



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 12th May, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Nickie Aiken (Chairman)  
Nick Evans  
Murad Gassanly  
Susie Burbridge (for application 4)

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.**

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**AGENDA**  
**PART 1 (IN PUBLIC)**

**5. JAPAN CENTRE, 35B PANTON STREET, SW1**

**(Pages 1 - 30)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	St James's Ward / West End Cumulative Impact Area	Japan Centre, 35B Panton Street, SW1	New	16/02493/LIPN

**Charlie Parker**  
**Chief Executive**  
**9 May 2016**

Item No:	
Date:	12 May 2016
Licensing Ref No:	16/02493/LIPN - New Premises Licence
Title of Report:	Japan Centre 35B Panton Street London SW1Y 4EA
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:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	7 March 2016		
<b>Applicant:</b>	Japan Centre Group Ltd		
<b>Premises:</b>	Japan Centre		
<b>Premises address:</b>	35B Panton Street London SW1Y 4EA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The applicant has confirmed that this premises shall operate as a speciality Japanese food outlet with restaurant facilities and a sake shop.		
<b>Premises licence history:</b>	This premises has not benefitted from a premises licence previously.		
<b>Applicant submissions:</b>	None.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors 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>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

<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>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

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>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		N/A					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	30 <sup>th</sup> March 2016
<p>I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Area.</p> <p>The applicant has submitted plans of the premises showing the Basement, ref 11405_02_105, Rev E, dated 29/02/16, and the Ground Floor, ref 11405_00_101, Rev NC, dated 29/07/15.</p> <p><b>The applicant is seeking the following licensable activities:</b></p> <ol style="list-style-type: none"> <li>1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Thursday, from 08:00 to 23:30 hours, Friday and Saturday, 08:00 to 00:00 hours and Sunday 10:00 to 22:30 hours.</li> <li>2. Provision of Late Night Refreshment both 'Indoors' and 'Outdoors' , Monday to Thursday, from 23:00 to 23:30 hours and Friday and Saturday, 23:00 to 00:00 hours</li> </ol> <p><b>I wish to make the following representations:</b></p> <ol style="list-style-type: none"> <li>1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the West End Cumulative Impact Area</li> <li>2. Provision of Late Night Refreshment for both 'Indoors' and 'Outdoors' may have the effect of increasing Public Nuisance in the West End Cumulative Impact Area</li> </ol> <p>An extensive list of conditions has been offered in the operating schedule and these are under consideration.</p> <p>It's not clear if the premises have undergone refurbishment for the proposed use and will in any case need to be inspected for Public Safety prior to commencement of licensing activities.</p> <p>The applicant is advised that Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.</p> <p>It is also unclear from the plans and conditions the proposed safe capacity at the premises. Any proposed capacity shall also be assessed with the provision of sanitary accommodation being in line with British Standard 6465, as amended.</p> <p>The applicant is therefore requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Heidi Lawrence
<b>Received:</b>	20 <sup>th</sup> April 2016
I write in relation to the above premises and further to the representation that I submitted	

on 4<sup>th</sup> April 2016 on behalf of the Licensing Authority. 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 now fully considered your application. The application seeks to provide sale by retail of alcohol on and off the premises and late night refreshment. Your clients seek to provide the sale by retail of alcohol Monday to Thursday from 08:00 to 23:30, Friday and Saturday from 08:00 to midnight and on Sunday from 10:00 to 22:30. For late night refreshment your clients are seeking to provide that activity from 23:00 to 23:30 Monday to Thursday and from 23:00 to 00:00 on Friday and Saturdays.

As part of the operating schedule within this application your client has set out a number of conditions that it intends to operate too if this licence is granted. I will refer to these conditions later within this representation.

The operation of this premises is proposed to be a restaurant which sells food to those seated. The premises has an area described in the plans as a bar which has a number of seats and takes up a small percentage of the overall floor space of the premises. The premises is located within Panton Street which is located within the West End Cumulative Impact Areas as defined within the Council's Statement of Licensing Policy, January 2016 Panton Street runs from Leicester Square Gardens down to Haymarket. Panton Street has approximately 12 licensed premises which consist of 9 restaurants and 1 which is currently closed, 1 pub, 1 cinema and 1 theatre.

In the immediate area (50m radius) surrounding Panton Street there are 11 licensed premises which comprise of 1 Comedy Club, 3 Restaurants, 1 Cinema, 3 night Clubs, 1 Pub and 2 Theatres. There are also 3 resident premises within the immediate area consisting of 45 housing units. Please see attached plan which shows the location of these premises.

The Licensing Authority expressed in its original representation that it has concerns in relation to this application and how the premises would promote the Licensing Objective:

- Protection of Children from Harm
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

As referred to above this premises is located within the West End Cumulative Impact Area. Cumulative impact is defined in the Home Office Guidance made in accordance with Section 182 of the Licensing Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. In three areas within Westminster the growth, type and density of licensed premises and the number of people who are intoxicated out late at night is such that it causes problems of nuisance and crime and disorder not only in the immediate vicinity of these premises but also some distance away.

The retention of people late at night contributes to cumulative impact. The urban infrastructure cannot sustain any further growth in alcohol sales or in late night-time activity levels without accentuating the risk of a variety of harmful outcomes. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourages people to stay on after other licensed premises have closed.

The West End has been identified as an area where cumulative impact applies. The aim of adopting a Cumulative Impact Area in the West End is to limit the growth of licensed premises within that area.

The Licensing Authority recognises that not all premises operate the same within the

cumulative impact areas and the different types of premises are set out within Westminster City Council Licensing Policy under Special Policy on cumulative impact in Cumulative Impact Areas (CIP1), Premises supplying fast food inside the Cumulative Impact Area (FFP2), Public Houses and Bars in the Cumulative Impact Areas (PB2) & Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas (MD2). These policies are intended to be strict and only overridden in genuinely exceptional circumstances.

Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.

The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and:

(i) Are appropriately conditioned so that the consumption of alcohol is not, and cannot become a significant part of the operation of the premises and is regulated to promote responsible drinking.

(ii) Where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours

(iii) When the sale of alcohol is not permitted beyond 22:00 hours, then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the CIA

The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises will be operated within the terms of the condition on the licence, or that the premises will be generally well managed because of reputation or good character of the licence holder or operator. This is expected in the conduct of all licenses premises.

However, as stated above, the Licensing Authority recognises different types of premises have different impacts and one recognised premises is a Restaurants. Customers who have been seated in premises, eating a substantial meal and where the premises are not as crowded will behave differently. They will not have been talking at high volume and therefore will be more likely to leave the premises quietly than if they had been in a premises with a greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

Westminster City Council Licensing Policy sets out a clear definition of what a restaurant is and this is set out below:

(i) In which customers are shown to their table

(ii) 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

(iii) Which do not provide any take away service of food or drink for immediate consumption and

(iv) Where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The applicant describes the premises as a speciality Japanese and produce shop with restaurant facilities and a sake shop.

The Licensing Authority believes that the applicant has not provided a clear definition of the

premises in conjunction with the policy. Consequently, policy RNT2 cannot be applied and the application will therefore need to be considered under Policy PB2.

Policy PB2 states: *'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary within the Core Hours under Policy HRS1'*

The applicant has put forward within its operation schedule a number of conditions (17) that it proposes to operate the premises by, one of which states:

1. The supply of alcohol on the premises shall only be to a person seated talking a table meal there and for consumption by such a person as ancillary to their meal.
2. Notwithstanding condition [1], alcohol may be supplied and consumed in the sake shop hatched black on the plan, by up to a maximum at any one time, of [12] persons until 20:00 hours.

If the premises intend to operate as a restaurant, the Licensing Authority suggests that the model condition 66 is adopted as follows:

The Premises shall only operate as a restaurant:

- (i) In which customers are shown to their table
- (ii) Where the supply of alcohol is by waiter or waitress service only
- (iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
- (iv) which do not provide any take away service of food or drink for immediate consumption
- (v) which do not provide any take away service of food or drink after 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 taking such meals and alcohol may be supplied and consumed in the Sake Shop hatched black on the plan, by up to a maximum at any one time, of [12] persons until 20:00 hours.

It is the responsibility of the applicant, when applying for a new premises licence within a Cumulative Impact Area to demonstrate that they will not add to cumulative impact. The Licensing Authority does not consider that sufficient evidence has been provided by the applicant to adequately demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Area.

The applicant is therefore requested to provide a clear description of the premises and how it will operate and provided further evidence as to how the premises will not add to cumulative impact.

As a result of this, the Licensing Authority maintains its representation in relation to this application (Holding representation made 4<sup>th</sup> April 2016).

The Licensing Authority requests that you provide any response to this representation via written correspondence no later than 29<sup>th</sup> April 2016.

**Note: the Licensee has provided a response to the Licensing Service representation which is attached at Appendix A2. The amended conditions and plans have been included in this report.**



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies:</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food 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>
<b>Policy RNT2 applies:</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy PB2 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.

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant response to Licensing Rep
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Photos of the premises

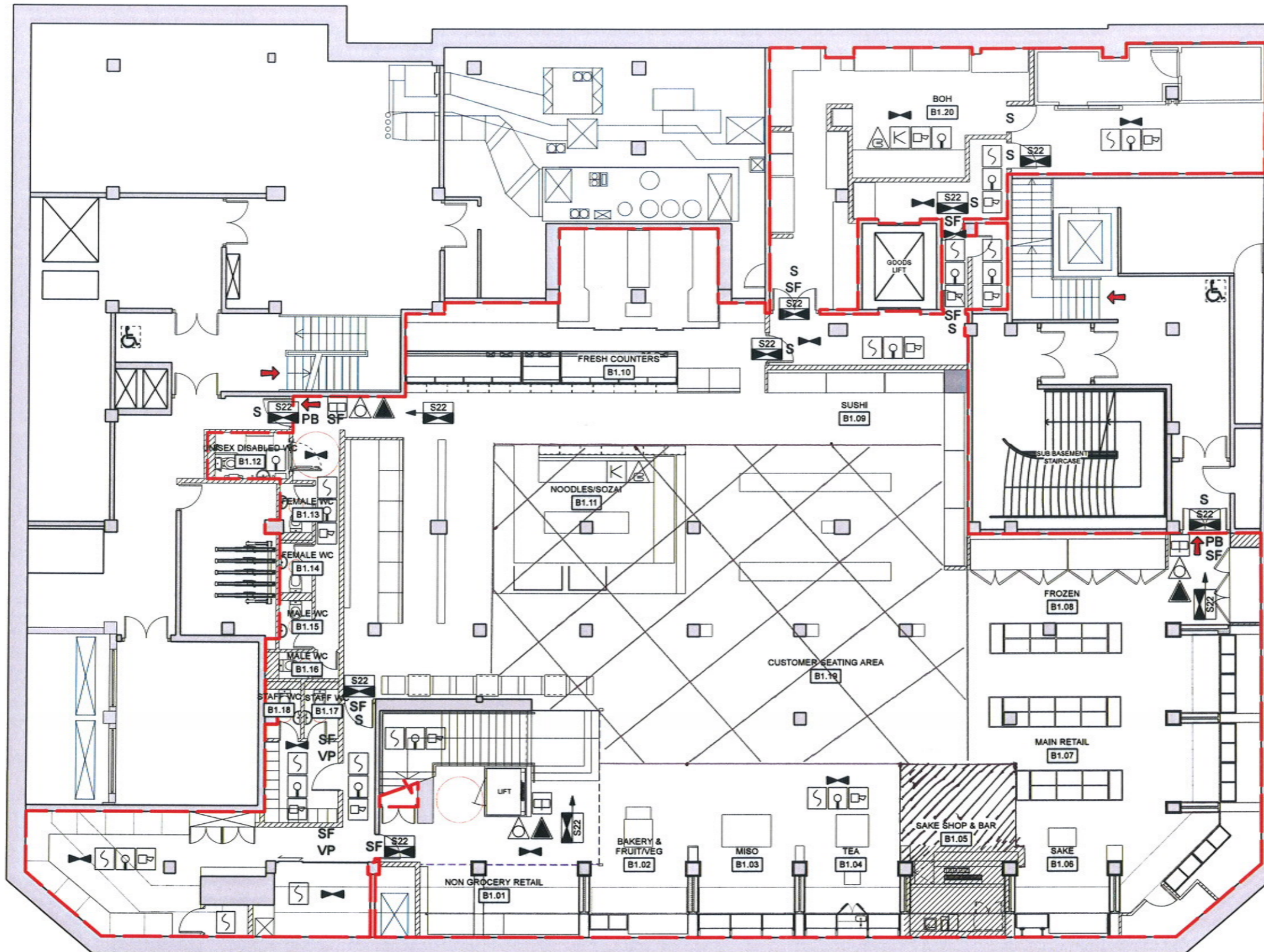
<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

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

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

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

# APPENDIX 1



- LICENSING PLAN SYMBOLS**
- INDICATES DIRECTION OF NEAREST ESCAPE
  - FIRE ALARM CALL POINT WITH FIRE ACTION SIGN ADJACENT
  - CONTROL PANEL SOUNDERS
  - CONTROL PANEL ILLUMINATED SIGNALS
  - PB** DOORS WHICH ARE TO BE PROVIDED WITH A PANIC BOLT
  - SF** DOORS THAT HAVE ONLY A SIMPLE FASTENING WHICH IS EASILY AND IMMEDIATELY OPENABLE
  - VP** A PANEL OF CLEAR GLASS IN THE DOOR OR ADJACENT PARTITION SHOWN ON PLAN
  - S** DOOR ASSEMBLY WHICH IS ABLE TO RESIST THE PASSAGE OF SMOKE WHEN TESTED IN ACCORDANCE WITH THE BRITISH STANDARD IN FORCE AT THE DATE OF MANUFACTURE.
  - FIRE BLANKET IN CONTAINER
  - WATER FIRE EXTINGUISHER
  - CARBON DIOXIDE FIRE EXTINGUISHER
  - AREA COVERED WITH A SYSTEM OF ESCAPE LIGHTING THAT WILL ILLUMINATE THE AREA UPON FAILURE OF THE NORMAL LIGHTING POWER SUPPLY
  - REFUGES AREA TEMPORARY ASSEMBLY POINT FOR THOSE PERSONS OF IMPAIRED MOBILITY
  - AREA COVERED BY AUTOMATIC HEAT DETECTORS
  - AREA COVERED BY AUTOMATIC SMOKE DETECTORS
  - INDICATES THAT THE NOTICE IS INTERNALLY ILLUMINATED
  - DIRECTIONAL ARROW

**GROSS INTERNAL AREA**

GIA = 687sqm

THE MAIN CONTRACTOR, SUB CONTRACTOR, OR SUPPLIER SHALL:  
 1. BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND COMPLETION OF ALL WORK SHOWN ON THIS DRAWING.  
 2. BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND COMPLETION OF ALL WORK SHOWN ON THIS DRAWING.  
 3. BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND COMPLETION OF ALL WORK SHOWN ON THIS DRAWING.  
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 9. BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND COMPLETION OF ALL WORK SHOWN ON THIS DRAWING.  
 10. BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION AND COMPLETION OF ALL WORK SHOWN ON THIS DRAWING.

E	29/02/16	CH	TOILET UPDATE
D	29/02/16	CH	SAKE HATCH UPDATE
C	25/02/16	CH	UNISEX TOILET ADDED
B	15/02/16	CH	NOTES UPDATED
A	12/02/16	CH	SEATING AND TAGS ADDED

Rev: Date: By: Description:

**CADADDESIGNGROUP**

Drawing Status: **PRELIMINARY**

Client: **JAPAN CENTRE**

Project: **JAPAN CENTRE - PANTON ST**

Drawing Category: **GENERAL LAYOUTS**

Title: **PROPOSED BASEMENT LICENSING PLAN LAYOUT**

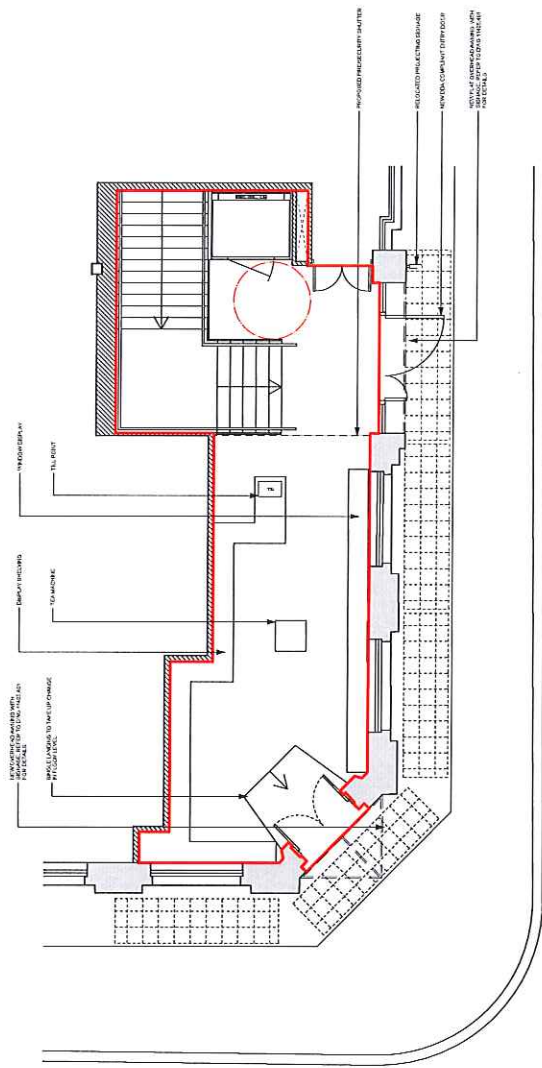
Drawn:	CH/2	Scale:	1:100 @A2	Drawn Date:	11/02/16	Revised Date:	29/02/16
Drawn No:	11405_02_105	Revision:	E				

**01 PROPOSED BASEMENT LICENSING PLAN LAYOUT**  
 Scale: 1:100

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING (IMEP) CODES.  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING (IMEP) CODES.  
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING (IMEP) CODES.  
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 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING (IMEP) CODES.

**WORK IN PROGRESS.  
 PLANS SHOWN  
 INDICATIVELY ONLY.**

1000 W. L. C. Street, Raleigh, NC 27601  
 TEL: 919.978.1000 FAX: 919.978.1001  
**CADADDESIGN GROUP**  
 ARCHITECTS  
 1000 W. L. C. Street, Raleigh, NC 27601  
 TEL: 919.978.1000 FAX: 919.978.1001  
**PRELIMINARY**  
**JAPANESE CENTRE**  
 JAPANESE CENTRE - PANTON ET  
 GENERAL LAYOUTS  
 PROPOSED GROUND FLOOR  
 SHEET NO. 01  
 DATE: 11/20/11  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES  
 SCALE: 1/8" = 1'-0"  
 PROJECT NO. 11465.00.01.01 NC



01 PROPOSED GROUND FLOOR PLAN LAYOUT  
 Scale: 1/80

# APPENDIX 2

Your ref: 16/02493/LIPN  
Our ref: JS/JAP.1.21

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618

FAO Miss Heidi Lawrance  
Westminster City Council  
City Hall  
64 Victoria Street  
SW1E 6QP

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

5 May 2016

Dear Sirs

**Application for a new Premises Licence**  
**Ref: 16/02493/LIPN**  
**Japan Centre, 35b Panton Street, SW1Y 4EA**

We refer to your letter dated 19 April 2016 and our email correspondence. We understand you are not prepared to meet our client at the premises to discuss your representation further. As a result, we would be grateful for your consideration of this letter which reflects what has been presented to and discussed with the Environmental Health Consultation Team.

The application is for a Core Hours Licence with MC48 restaurant conditions with a capacity of approximately 140 covers, to be determined by the District Surveyor, and with limited bar use for 12 persons until 8pm in the sake bar consistent with the City Council's new exceptions to the Cumulative Impact Area ("CIA") policy under paragraphs 2.4.17 to 2.4.22.

The premises is currently authorised to provide licensable activities under premises licence 12/11144/LIPDPS. This premises licence allows the sale of alcohol during Core Hours without the provision of food with a capacity of 400. It is effectively a licence falling within Policy PB2.

The premises will operate as a high quality and specialist Japanese food and drink retailer, restaurant and sake merchant, effectively with a retail area, restaurant and small sake bar. The applicant successfully operates numerous Japanese restaurants across Westminster and London, namely under the "Shoryu" restaurant concept and will, subject to obtaining a licence, sign a long lease for the property.

Sales of alcohol on the premises in the area **cross hatched black** will only to persons taking a table meal save for in the area **hatched black** for to up to 12 persons until 8.00 pm only is entirely consistent with paragraph 2.4.21 of the policy. The rest of the premises is off sales only.

The Existing Licence will not be used but will remain in effect whilst this licence is in effect (the existing licence effectively becoming a shadow licence) and this licence is of course therefore not adding to cumulative impact as is a 'softer' use.

The use has therefore already been established, but the licences will be mutually exclusive. In any event, even if there was not an existing licence, the application is consistent both with Policies HRS1 and RNT2 and in respect of the retail area, the relevant off sales policy.

In summary, the following ensure the application is compliant with the 2016 Statement of Licensing Policy, satisfies the exceptions to Policy CIP1 and will have no addition to the cumulative impact in the CIA:

1. The established use and existence of a licence granted and in effect under PB2;
2. Compliance with Policy HRS1 for off and on-sales of alcohol;
3. A requirement that the sale of alcohol for consumption on the premises within the dining area is to seated persons and ancillary to a table meal;
4. The limited consumption of alcohol on the premises in the sake bar is entirely consistent with paragraphs 2.4.17 to 2.4.22 of the policy.

Thank you for your consideration of this letter. Please do not hesitate to contact Jack Spiegler or Alun Thomas of this office should you have any queries arising.

Yours faithfully



**Thomas & Thomas Partners LLP**

tel: 020 7042 0412

email: athomas@tandtp.com



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 premises 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. In the area cross hatched black, the supply of alcohol on 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. Notwithstanding condition 9, alcohol may be supplied and consumed in the sake shop hatched black on the plan, by up to a maximum at any one time, of [12] persons until 20:00 hours.
11. No on sales of alcohol before 10:00 hours Monday to Saturday or before 12:00 hours on Sunday.
12. No off sales of alcohol after 23:00 hours.
13. No super-strength beer, lager, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold for consumption off the premises, except for premium beers and ciders supplied in glass bottles unless the prior written consent of the Police and EHCT has been obtained.
14. 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.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
21. 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.

22. 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.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
24. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
26. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently submitted) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
27. In the area hatched black, the number of persons permitted in the premises at any one time (including staff) shall not exceed (to be determined) persons.

# APPENDIX 5



# Japan Centre, 35 Panton Street, London SW1Y 4EA



page 22

9  
 Meters

Residential / Proposed Residential	56
Under Construction	N/A
Other Uses	N/A
Proportion Residential of all Uses	N/A

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Data Source: Uniform Database  
 Date: 27/04/2016



**Premises within 75 metres of: Japan Centre, 35 Panton Street, London W1B**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
31299	Comedy	The Comedy 7 Oxendon Street London SW1Y 4EE	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 00:30 Monday to Saturday 08:00 - 02:30 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
-22885	Jindalle Restaurant	Basement And Ground Floor 6 Panton Street London SW1Y 4DL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
26904	Tom Cribb Public House	36 Panton Street London SW1Y 4EA	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
17652	Busaba	32-34 Panton Street London SW1Y 4EA	Sunday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00
7892	Paper Club	32-34 Panton Street London SW1Y 4EA	Monday to Tuesday 09:00 - 01:30 Wednesday 09:00 - 02:30 Thursday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00
-30591	Prince Of Wales Theatre	31 Coventry Street London W1D 6AS	Monday to Sunday 09:00 - 00:00
17035	Bloom	5 Panton Street London SW1Y 4DL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-18959	Kanada-Ya	3 Panton Street London SW1Y 4DL	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
23335	Leicester Square Area	Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
28159	Nonna's Kitchen	Ground Floor 38 Panton Street London SW1Y 4EA	Monday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 00:30 Sunday 09:00 - 23:00
29387	Pizza Express	Ground Floor Panton House 25 Haymarket London SW1Y 4EN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-11235	Press	32-34 Panton Street London SW1Y 4EA	Monday to Tuesday 09:00 - 01:30 Wednesday 09:00 - 02:30 Thursday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00
30995	VietCafe	Ground Floor And Basement 23 Haymarket London SW1Y 4DG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13466	Angus Steak House	Basement To First Floor 24 Haymarket London SW1Y 4DG	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 10:00 - 01:00
7230	Every Hotel Piccadilly	39 Coventry Street London W1D 6BZ	Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
-16814	Woodlands Restaurant	Basement And Ground Floor 37 Panton Street London SW1Y 4EA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
29432	All Bar One	Concession Communications House 48 Leicester Square London WC2H 7LT	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
-8808	The Harold Pinter Theatre	Harold Pinter Theatre Panton Street London SW1Y 4DN	Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 00:00
-144	Andalucia Tapas Restaurant	Basement And Ground Floor Front 4 Panton Street London SW1Y 4DL	Monday to Sunday 11:00 - 00:00
13122	McDonald's	Communications House 48 Leicester Square London WC2H 7LT	Monday to Sunday 05:00 - 03:00
20234	Odeon Cinema	11-18 Panton Street London SW1Y 4DP	Monday to Sunday 09:00 - 08:00
-8803	Cornishe	32 Coventry Street London W1D 6BR	Monday to Sunday 23:00 - 05:00
13028	Not Recorded	Basement And Part Ground Floor Clareville House 26 - 27 Oxendon Street London SW1 4EL	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
18372	Strada	39 Panton Street London SW1Y 4EA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

# APPENDIX 6

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page 25



PANTON STREET SW1

CITY OF WESTMINSTER

WHITCOMB STREET WC2

CITY OF WESTMINSTER

Bus: abo Eatnai

Bus: abo Eatnai

Telephone



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WHITCOMB STREET W12

P  
Resident permit holders only

CDG  
CDG  
CDG

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page 27



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OXENDON STREET SW1

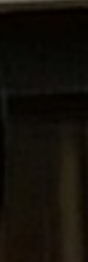
PANTON STREET SW1

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THE BOOK OF MORMON

PANTON STREET SW1



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