Conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and be translated to form part of the operating schedule for the premises. It appears that no such Risk Assessment(s) have been seen / included in the applications as published on the City of Westminster Licencing Application Portal.

A number of the applicant's proposed conditions are in all the circumstances inconsistent with Westminster's Licencing Policy (e.g. RNT2) appropriate to Restaurant (as opposed to PH, bar or club) premises in Westminster's West End Cumulative Impact Area and sited immediately below residential accommodation.

I / we therefore request that, where the Licensing Committee is minded to grant any licence, which for the avoidance of doubt I / we oppose, the following Conditions (the applicant's conditions (or amended applicant's conditions) or taken from or based on Westminster's Model Conditions, August 2015, produced to assist all parties and promote a consistent approach when proposing conditions on a premises licence) are imposed, in addition to the Mandatory Conditions under the Licensing Act 2003, on the grounds that such conditions are in all the circumstances of the application, Westminster's West End Cumulative Impact Area and the proximity of Vale Royal House reasonable conditions.

1. 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 provides 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; 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.

2. Notwithstanding condition 1, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

3. Notwithstanding condition 1, alcohol may be supplied and consumed prior to their meal in the bar area (***designated on the plan***), by up to a maximum at any one time, of (xx) persons dining at the premises. (Applies to Units 13, 14 & 15 only).

4. There shall be no sales or supplies of alcohol for consumption off the premises.

5. There shall be no sales or supplies of hot food or hot drink for consumption off the premises and no food or drink shall be prepared outside the premises / building.

6. The applicant / license holder shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points shall 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 of evidential quality, 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 a Police or authorised council officer throughout the entire 31 day period.

7. 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.

8. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

9. A noise limiter shall be fitted to any recorded musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) shall be effected without prior knowledge and approval of an authorised officer of the Environmental Health Service following formal consultation with the residents of Vale Royal House. No additional sound generating equipment shall be used on the premises.

10. 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.

11. Loudspeakers shall not be located in the entrance lobby or outside the premises

building.

12. All windows and external doors shall be kept closed after **22:00** hours, or at any time when regulated entertainment (recorded music) takes place, except for the immediate access and egress of persons.

13. There shall be no admittance or re-admittance to the premises after (**22.00**) except for patrons permitted to temporarily leave the premises to smoke.

14. Any and all tables and chairs, which shall be subject to grant of a tables & chairs licence, shall be designated as no smoking and be removed from the outside area by (**22.00**) each day.

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

16. 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.

17. 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.

18. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

20. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

21. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

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

23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (**22.00**) hours and (**08.00**) hours on the following day.

24. The number of persons permitted in the premises at any one time (including staff) shall not exceed (**X**) persons [to be agreed with the Environmental Health Consultation Team].

25. Substantial food and non-intoxicating beverages, including drinking water, shall be

available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

26. 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.

27. 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 and any such collections shall be from designated refuse storage collection points accessed only from Newport Court or Shaftesbury Avenue in accordance with the approved refuse storage and collection arrangements.

28. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

29. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

30. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

31. 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.

32. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

33. 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 or by the venue;
- (b) all ejections of patrons;
- (c) any complaints received concerning noise; 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.

34. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

35. No special effects or mechanical installations shall be arranged, operated or stored on the premises.

36. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

37. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take food, drinks or glass containers with them.

38. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section, 'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means the Westminster West End Cumulative Impact Area and the area bounded by a line 1 mile beyond the Westminster West End Cumulative Impact Area.

39. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

40. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day and deliveries to the premises shall only be effected via the service road off Shaftesbury Avenue.

41. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as adjacent to the car park / fire station wall.

42. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

43. The premises licence holder shall ensure that any patrons outside the premises

shall be seated at tables and chairs, subject to an appropriate licence, and do so in an quiet and orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

44. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

45. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

46. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

47. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

49. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

50. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

51. The certificates listed below shall be submitted to the licensing authority upon written request.

- a. Any permanent or temporary emergency lighting battery or system
- b. Any permanent or temporary electrical installation
- c. Any permanent or temporary emergency warning system.

52. Flashing or particularly bright lights in, on or outside the premises shall not be installed, save insofar as they are necessary for the prevention of crime.

53. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

54. 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.

55. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

56. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection

of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

57. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

58. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

(a) The police (and, where appropriate, the London Ambulance Service) are called without delay;

(b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

(c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

(d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

59. The licences granted do not permit any Plays, Films, Indoor Sporting Events, Boxing or Wrestling entertainments, Live Music, Performance of Dance, Anything of a similar description to that falling within Live Music, Recorded Music or Performance of Dance, adult entertainment or services, activities or other entertainment or matters ancillary to the use of the premises that might give rise to concern in respect of children.

60. Before the premises are opened to the public there shall be an approved vermin eradication / control plan agreed with Westminster EHO and put into effect.

**Mandatory Conditions prescribed by the Licensing Act 2003 as amended**

***Mandatory conditions where the licence authorises the sale of alcohol***

***Alcohol sales authorised under a Premises Licences***

*(Note: Conditions 4, 5, and 7 relate to on-sales only)*

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 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.

8. 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.

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

(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.

(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.

(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.

***Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity***

1. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

#### Observations on Process

1. I/we note (from the copy of the Notice that was posted on the Vale Royal House, Newport Court Entrance notice board on or about 13<sup>th</sup> June 2017) that the City of Westminster notified the Owner / Occupier of Flat 95 Vale Royal House on 22<sup>nd</sup> May 2017 of the New Premises Licence Applications by Shaftesbury Chinatown Ltd for units 9-14 inclusive, Development Site Newport Place.
2. I / we have not received any such notice from the City of Westminster. Why did all Owners / Occupiers not receive a Notification from the City of Westminster?
3. Whilst the letter is dated 22<sup>nd</sup> May 2017 the Notices affixed to the Heras fencing at the perimeter of the site in Newport Court and Newport Place were dated 18<sup>th</sup> May 2017.

4. No application form for unit 9 is uploaded to the Westminster Licensing Portal.

5. No Public Notice is uploaded to the Westminster Licensing Portal

<b>Name:</b>	D H Owen
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	14 <sup>th</sup> June 2017

With regard to this application 17/05363/LIPN, I am aware that understandable concerns have been raised. As a local resident of over 20 years standing, I should strongly welcome provision for late night refreshment, music and sale of alcohol subject to appropriate, proportionate safeguards. This contributes to the vibrancy and colour of the area which is one of its attractions. In my personal experience I have benefited and never been subject to nuisance (e.g. as regards noise, smells or anti-social behaviour) as a result of such activities conducted at the ground level of the building in the past.

<b>Name:</b>	Clare Samuel
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	15 <sup>th</sup> June 2017

Please accept this email as notice of my objections to the above license application for unit 15 Newport Court London Newport Court London (Central Cross), and notably its requests to play music very late at night, sell alcohol, and serve late into the morning.

Vale Royal House has suffered from significant, and continues to do so, anti-social behaviour nuisance from some residents, tourists and the public, mainly due to our central location. Adding additional late night facilities will only cause greater nuisance and detriment to resident's way of life, and inevitably require an even greater police presence in the area to deal with disturbances and antisocial behaviour when they are stretched already.

During the renovation works of the last 18 months, we have had to endure noise and vibrations starting before 8am to 6pm 6 days a week most weeks. Given that the sound proofing had to be removed during the works, the last 18 months has been very tough on many residents and our concerns are now on when Central Cross will be making sure the units are soundproofed before the units are occupied. Given that the licensing is for noisy music and alcohol filled bars/ restaurants we feel our concerns are valid.

There are many young children and families living at Vale Royal House, as well disabled and elderly residents who will be greatly affected by the noise. People who also work odd shift patterns will find living above multiple late night bars etc. hard going. As we have all been affected greatly by the works schedule over the last 18 months as well, some leniency on the timing of the license should be considered.

For myself, I have a child taking gcse's who has struggled through the noise and vibrations from the work. He also has autism and suffers from severe migraines. I have

M.E meaning I'm stuck in the house with the noise, which makes it hard to rest. The idea of further ongoing disturbance is incredibly frustrating.

There are many people in this area that will be affected for the worse if the license for the above units isn't reconsidered with the needs of those that it will harm the most.

When the idea of Central Cross was proposed to the residents when the initial renovation work began, bespoke retail units selling clothing, gifts was etc, small food outlets were ideas that we were made to believe would make up the mix of units, along with several restaurants. A1 & A3 units I believe they are called. I understand that when a large shopping facility is built management is able to obtain a flexible planning consent meaning any unit can be A1 or A3 (Restaurants or shops etc.) In no way were we aware that late night bars etc. were an option in an area where many residents live.

I'm certain that complaints and objections would have been submitted immediately if we were under the impression we were all about to live over numerous late night bars and restaurants. The plan for the renovations has always been highlighted as giving the idea that the developers are 'upgrading' or gentrifying the area.

The submitted licensing plans would do the opposite, making Newport Court much noisier, rowdier and not the 'wonderful entrance' to Chinatown it has been marketed as. There would be a greater police presence due to antisocial behaviour, more work for the street cleaners from drunken exploits and the inevitable increase in food rubbish and vermin. All at a cost to the Council.

As residents at Vale Royal House there are obviously other concerns regarding this license application(s).

We do live in a very built up area where food is everywhere, and vermin also. Chinatown especially so. Any new food/drink establishments will always attract vermin and with numerous residents above, it would be a priority that the units are safe and clean and anything done to minimise the vermin problem will be a bonus. Things such as immediate food disposal, thorough cleaning and environmental health being called in. We do not want to have a greater mouse problem because bars etc can't be bothered.

Food waste is also a concern, and systems need to be in place when units are occupied. We do not want to have to be dealing with other restaurants drainage or rubbish issues, such as blocking the drains. Along with this, good ventilation is a priority for the restaurants. No one wants their flat smelling of curry at 7am

Also, When there are issues of rowdiness with patrons it is essential that there is a system in place on how to deal with them safely with the least fuss. The last thing we need as residents are drunk people tussling in the street every few minutes over a disagreement.

I hope that any amendments suggested will at least be considered looking at the needs of both parties.

Thank you for taking the time to read my email and bearing in mind my objections, and

how allowing the licenses as applied for going through would greatly affect not just my self and my son's well being but all those that residents here at Vale Royal House.

<b>Name:</b>	Carol Wiseman
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	14 <sup>th</sup> June 2017

I would like to object to the above application because of the disruption a licensed premises will cause to Vale Royal House. I have been Neighbourhood Watch Representative for many years, and our building has suffered badly in the past from anti-social behaviour caused by licensed premises - namely intolerable noise, rough sleepers, encouragement of drug selling, and urination in the lifts and stairwells.

<b>Name:</b>	Norul Razak
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	13 <sup>th</sup> June 2017

Re: Unit 9 – 17/05364/LIPN, Unit 10 – 17/05372/LIPN , Unit 11 – 17/05378/LIPN Unit 12 – 17/05357/LIPN , Unit 13 – 17/05384/LIPN Unit 14– 17/05382/LIPN, Unit 15– 17/05363/LIPN

With regards to the licence applications of all the above units, I would like to bring the following points to your attention when considering the unit applications. These are all points that I believe need to be addressed before the licences can be granted.

1. Noise in a very built up, residential area- With outdoor licensing offering sale of alcohol until 1am will dramatically decrease the quality of life for our family and residents of Vale Royal House. This will also directly impact the increase in levels of anti-social behaviour directly outside our flats. Aggressive and drunken behaviour as a result of the sale of alcohol also needs to be addressed as this will hugely impact noise levels as well as intimidation from customers visiting these premises, is also likely to a huge increase in individuals urinating outside our main entrance which is also used as a main means of exiting the building
2. Restaurant unit ventilation- cooking smells, drain blocking, slippery floor outside the building entrance, newport court (as a result of cooking oils and fats) Have these been addressed? There is currently no visible ventilation on these units.
3. Pest Control- as a result of the works, and the expected units being taken up by restaurants what measures have been put into place to tackle pest control? I have seen an increase in mice not just in our property, but communal areas of Vale Royal House, as well as directly outside the names units. What measures would business be investing in to reduce mice in their units as well as prevention into more infestation to Vale Royal House

Over the years we have been blighted with noise, loud music, and anti-social behaviour

as a direct result of the sale of alcohol, below our flats and houses. I urge the committee to take into account the points raised above as well as fellow residents of Vale Royal House.

<b>Name:</b>	Kate Rich
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	12 <sup>th</sup> June 2017

I write as a resident of Vale Royal House Newport Court, and I wish to object in the strongest terms against Shaftesbury Estate application for 1am music and alcohol licences.

As a resident of Vale Royal we already have enough problems here, regarding noise, men urinating against our front door in Newport Court, drug users, and dealers, without being kept awake by the 1am licences requested by Shaftesbury Estates, who are notorious in the Covent Garden/ Soho area for completely disregarding any problems their actions have on the local community,( in their constant quest for what seems like World domination), some of whom, like myself, whose family have lived in this area for at least 150 years (in case you think - well this is what you should expect living in the West End). In Vale Royal we have an eclectic mix of residents including the elderly, the middle aged who are still working and have to be up to go to work, and also young families with teenagers, some of whom are in the middle of GCSE exams, and also young babies and toddlers. And for Shaftesbury to blithely think a 1am music/alcohol licence is perfectly fine is an outrage! And what - because we're only public sector housing we should just roll over - I don't think so! These new bars restaurants, clubs whatever they turn out to be, are directly underneath (literally one floor below tenants flats/houses..

The last 6-7 months here have been a nightmare with the constant drilling, starting at 8am every morning, we now face the prospect of more drilling, and crashing and banging, when the shop fitters move in, as each premises is leased, aside from Newport Court and Gerard Place there are a whole row of shops on the Charing Cross Road side, waiting to be re-fitted.. And if Shaftesbury are successful in their applications when all that is over, we will have seven properties with 1am music/alcohol licences to contend with.. We were treated abysmally by the building company who have been doing the refurbishing below, over the months several tenants would email them to ask when we could expect the drilling to finish, and to a man, not one of us was given the decency of a reply - even though they posted up different email address's for us to get in touch with them if we had any problems.

So with everything we've been through, I urge you to reject these LATE licensing requests.

<b>Name:</b>	Wei Yu Lin
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	11 <sup>th</sup> June 2017

Re: Unit 9 – 17/05364/LIPN, Unit 10 – 17/05372/LIPN, Unit 11 – 17/05378/LIPN, Unit 12 – 17/05357/LIPN, Unit 13 – 17/05384/LIPN, Unit 14– 17/05382/LIPN, Unit 15– 17/05363/LIPN

With regards to the licence applications of Unit 13, 14, and 15, I would like to bring the following points to your attention when considering the unit applications. These are all points that I believe need to be addressed before the licences can be granted.

1. Drainage Issues: What measures are in place to ensure that waste oils and other liquids from the restaurants will not block plumbing, and therefore affect the whole drainage system of 36 Newport Court?

2. Outdoors Smoking: as the applications have stated that there will be an outdoors seating area outside the restaurants, there are huge concerns that patrons sitting outside the restaurant will smoke, which will directly affect the air quality of Vale Royal residents with overlooking windows and, in particular, balconies. We understand that the outside seating will be closed at 10pm, however during the day if there is smoking this will still affect the living standards of residents with windows and balconies that are above the units. What have the applicants done to make sure that residents do not have to breathe in secondhand smoke from cigarettes all day?

3. Noise Issues: with licence applications stating that restaurants will serve liquor, and that the units will be open till at least 1am, noise is a major concern for residents in Vale Royal. It is our understanding that there will be live music coming from the units below the residents' block; as you may well know, there have already been numerous complaints during the lengthy construction process about the excessive drilling and construction noises. None of the residents are happy about the prospect of further noise affecting our daily lives.

The noise issues so far, such as drilling occurring before even 8:00 am on numerous occasions, have already been completely unacceptable, and we as the residents have previously felt that our concerns had not been suitably addressed. It is our understanding, based from the internal documents by Collins (the construction company), that no acoustic layer will be applied to the ceilings of the units. This is a major worry, as the noise issues so far have been detrimental to the lives of residents - in particular those living directly about the units.

May I remind you of the following points: that there are many young children and families living at Vale Royal who will be greatly affected by noise; that there are residents who work night shifts and must therefore keep different sleeping schedules; and more pressingly there are teenagers taking vital exams such as GCSEs, university entrance exams, and A-Levels who have had their revision and preparation hindered by excessive noise that penetrates through the walls and floors of the block.

Therefore it is vital that you address these issues and provide the residents (who will be most affected by excessive noise) with effective responses and strategies to minimize

the amount of noise we will need to experience every single day. We do not expect (unrealistically) that there will no noise at all, but we do want our concerns to be addressed and for there to be a suitable response that will take into account both parties.


4. Cooking Smells and Restaurant Unit Ventilation: Please clarify what ventilation plans the restaurant units have in place in order to ventilate their premises, and where the fumes will be evacuated. We do not want cooking odours and fumes to be released into the Vale Royal communal and living areas, where it will affect our daily lives.

5. Alcohol and Public Rowdiness: Public rowdiness from alcohol consumption will unfortunately be an expected given of the liquor licenses that the units have applied for. What are the strategies that are in place to manage noise control and ensure that nuisance noise does not exceed reasonable limits?

6. Pest Control: There have already been first-hand sightings of mice in the downstairs units, which is obviously a great health and hygiene issue. Have the applicants provided adequate strategies to manage the pest occurrence?

Although Unit 9, Unit 10, Unit 11 and Unit 12 have different plans and application forms, my concerns addressed above should need to be considered to these 4 Units except the outdoor seating area.

I thank you for your time to read through my letter, and hope the council and the licensing department would take my points into account before proceeding the applications of the above 7 units.

<b>Name:</b>	Dr Michael Bruter
<b>Address and/or Residents Association:</b>	
<b>Received:</b>	12 <sup>th</sup> June 2017

I would hereby like to object to the licensing application for this unit, and notably its requests to play music, sell alcohol, and serve late night alcohol. Our block is suffering from significant anti-social behaviour and in the past, several bars and clubs situated in units on Charing Cross road between Newport Court and Shaftesbury Avenue resulted in major and repeated inconvenience and nuisance for residents, including public drunkenness, anti-social behaviour, unacceptable noise and more. They consistently had to be closed for exactly those reasons.

Moreover, local residents were consulted about the redevelopment project and the explicit answer given by representatives of the developers when they held an 'open house' in one of the units and were asked about the types of units that would be hosted was that this would be luxury and boutique retail shops selling quality clothes, objects etc and in no way bars or clubs. I have no doubt that if the answer had been different and any suggestion had been made that the new units would host bars and clubs, local residents would have objected in the strongest terms, especially as the new design of the units - which now extend all to way to the windows of residents above would make

disturbances even worse than before and lead to even increased risks of anti-social behaviour and nuisances.

What is more, we are shocked to see that such license requests have been made for multiple units, and the cumulative effect would be disastrous. Licensing should therefore not be granted and the units should be used as was described when the developers presented the project to the local residents, that is, as a series of retail shops and not as entertainment unit dealing with late night activities, alcohol, and music, which will have a major negative effect on the life, peace, and safety of local residents.

<b>Name:</b>	Mr Gary Hayes
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	12 <sup>th</sup> June 2017

The current application proposes a terminal hour which is significantly later than the existing licences.

The schedule of conditions submitted does not require the licences to be operated as restaurants. The applicant wishes the sale of alcohol to be ancillary to 'food'. This does not bring the applications within policy RNT2 in the Council's Statement of Licensing Policy.

Accordingly, the applications must fall to be determined within Policy PB2. Under this policy, the applications should only be granted if there are 'genuinely exceptional circumstances' for doing so.

<b>Name:</b>	Mr Oliver Lambert
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	15 <sup>th</sup> June 2017

I feel that the late night licence up until 1:00 am that loud must will cause disruption to residents especially the ones who live immediately above the premises, we already have problems with drunken behaviour, drug taking urination etc and which would only exasperate the problem making our lives even worse.

<b>Name:</b>	Mr Shayne Herceg
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	13 <sup>th</sup> June 2017

I would like to object to the licensing application for this unit, and notably its requests to play music, sell alcohol, and serve late night alcohol. Our block is currently suffering



from significant anti-social behaviour and in the past, several former bars and clubs situated in units on Charing Cross road between Newport Court and Shaftesbury Avenue resulted in major and repeated inconvenience and nuisance for residents, including public drunkenness, anti-social behaviour, unacceptable noise and more. They consistently had to be closed for exactly those reasons.

When local residents were consulted about the redevelopment project and the explicit answer given by representatives of the developers when they held an 'open house' in one of the units and were asked about the types of units that would be hosted was that this would be luxury and boutique retail shops selling quality clothes, objects etc and in no way bars or clubs. I have no doubt that if the answer had been different and any suggestion had been made that the new units would host bars and clubs, local residents would have objected in the strongest terms, especially as the new design of the units - which now extend all the way to the windows of residents above would make disturbances even worse than before and lead to even increased risks of anti-social behaviour and nuisances.

What is more, we are shocked to see that such license requests have been made for multiple units, and the cumulative effect would be disastrous. Licensing should therefore not be granted and the units should be used as was described when the developers presented the project to the local residents, that is, as a series of retail shops and not as entertainment unit dealing with late night activities, alcohol, and music, which will have a major negative effect on the life, peace, and safety of local residents.

<b>Name:</b>	Mr Henry Shelford
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	12 <sup>th</sup> June 2017

I object to this application. The premises is underneath a large residential development. The noise and anti-social behaviour that it will inevitably attract will cause problems for residents.

I object for the following reasons:

- The unit is underneath a large number of residential properties. The noise from coming and going, smokers outside, any outside seating that will inevitably be asked for later, music being released from inside as the doors are opening and closed, or potentially left open will all contribute to a noise problem for residents nearby and above.
- All the units have an overhang / shelter. Including our entrance. This has the potential to increase loitering as a problem.
- A successfully restaurant may have large queues. Further making for a noise problem as well as an issue for residents wanting to get to and from their home.
- The proposal is for a strip of late night drinking and drinking options (Units 9,10,11, 12,

13, 14 and 15). The individual and cumulative effect will be very damaging.

I strongly object to this application.

***Further to my previous comments I would like to add:***

1. The schedule of existing licences submitted by the applicant contains only one premises licence with a terminal hour of later than 1am. The other licences have a significantly earlier terminal hour. It is therefore not clear on what basis the applicant avers that 'The new licensed uses will result in an overall decrease in licensed capacity and earlier terminal hours when compared with the historical licensed uses.' The current applications each propose a terminal hour which is significantly later than all but one of the existing licences.

2. The schedule of conditions submitted does not require the licences to be operated as restaurants. The applicant wishes the sale of alcohol to be ancillary to 'food'. This does not bring the applications within policy RNT2 in the Council's Statement of Licensing Policy.

3. Accordingly, the applications must fall to be determined within Policy PB2. Under this policy, the applications should only be granted if there are 'genuinely exceptional circumstances' for doing so.

### **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 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.
<b>Policy PB2 applies to the hatched areas:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy FFP2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy CIP1 applies:</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food

	<p>premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
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#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant 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>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@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
<b>4</b>	Application Form	18 <sup>th</sup> May 2017
<b>5</b>	Representation – Environmental Health	31 <sup>st</sup> May 2017
<b>6</b>	Representation – MET Police Service	6 <sup>th</sup> June 2017
<b>7</b>	Representation – Licensing Authority	14 <sup>th</sup> June 2017
<b>8</b>	Representation – Dr Bruter	12 <sup>th</sup> June 2017
<b>9</b>	Representation – Mr G Hayes	12 <sup>th</sup> June 2017
<b>10</b>	Representation – Mr H Shelford	12 <sup>th</sup> June 2017
<b>11</b>	Representation – Ljubisa Boskovic	13 <sup>th</sup> June 2017
<b>12</b>	Representation – Mr S Herceg	13 <sup>th</sup> June 2017
<b>13</b>	Representation (Support) – Mr Owen	14 <sup>th</sup> June 2017
<b>14</b>	Representation – Mr Samuel	15 <sup>th</sup> June 2017

<b>15</b>	Representation – Norul Razak	13 <sup>th</sup> June 2017
<b>16</b>	Representation – Mr O Lambert	15 <sup>th</sup> June 2017
<b>17</b>	Representation – Mr & Ms Cox	15 <sup>th</sup> June 2017
<b>18</b>	Representation – Ms C Wiseman	14 <sup>th</sup> June 2017
<b>19</b>	Representation – Ms K Rich	12 <sup>th</sup> June 2017
<b>20</b>	Representation – Wei Yu Lin	11 <sup>th</sup> June2017
<b>21</b>	Representation – R & E Jarvis	15 <sup>th</sup> June 2017

**Premises Plans**

To view the plans of the premises please contact the Licensing Department.

Email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

Telephone: 0207 641 6500

## Central Cross Licence Schedule – Current Premises Licences

PREMISES	LICENSABLE ACTIVITIES	CONDITIONS	CAPACITY
Zhejiang Food, 28-29 Newport Court	Alcohol: Mon to Sun: 10:00 to 22:00	Shop - off sales only	
Make Noodle Heaven ('Corean Chilli'), 51 Charing Cross Road	Alcohol: Mon to Thurs: 11:00 to 23:30, Fri to Sat: 11:00 to 00:00, Sun:12:00 to 22:30 LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00 Reg Ent: Mon to Thurs:11:00 to 23:30, Fri to Sat: 11:00 to 00:00, Sun:12:00 to 22:30	Restaurant conditions	150
Red N Hot Chinese Restaurant, 59 Charing Cross Road	Alcohol: Mon to Thurs: 10:00 to 23:30, Fri to Sat: 10:00 to 00:00, Sun: 12:00 to 22:30 LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00	Restaurant conditions	118
Real Beijing, 67 Charing Cross Road	Alcohol: Mon to Sat: 11:00 to 23:30, Sun: 11:00 to 22:30 LNR: Mon to Sat: 23:00 to 23:30 Reg Ent: Mon to Sat: 11:00 to 23:30, Sun: 11:00 to 22:30	Restaurant conditions	170
Kopi Tiam Malaysian Restaurant, 67 Charing Cross Road	Alcohol: Mon to Thurs: 09:00 to 23:30, Fri to Sat: 09:00 to 00:00, Sun: 09:00 to 22:30	Restaurant conditions save for bar and karaoke rooms	184

Applicant Supporting Documents

Central Cross Licence Schedule – Current Premises Licences

	LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00		
Longshots Bar ('Titania'), 75 Charing Cross Road	Alcohol: Mon to Thurs: 09:00 to 23:30, Fri to Sat: 09:00 to 00:00, Sun: 09:00 to 22:30  LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00  Reg Ent: Mon to Thursday: 09:00 to 23:30, Fri to Sat: 09:00 to 00:00, Sun: 09:00 to 22:30	Bar licence	150
Manbar, 79 Charing Cross Road	Alcohol: Mon to Sat: 10:00 to 03:00, Sun: 12:00 to 22:30  LNR: Mon to Sat: 23:00 to 03:30  Reg Ent: Mon to Sat: 09:00 to 03:00, Sun: 09:00 to 23:00	Bar licence	320
Total existing capacity of on-licensed premises			1092

<b>Trading name of business and Address:</b> Development Site Bounded By 10 to 18 Newport Place 28 to 35 Newport Court and 51-79 Charing Cross Road, London, WC2H ONE		
<b>Licence:</b> Previous premises had licences (see below)	<b>Applicant/solicitor:</b> Jack Spiegler	<b>Cumulative Impact Area:</b> Yes – West End
<p><b>Type of Business:</b> Mixed use  <b>Current Areas:</b> Ground Floor and mezzanine levels at various premises.  <b>Current Activities:</b> Various. See below:</p> <p><b>15/00346/LIPT - Manbar, 79 Charing Cross Road.</b>          Alcohol: Mon to Sat: 10:00 to 03:00, Sun: 12:00 to 22:30. LNR: Mon to Sat: 23:00 to 03:30. Reg Ent: Mon to Sat: 09:00 to 03:00, Sun: 09:00 to 23:00. Capacity 320 customers. Conditions – bar licence.</p> <p><b>15/08795/LIPT – Longstops Bar, 75 Charing Cross Road.</b>          Alcohol: Mon to Thurs: 09:00 to 23:30, Fri to Sat: 09:00 to 00:00, Sun: 09:00 to 22:30. LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00. Reg Ent: Mon to Thursday: 09:00 to 23:30, Fri to Sat: 09:00 to 00:00, Sun: 09:00 to 22:30. Capacity 150 customers. Conditions – bar.</p> <p><b>14/02839/LIPT – Kopi Tiam Malaysian Restaurant, Ground and First Floor, 67 Charing Cross Road.</b>          Alcohol: Mon to Thurs: 09:00 to 23:30, Fri to Sat: 09:00 to 00:00, Sun: 09:00 to 22:30. LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00. Capacity 184 customers. Conditions restaurant save for basement regulated entertainment.</p> <p><b>13/02532/LIPN -Real Beijing, Basement, 67 Charing Cross Road.</b>          Alcohol: Mon to Sat: 11:00 to 23:30, Sun: 11:00 to 22:30. LNR: Mon to Sat: 23:00 to 23:30. Reg Ent: Mon to Sat: 11:00 to 23:30, Sun: 11:00 to 22:30. Capacity 50 customers. Conditions – restaurant.</p> <p><b>14/08040/LIPDPS - Red N Hot Chinese Restaurant, 59 Charing Cross Road.</b>          Alcohol: Mon to Thurs: 10:00 to 23:30, Fri to Sat: 10:00 to 00:00, Sun: 12:00 to 22:30. LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00. Capacity 118 customers. Conditions – restaurant.</p> <p><b>13/06515/LIPN - Make Noodle Heaven, 51 Charing Cross Road.</b>          Alcohol: Mon to Thurs: 11:00 to 23:30, Fri to Sat: 11:00 to 00:00, Sun: 12:00 to 22:30. LNR: Mon to Thurs: 23:00 to 23:30, Fri to Sat: 23:00 to 00:00. Reg Ent: Mon to Thurs: 11:00 to 23:30, Fri to Sat:</p>		



11:00 to 00:00, Sun: 12:00 to 22:30. Capacity 150 customers. Conditions restaurant.

**15/08719/LIPT - Zhejiang Food, 28-29 Newport Court.**

Alcohol: Mon to Sun: 10:00 to 22:00. Conditions – shop, off sales only.

**Total Capacity 972.**

**Pre application advice purpose:** To assess the development to operate as mixed use.

**Background to application:** The premises are part of a new development. The proposed hours for licensable activities are as follows:

1. Alcohol 'on and off' – Monday – Saturday 10:00-01:00 hours and Sunday 12:00-00:00 hours.
2. Late Night Refreshment - Monday – Saturday 23:00-01:00 hours and Sunday 23:00-00:00 hours.
3. Recorded Music 'indoors' - Monday – Saturday 10:00-01:00 hours and Sunday 12:00-00:00 hours.
4. Opening hours - Monday – Saturday 07:00-01:00 hours and Sunday 08:00-00:00 hours.
5. To allow the permitted activities from the end of New Year's Eve to the start of New Year's Day. To also allow the Sundays prior to Bank Holidays to operate until midnight.

The development includes retail use units on Charing Cross Road which replaces some of the previous licensed premises. These are labeled as units 1-8 on the proposed plan, these have A1 planning use.

On Newport Place, units 13, 14, and 15 are proposed as restaurant use with holding bars in each. These units have A3 planning use, with full height extract. These will have individual staff facilities as well as customer WC facilities.

Proposed Capacities

Unit 13 – 180

Unit 14 - 200

Unit 15 – 220

Unit 9, 10, 11, and 12 on Newport Court have A3 use but they cannot undertake any primary cooking, and it has currently been proposed that these have a relaxed condition regarding the Supply of Alcohol. The capacities of these units has not yet been determined, but will be no more than 50 customers per unit.

This brings the total capacity of licensed premises to no greater than 800 customers, a reduction of what was currently licensed previously.

Residential premises will still remain above the new development from the first floor, with a total of 117 flats. The basement of the development will still operate as a public car park.

The main Environmental Health considerations to the proposal as submitted are the following:

### 1. Cumulative Impact Area

The premises are in the West End Cumulative Impact Area as defined in Westminster's Statement of Licensing policy. The policy can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

With regard to units 13, 14 and 15, there is no presumption against the granting of a restaurant in the Cumulative Impact Area so long as it does not impact on the Licensing Objectives or add to Cumulative Impact. (Policy RNT2). However the bar element of these units to the proposed hours is against the policy, therefore the applications will need to be heard in front of the Licensing Sub Committee. The proposal of units 9, 10, 11 and 12 will also be deemed against policy as they do not operate as restaurant (PB2). The take away of Late Night Refreshment would also be deemed against the policy (FFP2). However the previous use and hours of the existing premises may be considered if these licences are surrendered.

### 2. Sanitary accommodation

One of the reasons for an area being designated as a Cumulative Impact Area is due to the lack of adequate facilities leading to Public Nuisance concerns in the area. Environmental Health therefore requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.*

The proposed capacities of units

- Unit 13 – 180 persons – this requires a minimum of 4 female WCs (1 of which can be accessible), 2 male WCs and 2 urinals.
- Unit 14 - 200 persons – this requires a minimum of 4 female WCs (1 of which can be accessible), 2 male WCs and 2 urinals.
- Unit 15 – 220 persons – this requires a minimum of 4 female WCs (1 of which can be accessible), 2 male WCs and 2 urinals.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

All toilets in food business premises should be separated by a lobby from food eating or preparation areas.

Units 9, 10, 11, 12 – a maximum capacity of 50 customers in each. 1 female WC and 1 male WC should be provided as a minimum. It was discussed that there would be shared staff facilities for these units. The above standards for staff should also be provided and should be easily accessible.

### **3. External Area and Windows**

External dining is being proposed for units 13, 14 and 15. The planning permission states the bi-folding windows should be closed at 22.00 hours and use of the external area shall cease. I would recommend that is also reflected in the licensing permissions due to close proximity of the residential properties. Any smoking area will need to be compliant with the Health Act 2006, this includes the external area at the front of the premises.

### **4. Food Hygiene**

No detailed kitchen layout plans have been provided therefore the layout has not been assessed for food hygiene requirements.

### **Conditions**

The following conditions are recommended for all applications. The applicant has already considered the some of the following conditions:

1. The supply of alcohol on the premises shall be by waiter or waitress service only.
2. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
3. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
4. There shall be no sales of alcohol for consumption off the premises after 23.00.
5. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
6. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
7. The venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities for a period of 31days with date and time stamping. Recordings shall be made available, immediately upon the request of Police or authorised officer throughout the preceding 31days.
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 is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

9. Challenge 21, a 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 or passport.
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. all ejections of patrons
  - c. any complaints received
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
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. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
16. 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.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. 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.

19. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed [to be determined by the Environmental Health Consultation Team]

20. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

21. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

#### Units 13, 14 and 15

1. Save for the area hatched black on the plans, the premises (including the external areas) 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 23.00, 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.

2. The hatched area shall be limited to 15% of the overall capacity of the premises.

3. Except for the external seating area, 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.

4. There shall be no regulated entertainment in the external area.

5. All external tables and chairs shall be rendered unusable after 22:00 hours daily.

6. All sales of alcohol for consumption off the premises shall be:

- a. in sealed containers only, and shall not be consumed on the premises; or
- b. to persons seated at tables and chairs in the external seating area.

#### Units 9, 10, 11 and 12

1. The supply of alcohol on the premises shall be by waiter or waitress service only.

2. The supply of alcohol on the premises shall be ancillary to food.
3. The supply of alcohol on the premises shall only be to a person seated.
4. There shall be no self-service of alcohol.
5. No drinks shall be taken outside of the premises.

### District Surveyor Comments

#### **Means of Escape:**

The premises fire strategy should be presented so we can highlight any additional issues from a technical perspective. The general principles of the design all appear adequate but once the fire strategy is received a full response can be provided.

We would suggest at this stage that the following general principles are in place:

- Means of escape from the premises should be based on a simultaneous evacuation upon activation of the fire detection and alarm system and the system should ideally be a minimum L2 system in line with BS5839 part 1.
- Appropriate floor space factors in line with the Technical Standards for Places of Entertainment should be applied within units and see table below for guidance.
- All protected exit routes are provided with a minimum of 30 minutes fire separation to other parts of the premises
- All Fire doors protecting escape routes are provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.
- Every escape route (other than those in ordinary use) is marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4.

#### **Floor Space Factors:**

The various premises will operate as licensed premises and ADB (Table 1) and the Technical Standards (Table 3) detail the relevant floor space factors applicable for the likely types of use. Once scaled plans showing the furniture layout are provided we can carry out further calculations to assist with advising on safe maximum capacities

Table 1 details the standard floor factors that would be used for information purposes and to assist the operators design calculations moving forward.

**Table 1: Floor Space Factor Calculator**

Area	Overall area M <sup>2</sup> (approx)	Capacity at 0.3 M <sup>2</sup> per person (within	Capacity at 0.5 M <sup>2</sup> per person (dancing/	Banquette style seating at 0.45m per person	Capacity at 1.0-1.5 M <sup>2</sup> per person (dining)	Max operational capacity
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2m of reception) bar)						
e.g. Ground Floor	TBC ÷ 0.3 =	TBC	TBC ÷ 0.5 =	TBC ÷ 0.45 =	TBC ÷ 1 =	TBC
<p><b>NB: Any additional infrastructure introduced that imposes upon the available floor space as detailed in the plans above should be measured and the appropriate corresponding number taken off the maximum capacity</b></p>						
<p>Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.</p> <p>Sally Thomas Environmental Health Officer – Senior Practitioner EH Consultation Team</p>						
<p>Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.</p>						

**Premises History**

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

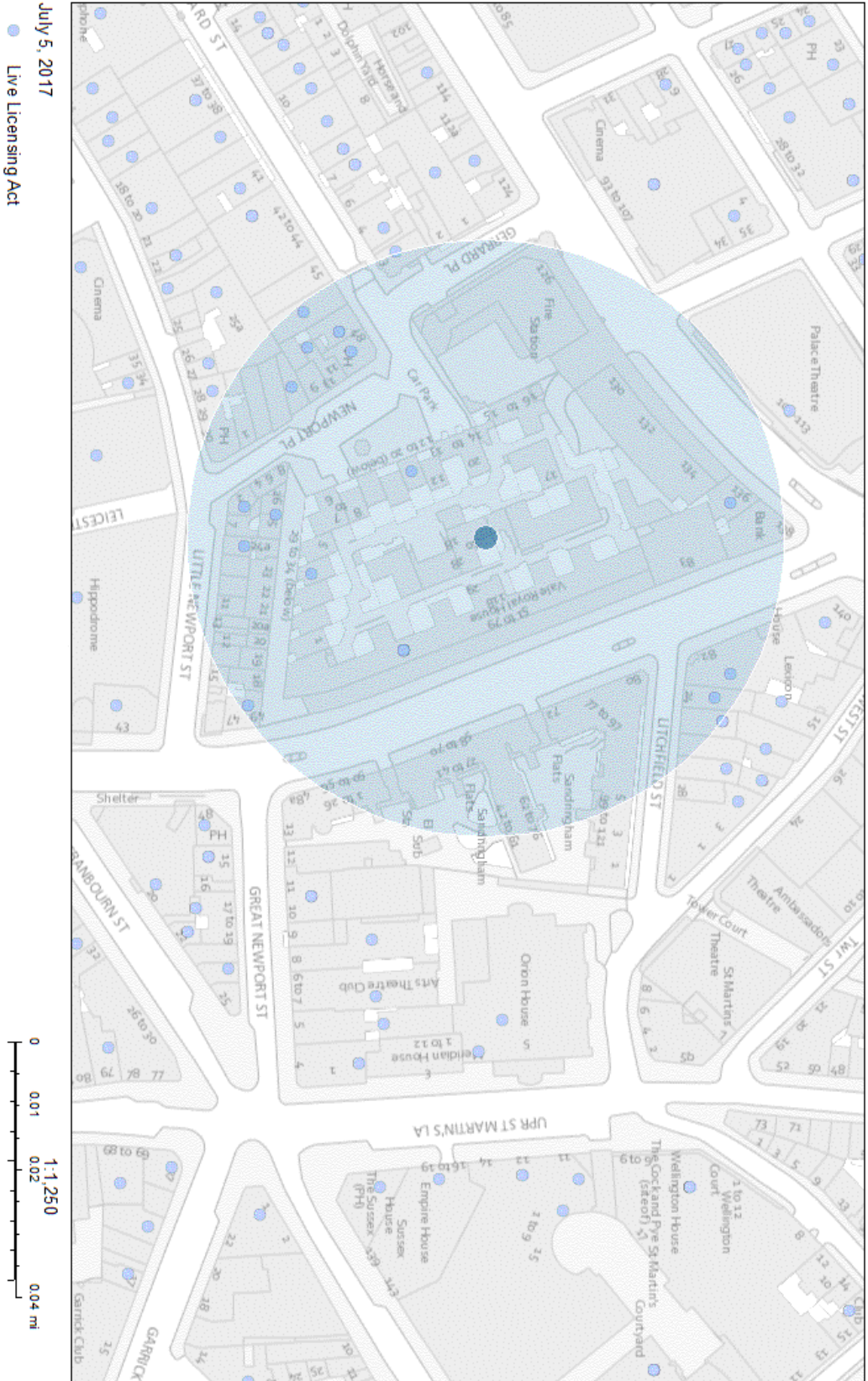
9. Save for the area hatched black on the plans, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. The hatched area shall be limited to 15% of the overall capacity of the premises.
11. Save for the area hatched black on the plans, the supply of alcohol on the premises shall be by waiter or waitress service only.
12. Except for the external seating area, 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.
13. There shall be no regulated entertainment in the external area.
14. All external tables and chairs shall be rendered unusable after 22:00 hours daily.
15. All sales of alcohol for consumption off the premises shall be:
  - a) in sealed containers only, and shall not be consumed on the premises; or
  - b) to persons seated at tables and chairs in the external seating area.
16. There shall be no sales of alcohol for consumption off the premises after 23.00.
17. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
18. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. The venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities for a period of 31days with date and time stamping. Recordings shall be made available, immediately upon the request of Police or authorised officer throughout the preceding 31days.
20. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
21. Challenge 21, a 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 or passport.

22. 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
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
23. 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.
24. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. 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.
28. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
29. 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.
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. 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.
32. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

33. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed (X) [to be agreed with the Environmental Health Consultation Team]
34. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
35. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**Residential Map and List of Premises in the Vicinity**

**Newport Place Development**



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