



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday 8th March, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Tim Mitchell (Chairman)  
Heather Acton  
Julia Alexander

**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 via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. 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)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

#### Licensing Applications for Determination

#### 1. CLARIDGES HOTEL, 47-57 BROOK STREET, MAYFAIR

(Pages 1 - 28)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	Claridges Hotel, 47-57 Brook Street, Mayfair	Variation of a Premises Licence	18/00436/LIPV

#### 2. SALON 64, 14 BATEMAN STREET, W1

(Pages 29 - 56)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End Cumulative Impact	Salon 64, 14 Bateman Street, W1	New Premises Licence	17/15059/LIPN

	Area			
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**3. YOUNG CHENG RESTAURANT, 39 WARDOUR STREET, W1**

**(Pages 57 - 88)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / West End Cumulative Impact Area	Young Cheng Restaurant , 39 Wardour Street, W1	Variation of a Premises Licence	17/14804/LIPV

**Stuart Love  
Chief Executive  
2 March 2018**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES**

(As set out in the Council's Statement of Licensing Policy)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	8 March 2018
Licensing Ref No:	18/00436/LIPV - Premises Licence Variation
Title of Report:	Claridges Hotel 47 - 57 Brook Street Mayfair
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	12 January 2018		
<b>Applicant:</b>	Claridges Hotel Limited		
<b>Premises:</b>	Claridges Hotel		
<b>Premises address:</b>	Claridges Hotel 47 - 57 Brook Street Mayfair London	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	N/A
<b>Premises description:</b>	The premises currently operations as a 4* hotel.		
<b>Variation description:</b>	<p>According to the application the Applicant is seeking to vary the premises licence as follows:</p> <ul style="list-style-type: none"> <li>• To add the following licensable activities to the event spaces and function rooms on the Mezzanine floor namely: <ul style="list-style-type: none"> <li>○ <u>Performance of Dance, Facilities for Dancing, Exhibition of Film, Facilities for Making Music, Live Music, Anything of a similar description, Facilities similar to making music or dancing</u></li> <li>Monday – Saturday from 09:00 to 01:00</li> <li>○ <u>Recorded Music and Private Entertainment with a view to profit</u></li> <li>Unrestricted</li> <li>○ <u>Sale by Retail of Alcohol</u></li> <li>Monday to Saturday 09:00 – 01:00 Sunday 09:00 – 23:30</li> </ul> </li> <li>• To amend the hours for Late Night Refreshment for all other areas (apart from the Brook Street Bar) of the hotel: <ul style="list-style-type: none"> <li>○ <u>Late Night Refreshment</u></li> <li>Monday to Saturday from 23:00 – 01:30 Sunday from 23:00 – 00:00</li> </ul> </li> </ul>		
<b>Premises licence history:</b>	The premises benefits from a premises licence which can		

	be found at <b>Appendix 4</b> of the report and a full licence history can be found at <b>Appendix 3</b> .
<b>Applicant submissions:</b>	<p>The Mezzanine Floor of the Premises has been modified to create event spaces and function rooms which need to be incorporated into the hotel Premises Licence. The rest of the floor remains as guest bedrooms.</p> <p>There appears to be a historical discrepancy with the hours for Late Night Refreshment. This application also seeks to address the hours for all other areas apart from the Brook Street Bar.</p>
<b>Plan</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee

<b>1-B Current and proposed licensable activities, areas and hours</b>						
<b>Regulated Entertainment</b>						
<b>Exhibition of films, Performance of Live Music, Performance of Dance, Anything of a similar description to Live Music, Recorded Music or Performance of Dance.</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Additional</b>
<b>Monday</b>	09:00	01:00	No change	No change	Ground Floor Lounge, Restaurant and Bar and Other Areas	Function Rooms and Event Spaces on the Mezzanine Floor.
<b>Tuesday</b>	09:00	01:00	No change	No change		
<b>Wednesday</b>	09:00	01:00	No change	No change		
<b>Thursday</b>	09:00	01:00	No change	No change		
<b>Friday</b>	09:00	01:00	No change	No change		
<b>Saturday</b>	09:00	01:00	No change	No change		
<b>Sunday</b>	09:00	01:00	No change	No change		
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on				No change	

	<p>New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).</p> <p>Films shall be permitted on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>	
<b>Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto such application.	No change
<b>Hotel Residents:</b>	<b>Current:</b>	<b>Proposed:</b>
	Monday to Sunday 00:00 – 00:00	No change

**Recorded Music and Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit.**

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Additional:
<b>Monday</b>	Unrestricted		No change		Ground Floor Lounge, Restaurant and Bar and Other Areas	Function Rooms and Event Spaces on the Mezzanine Floor.
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						



<b>Late night refreshment: (Brook Street Bar)</b>						
<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>	
		Indoors			Indoors	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	01:30	No change	No change	Brook Street Bar	No change
<b>Tuesday</b>	23:00	01:30	No change	No change		
<b>Wednesday</b>	23:00	02:00	No change	No change		
<b>Thursday</b>	23:00	02:00	No change	No change		
<b>Friday</b>	23:00	02:00	No change	No change		
<b>Saturday</b>	23:00	02:00	No change	No change		
<b>Sunday</b>	23:00	00:30	No change	No change		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	
	On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto such application.				No change	

**Late night refreshment:  
(Ground Floor Lounge, Restaurant and Bar and Other Areas and Function Rooms  
and Event Spaces on the Mezzanine Floor)**

Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	00:30	23:00	01:00	Ground Floor Lounge, Restaurant and Bar and Other Areas and Function Rooms and Event Spaces on the Mezzanine Floor.	Ground Floor Lounge, Restaurant and Bar and Other Areas and Function Rooms and Event Spaces on the Mezzanine Floor.
<b>Tuesday</b>	23:00	00:30	23:00	01:00		
<b>Wednesday</b>	23:00	00:30	23:00	01:00		
<b>Thursday</b>	23:00	00:30	23:00	01:00		
<b>Friday</b>	23:00	00:30	23:00	01:00		
<b>Saturday</b>	23:00	00:30	23:00	01:00		
<b>Sunday</b>	23:00	00:00	23:00	00:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	
	On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto such application.				No change	

<b>Sale by Retail of Alcohol for Ground Floor Lounge, Restaurant and Bar</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Additional</b>
<b>Monday</b>	07:30	01:00	09:00	01:00	Ground Floor Lounge Restaurant and Bar	Function Rooms and Event Spaces on the Mezzanine Floor.
<b>Tuesday</b>	07:30	01:00	09:00	01:00		
<b>Wednesday</b>	07:30	01:00	09:00	01:00		
<b>Thursday</b>	07:30	01:00	09:00	01:00		
<b>Friday</b>	07:30	01:00	09:00	01:00		
<b>Saturday</b>	07:30	01:00	09:00	01:00		
<b>Sunday</b>	07:30	23:30	09:00	23:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	<p>On Sundays:</p> <p>(i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 07:30 to 23:00</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 07:30 to 22:30</p> <p>(c) On Good Friday, 12:00 to 22:30</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30</p> <p>(e) On New Year's Eve, except on a Sunday, 07:30 to 23:00</p> <p>(f) On New Year's Eve on a Sunday, 07:30 to 22:30</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st</p>				No Change	

	<p>December).</p> <p>(ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>	
	<p>On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto such application.</p>	No Change
<b>Hotel Residents:</b>	<b>Current:</b> Monday to Sunday 00:00 – 00:00	<b>Proposed:</b> No change

<b>Sale by Retail of Alcohol for Brook Street Bar</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:30	00:00	No change	No change	Brook Street Bar	No change
<b>Tuesday</b>	07:30	00:00	No change	No change		
<b>Wednesday</b>	07:30	02:00	No change	No change		
<b>Thursday</b>	07:30	02:00	No change	No change		
<b>Friday</b>	07:30	02:00	No change	No change		
<b>Saturday</b>	07:30	02:00	No change	No change		
<b>Sunday</b>	07:30	00:30	No change	No change		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	
	On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto such application.				No change	
<b>Hotel Residents:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Monday to Sunday 00:00 – 00:00				No change	

<b>Sale by Retail of Alcohol for Other Areas</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:30	00:00	09:00	01:00	Other Areas	Function Rooms and Event Spaces on the Mezzanine Floor.
<b>Tuesday</b>	07:30	00:00	09:00	01:00		
<b>Wednesday</b>	07:30	00:00	09:00	01:00		
<b>Thursday</b>	07:30	00:00	09:00	01:00		
<b>Friday</b>	07:30	00:00	09:00	01:00		
<b>Saturday</b>	07:30	00:00	09:00	01:00		
<b>Sunday</b>	07:30	23:30	09:00	23:30		
<b>Seasonal variations/</b>	<b>Current:</b>				<b>Proposed:</b>	
	(i) Alcohol shall not be sold,				No Change	

<p><b>Non-standard timings:</b></p>	<p>supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 07:30 to 23:00</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 07:30 to 22:30</li> <li>(c) On Good Friday, 12:00 to 22:30</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30</li> <li>(e) On New Year's Eve, except on a Sunday, 07:30 to 23:00</li> <li>(f) On New Year's Eve on a Sunday, 07:30 to 22:30</li> <li>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</li> </ul> <ul style="list-style-type: none"> <li>(ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other</li> </ul>	
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	purposes or in other parts of the premises the hours set out above shall continue to apply.	
	On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto such application.	No Change
<b>Hotel Residents:</b>	<b>Current:</b> Monday to Sunday 00:00 – 00:00	<b>Proposed:</b> No change

<b>Sale by Retail of Alcohol for Two shops in the bottom left hand corner (leading off the Lobby) of the Ground Floor</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Additional</b>
<b>Monday</b>	10:00	23:00	09:00	01:00	Two shops in the bottom left hand corner (leading off the Lobby) of the Ground Floor	Function Rooms and Event Spaces on the Mezzanine Floor.
<b>Tuesday</b>	10:00	23:00	09:00	01:00		
<b>Wednesday</b>	10:00	23:00	09:00	01:00		
<b>Thursday</b>	10:00	23:00	09:00	01:00		
<b>Friday</b>	10:00	23:00	09:00	01:00		
<b>Saturday</b>	10:00	23:00	09:00	01:00		
<b>Sunday</b>	12:00	22:30	09:00	23:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> Consumption of alcohol in the shops shall only be part of pre-booked event.				<b>Proposed:</b> No Change	
	On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto				No Change	

	such application.	
<b>Hotel Residents:</b>	<b>Current:</b> Monday to Sunday 00:00 – 00:00	<b>Proposed:</b> No change

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	00:00	00:00	00:00	00:00	Ground Floor Lounge, Restaurant and Bar and Other Areas	Function Rooms and Event Spaces on the Mezzanine Floor.
<b>Tuesday</b>	00:00	00:00	00:00	00:00		
<b>Wednesday</b>	00:00	00:00	00:00	00:00		
<b>Thursday</b>	00:00	00:00	00:00	00:00		
<b>Friday</b>	00:00	00:00	00:00	00:00		
<b>Saturday</b>	00:00	00:00	00:00	00:00		
<b>Sunday</b>	00:00	00:00	00:00	00:00		

<b>1-C Layout alteration</b>
<p>The Mezzanine Floor of Claridges has been modified to create some event spaces and function rooms which need to be incorporated into the hotel Premises Licence. The rest of the floor is taken up with guest bedrooms.</p> <p>Following a discussion with the District Surveyor and Environmental Health Consultation Team the Applicant has requested that, if granted, the events spaces and function rooms of the Mezzanine Floor be simply named as "Mezzanine" and listed on the Premises Licence under "Ground Floor Lounge, Restaurant and Bar" so that it reads "Ground Floor Lounge, Mezzanine and Restaurant and Bar."</p>



## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Ian Watson
<b>Received:</b>	07 February 2018
<p>This representation is based on the plans of the mezzanine floor and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>To include a new area of the mezzanine floor into the licensed area and vary the hours for late night refreshment in line with other licensed hours.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>Representation is made on Public Safety and Prevention of Public Nuisance. A visit will be required to be made to the premises to inspect the new areas to ensure the current conditions on the licence are reflective to address the licensing objectives.</li> </ol> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	12 <sup>th</sup> February 2018
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are currently insufficient conditions within the operating schedule.</p> <p>I will be in touch shortly to discuss the application in more detail.</p>	

### 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 HOT1 applies</b>	Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that: (a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises. (b) The hours of serving alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel. (c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.
<b>Policy PB1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

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

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

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

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents - none
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@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>	Representation Environmental Health	7 <sup>th</sup> February 2018
<b>5</b>	Representation Metropolitan Police	12 <sup>th</sup> February 2018

**Applicant Supporting Documents**

Appendix 1

There are no supporting documents from the Applicant

### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06663/LIPCV	Conversion of licence to Licensing Act 2003	19/09/2005	Granted Under Delegated Authority
05/12307/LIPDPS	Application to vary the designated premises supervisor	13/12/2005	Granted Under Delegated Authority
12/09668/LIPV	<p>A variation application to add films (in public areas to conform to existing regulated hours) in private bedrooms, 24 hours.</p> <p>To extend the hours for the sale by retail of alcohol and late night refreshment in the Brook Street Bar only (which has a capacity of 70) by one hour to 02:00 on Wednesday, Thursday, Friday and Saturday and to 00:30 on Sunday</p>	21/12/2012	Granted Under Delegated Authority
13/07342/LIPV	<p>A variation application to amend the ground floor plans of the hotel to include some of the shop areas on the plans attaching to the premises licence.</p> <p>There is no change proposed to the existing regulated hours or activities. The shops would trade on the same basis as "other areas" shown on page 2 of the premises licence.</p>	08/11/2013	Granted Under Delegated Authority
18/00436/LIPV	Current application		

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

**Conditions reproducing the effect of conditions subject to which relevant existing licences have effect.**

**Conditions related to Regulated Entertainment**

**Ground Floor Lounge, Restaurant and Bar**

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 1am on the day following.
13. The entertainment to be provided under this licence shall be restricted to live bands and discotheque with ancillary dancing. The entertainment shall be provided by a maximum of twelve performers.
14. The number of persons accommodated at any one time (excluding staff) in the first floor restaurant shall not exceed 30; Ground Floor Lounge, 100; Ground Floor Restaurant, 120; and Brook Street Bar, 70.

## **Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

15. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

16. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) take all other reasonable precautions for the safety of the children.
17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

18. There shall be no entry or re-entry to the Brook Street Bar via the Brook Street Entrance after 0100.
19. No windows to the Brook Street Bar nor the entrance from Brook Street into the Brook Street Bar shall be fixed open after 2300.
20. Films shall be permitted on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

## **The two shops in the bottom left hand corner (leading off the Lobby) of the Ground Floor**

21. No permanent bar shall be constructed in the shops.
22. Consumption of alcohol in the shops shall only be part of pre-booked event

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

#### **Ground Floor Lounge, Restaurant and Bar: Monday to Saturday Only**

23. (a) Subject to the following paragraphs, the permitted hours on Monday to Saturday shall commence at 07:30 (12.00 on Christmas Day and Good Friday) and extend until 01:00 on the morning following, except that -

(i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and

(ii) on any day that music and dancing end between 00:00 midnight and 01:00, the permitted hours shall end when the music and dancing end;

(b) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

(c) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;

(g) the taking of alcohol from the premises by a person residing there;

(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or

the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

### **Other Areas and on Sundays in the Ground Floor Lounge, Restaurant and Bar**

24. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 07:30 to 23:00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 07:30 to 22:30
  - (c) On Good Friday, 12:00 to 22:30
  - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
  - (e) On New Year's Eve, except on a Sunday, 07:30 to 23:00
  - (f) On New Year's Eve on a Sunday, 07:30 to 22:30
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

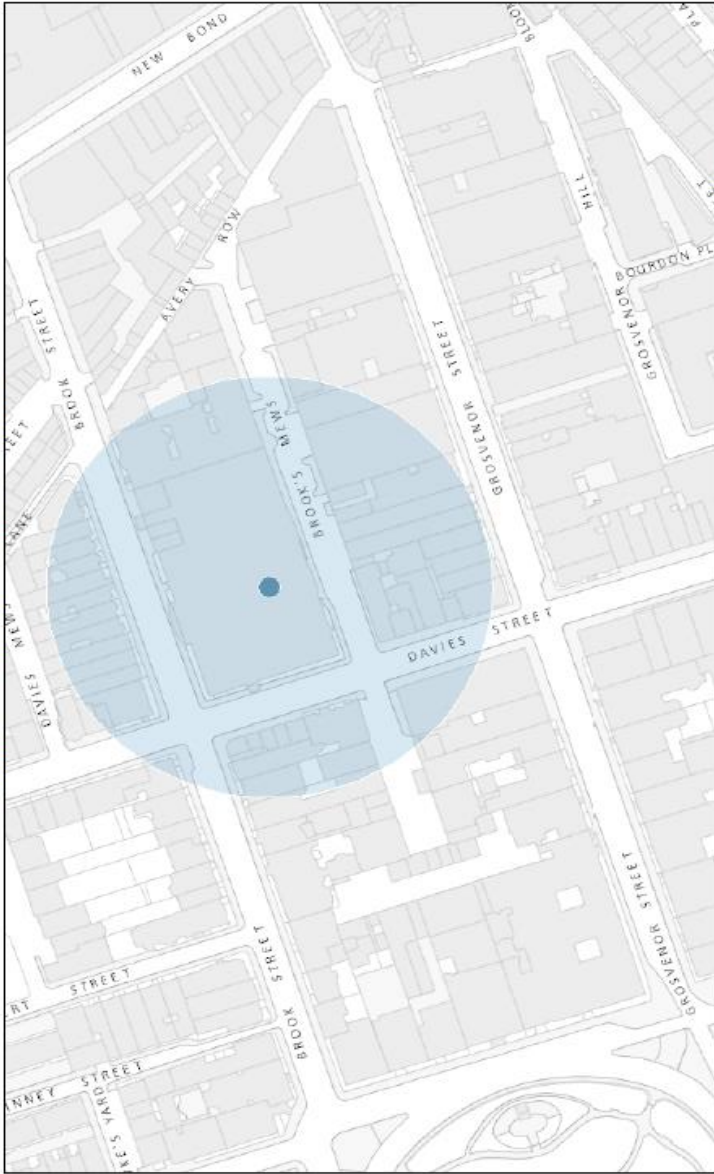
- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 25. The service of alcohol (restricted to wines and champagnes and no other alcoholic beverages) is permitted between 07:30 and 10:00am during "Champagne Breakfasts", served by a waiter or waitress to seated customers. The service of such alcohol will be ancillary to the supply of food
- 26. On no more than 15 occasions per year and following 10 days' prior notice to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such a time as agreed with the Police. The police having the power to veto such application.

Claridges Hotel 47 - 57 Brook Street



February 22, 2018

Resident Count: 37

DISTANCE	OBJECTID	Licence Number	Trading Name	Address	Premises Type	Time Period
0.909497	61149	13/07342/LIPV	Claridges Hotel	Claridges Hotel 47 - 57 Brook Street Mayfair London W1K 4HR	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
0.909497	15066	14/03274/LIPDPS	Claridge's Restaurant	Concession 1 47 - 57 Brook Street Mayfair London W1K 4HR	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:30

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Item No:	
Date:	8 March 2018
Licensing Ref No:	17/15059/LIPN - New Premises Licence
Title of Report:	Salon 64 14 Bateman Street London W1D 3AG
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 02076411872 Email: ywade@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>	27 December 2017		
<b>Applicant:</b>	Mr Ricky Walters		
<b>Premises:</b>	Salon 64		
<b>Premises address:</b>	14 Bateman Street London W1D 3AG	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application, the premises will operate as a salon seeking to serve a small collection of champagne, cocktails and wine.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exist.		
<b>Application Amendment:</b>	<p>Since the original application was received the applicant has amended the application as follows:</p> <ul style="list-style-type: none"> <li>The hours being sought for the sale of alcohol is Monday to Saturday from 11:00 to 20:00 hours and on a Sunday when Christmas Eve and New Year's Eve fall on this day.</li> </ul>		
<b>Applicant submissions:</b>	<p>Located in the heart of Soho, (14 Bateman Street), with a mix of hotels, offices, restaurants, and a selection of commercial and residential premises all within walking distance. Encompassing 2 floors, ground and basement split over 1,851 sq ft total with only 5 residential flats occupying the above space. SALON64 have exceeded expectations of the required standard under part E of the building regulations by using an acoustic ceiling.</p> <p>Installation has been tested and approved by an acoustic engineer. When entering the ground floor of SALON64 you are met by a Barista and receptionist located behind the reception desk/ bar top. The primary use for this area is to greet clients of the salon and serve coffee and other hot drinks. However it also doubles up as a makeup table allowing our clients to get themselves ready and use the mirrors concealed beneath the multifunctional work space.</p> <p>To the back of the salon is the firepit, where the team of hairdressers cut, colour and style hair. Behind this is concealed door number one, a private wash room where hair is washed in a long trough style basin. Concealed door</p>		

	<p>number two consists of a disabled toilet. The lower ground floor comprises of a larger, 8 seater firepit for all hairdressing services, a 3 seater concealed wash room, colour mixing lab, 3 seater nail bar, and a private vault for clients to have hairdressing services and get ready for an evening in Soho out of the public eye as well as a downstairs bathroom.</p> <p>In order to enhance the experience at SALON64, we would be looking to serve a small collection of champagne, cocktails and wine between the hours of 8:00 - 22:00.</p>
<b>Plan</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee

<b>1-B Proposed licensable activities and hours</b>							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<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>	11:00	11:00	11:00	11:00	11:00	11:00	n/a
<b>End:</b>	20:00	20:00	20:00	20:00	20:00	20:00	n/a
<b>Seasonal variations/ Non-standard timings:</b>			Christmas Eve and New Years Eve will be open including if the date falls on a Sunday Closed Christmas Day, New Years Day and Bank Holidays				

<b>Hours premises are open to the public</b>							
<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	n/a
<b>End:</b>	22:30	22:30	22:30	22:30	22:30	22:30	n/a
<b>Seasonal variations/ Non-standard timings:</b>			Christmas Eve and New Years Eve will be open including if the date falls on a Sunday. Closed Christmas Day, New Years Day and Bank Holidays.				
<b>Adult Entertainment:</b>			n/a				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Metropolitan Police ( <b>withdrawn</b> )
<b>Representative:</b>	PC Caroline Cockshull
<b>Received:</b>	15 <sup>th</sup> January 2018
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder, and we have concerns that this application will cause further policing problems in an already demanding area.</p> <p>I will be in touch shortly to discuss this application in more detail.</p> <p>Following discussions with the applicant and agreed conditions that would form part of the operating schedule, the Police have withdrawn their representation.</p>	
<b>Responsible Authority:</b>	The Environmental Health Service ( <b>withdrawn</b> )
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	18 <sup>th</sup> January 2018
<p>I refer to application for a new premises licence for the above premises which is located within the West End Cumulative Impact Area as defined within the City of Westminster Statement of Licensing Policy.</p> <p>The applicant has submitted the following plan of the premises showing the Ground Floor and Lower Ground Floor (no reference):</p> <p><b>The applicant is seeking the following variations:</b></p> <p>Supply of Supply of Alcohol 'on' the premises Monday to Saturday from 11:00 to 22:00 hours and on a Sunday when Christmas Eve and New Year's Eve fall on this day.</p> <p><b>I wish to make the following representation based on the plan and Operating Sched submitted:</b></p>	

The hours requested and the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area

The applicant has offered some undertakings in the operating schedule (some of which will need to be converted into enforceable conditions) but these appear to be insufficient to be consistent with the Cumulative Impact Area policy.

It is also unclear if the premises have already been refurbished for the proposed use.

The applicant is therefore requested to arrange a site visit with the undersigned to discuss all of the above after which Environmental Health may propose additional conditions to allay its concerns.

Should you wish to discuss the matter further please do not hesitate to contact me.

***Following agreed conditions between the Environmental Health Service and the applicant, they have withdrawn their representation.***

## 2-B Other Persons

**Received:** 15<sup>th</sup> January 2018

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.

### ***About The Soho Society***

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

According to the licence application (page 5), the applicant: "... *would be looking to serve a small collection of champagne, cocktails and wine between the hours of 8:00 - 22:00*".

### ***Hours of operation***

Page 14 of the application form states that the premises will be open from 08.00-22.30, Monday- Saturday, and page 13 states the hours applied for the sale of alcohol are 11.00-22.00, Monday-Saturday (contrary to page 5). There are private residences along both

sides of this small stretch of Bateman Street (between Dean and Frith Streets), and residents in these buildings and in the immediate area are subject to noise and general nuisance every day. This small block is bookended by two very busy public houses – The Crown and Two Chairmen, a few yards from Salon 64, and The Dog and Duck, both of whom attract a lively crowd who stand outside each premises for most of the time they are open. We also note with concern another retail premises applying for an alcohol licence (and thereby creating a new bar, with attendant cumulative impact) in the heart of the West End Cumulative Impact Area and hope this worrying trend will cease.

***Licensing policy***

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application. A similar application was made for a small premises in Frith Street in 2015 and although this was granted, it was only permitted to sell alcohol until a terminal hour of 20.00. If Westminster do decide to grant this application, we presume that a similar terminal hour will be set.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<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>
Policy HRS1 applies	<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>

### 4. Equality Implications

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

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

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

## 5. Appendices

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

<b>Report author:</b>	Ms Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 02076411872 Email: ywade@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	April 2017
<b>4</b>	Application Form	27 <sup>th</sup> December 2017
<b>5</b>	The Environmental Health Service- representation	15 <sup>th</sup> January 2018
<b>6</b>	The Metropolitan Police Service- representation	18 <sup>th</sup> January 2018
<b>7</b>	Representation	15 <sup>th</sup> January 2018



**Applicant Supporting Documents**

Appendix 1

None received

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.

## Proposed Conditions consistent with the operating schedule

9. Effective training to all staff on the importance of the licensing laws and compliance with all relevant legislations. Strict management controls to promote the 4 objectives. CCTV installed throughout the premises to prevent antisocial behaviour and overall safety to staff and customers . The DPS has complete access to all CCTV live and recorded, even when offsite. Staff are located at the front desk at all times so are aware of who is entering and exiting the premises. All staff to understand the importance of the 'Challenge 25' policy and how to implement it. For those booking in advance, their contact information is recorded on our confidential database, should it need to be accessed by the emergency services. The main revenue stream of the premises is hairdressing and this is reflected in the atmosphere and culture onsite. In addition to all the above, we have successfully hosted a launch party, using a TENS free from complaints and complying with the relevant laws.
10. CCTV is installed throughout the premises. Recorded and stored for 30 days which can be accessed and viewed. In addition, the DPS has complete access to CCTV live and recorded, at any time onsite or offsite. Alcohol will not be sold to anyone who is already intoxicated. Staff taught to remain calm and not react negatively to provocation. Alcohol to remain in the premises at all times. A person who is intoxicated and aggressive will not be allowed into the premises. Free water accessible for customers at all times. Alarm system in use when premises is closed and the main keyholder is the DPS. In addition, shock detectors have be fitted to the shop front for added security.
11. Staff to be aware of the licensing laws and comply with all legislations. Glasses and bottles to be cleared regularly and none to be taken off the premises. Staff aware of the 'Challenge 25' policy and how to check ID properly of anyone who looks 25 and under. The salon staff have a good relationship with fellow businesses in the area contributing to a sense of community safety. CCTV throughout the premises to monitor and prevent any anti social behaviour. The premises is located on a well lit street off of 2 high foot fall roads and has step free disabled access with external lighting. Fire exits are clearly lit.
12. No alcohol to be served to customers who are already intoxicated. Alcohol served between 11:00-22:00 which will minimise public disturbance. Customers will be asked to leave quietly. Staff will continually check the premises to prevent anti social behaviour in addition to CCTV throughout the premises. The premises has been sound proofed above the required standard under Part E of the building regulations using an acoustic ceiling. Installation has been tested and approved by an acoustic engineer.
13. Training of staff to follow 'Challenge 25' and understand how to check IDs are valid. Alcohol will be kept behind the counter, inaccessible to the public. No bottles and glasses to be taken off the premises. All staff to comply with the law in relation to the consumption of alcohol by persons under 18 years old. Staff located at the front desk at all times so are aware of who is entering and exiting the premises

### **Conditions proposed by the Environmental Health and agreed by the applicant**

14. Supply of Supply of Alcohol 'on' the premises Monday to Saturday from 11:00 to 20:00 hours and on a Sunday when Christmas Eve and New Year's Eve fall on this day
15. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed at the point of sale.
16. 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.
17. 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.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. 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 unless collections are arranged during the times for the Council's own commercial waste collection service for the street .

### **Conditions proposed by the Police and agreed by the applicant**

20. 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised council officer throughout the entire 31 day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times 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.
22. Only champagne, cocktails and wine to be served.
23. There shall be no self- service of alcohol.
24. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the

premises where the only acceptable forms of identification are recognized photographic identification cards, such as driving licence, passport or proof of age card with PASS hologram.

25. 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.
26. All drinks served at hairdressing / treatment stations shall be done so by waiter / waitress service.
27. 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.
28. Alcohol may only be sold to and consumed by patrons attending the premises and using the facilities in relation to, and ancillary to, hairdressing and other cosmetic services provided by the salon”

**Proposed condition by The Soho Society**

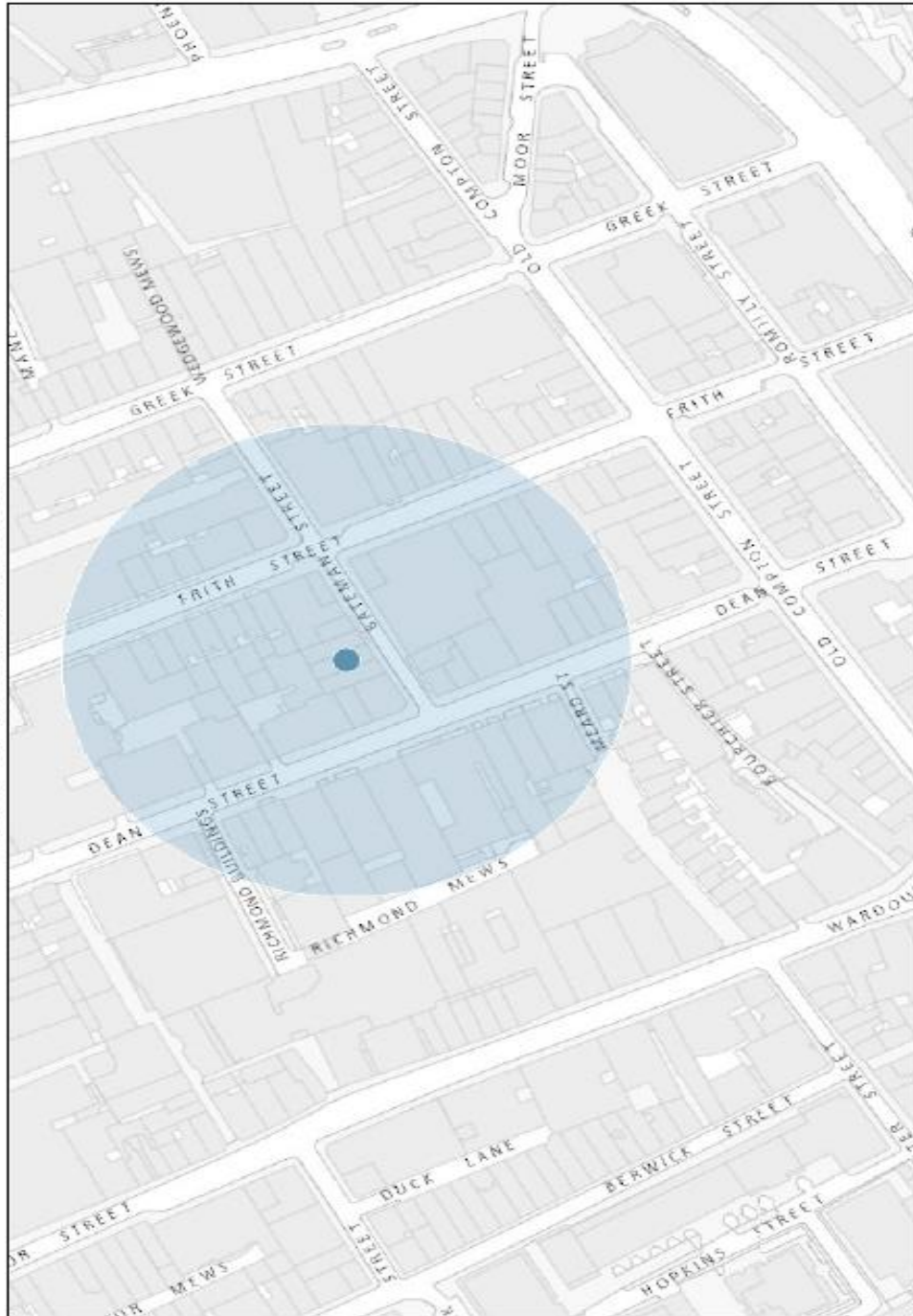
29. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

***Proposed Amendment by Applicant to Condition 29***

“No noise other than that generated from the normal running of a luxury salon, 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, and is directly related to the sale of alcohol.”



Salon 64 14 Bateman Street



February 22, 2018

Resident Count: 93

DISTANCE	OBJECTID	LicenceNumber	TradingName	Address	PremisesType	TimePeriod
9.893433	55793	16/13602/LIPV	Pix	16 Bateman Street London W1D 3AH	Restaurant	Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   Sunday; 12:00 - 22:30   New Year's Eve; 12:00 - 00:00
12.74638	8040	09/07575/LIPV	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Night clubs and discos	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 00:00
15.03698	8072	15/03854/LIPVM	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Pub or pub restaurant with lodge	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00

17.96402	55751	17/04895/LIPDPS	Mimi's	56-57 Frith Street London W1D 3JG	Hotel, 3 star or under	Monday to Saturday; 07:00 - 23:30   Sunday; 07:00 - 23:00   Sundays before Bank Holidays; 07:00 - 23:30
17.96402	55761	16/07867/LIPN	Frith Street Hotel	56-57 Frith Street London W1D 3JG	Hotel, 4+ star or major chain	Monday to Saturday; 07:00 - 23:30   Monday to Sunday; 00:00 - 00:00   Sunday; 08:00 - 00:00   Sundays before Bank Holidays; 12:00 - 23:30   New Year's Eve; 00:00 - 00:00

21.27267	56312	16/00361/LIPVM	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 00:00   Sunday; 07:00 - 22:30   Sundays before Bank Holidays; 07:00 - 00:00
22.56457	1767	13/01625/LIPDPS	Gopal's Of Soho	Basement And Ground Floor 12 Bateman Street London W1D 4AH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

25.1907	51925	16/04124/LIPV	Cookhouse Joe	33 Dean Street London W1D 4PW	Restaurant	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
25.1907	51941	15/11819/LIPDPS	Oliver Maki 9	33 Dean Street London W1D 4PW	Restaurant	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00

25.1907	51944	16/01971/LIPDPS	Oliver Maki	33 Dean Street London W1D 4PW	Restaurant	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
25.28564	56945	16/08358/LIPT	Barrafina Quo Vadis	26 Dean Street London W1D 3LL	Restaurant	Monday to Saturday; 09:00 - 02:30   Sunday; 09:00 - 00:00
25.28564	56941	08/04012/LIPV	Leonis Quo Vadis	26 Dean Street London W1D 3LL	Restaurant	Monday to Saturday; 09:00 - 02:30   Sunday; 09:00 - 00:00
28.80033	44194	17/07932/LIPN	Not Recorded	55 Frith Street London W1D 4SJ	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 23:59   Sunday; 12:00 - 22:00

32.46321	55980	17/09546/LIPDPS	The Test Kitchen	54 Frith Street London W1D 4SL	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00
42.53123	9170	16/01596/LIPV	Circa	Ground Floor 62 Frith Street London W1D 3JN	Night clubs and discos	Monday to Sunday; 11:00 - 01:00
45.22066	8021	17/14397/LIPT	Firezza	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Restaurant	Monday to Saturday; 07:00 - 01:00   Sunday; 09:00 - 00:00
46.06327	9067	14/01953/LIPDPS	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
46.52605	29247	17/08562/LIPDPS	Flavour Bastard	63 - 64 Frith Street London W1D 3JW	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

50.91769	28907	17/08549/LIPDPS	Burger & Lobster	36 - 38 Dean Street London W1D 3TE	Restaurant	Monday to Thursday; 10:00 - 00:30   Friday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:30
52.73404	51318	17/06448/LICV	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Film and TV studio	Monday to Saturday; 12:00 - 00:00
53.02446	51906	17/04162/LIPDPS	Soho Dean Street	76 Dean Street London W1D 3SQ	Not Recorded	
53.04241	8938	08/06508/LIPDPS	The Arts Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Shop	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 23:00
53.04241	69917	16/09930/LIPDPS	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30



54.53253	52633	16/01920/LIPDPS	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Club or institution	Monday to Sunday; 00:00 - 00:00
56.00326	8211	16/09372/LIPCH	The Red Fort	Basement And Ground Floor 77 Dean Street London W1D 3SH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
56.37156	55663	17/08893/LIPDPS	Chotto-Matte	11-13 Frith Street London W1D 4RB	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:30
56.62018	56346	16/09302/LIPDPS	Hazlitts Hotel	6 Frith Street London W1D 3JA	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
56.90739	69874	06/07744/WCCMAP	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Restaurant	Monday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 23:30
57.83922	52083	17/01613/LIPVM	Hoppers	49 Frith Street London W1D 4SG	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:30

57.84427	17032	11/02308/LIPDPS	Prix Fixe Brasserie	Basement And Ground Floor 39 Dean Street London W1D 4PU	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
60.57451	51336	16/03007/LIPDPS	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
64.36534	43957	13/04147/LIPDPS	40 Dean Street	40 Dean Street London W1D 4PX	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
64.46627	16948	16/09901/LIPV	Lobos Meat Tapas	Basement And Ground Floor 48 Frith Street London W1D 4SF	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00

68.73273	8104	11/08882/LIPDPS	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
69.64393	7971	17/07232/LIPDPS	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Theatre	Monday to Saturday; 10:00 - 02:30   Sunday; 12:00 - 01:00
69.64393	5962	16/09805/LIPDPS	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Theatre	Monday to Saturday; 09:00 - 00:00   Sunday; 12:00 - 23:30   Bank Holiday; 14:00 - 23:30
69.92859	36165	14/07710/LIPDPS	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:30
69.92859	36163	13/05652/LIPN	21 Bateman Street	Ground Floor 21 Bateman Street London W1D 3AL	Restaurant	Friday to Saturday; 12:00 - 03:00   Sunday to Thursday; 12:00 - 00:00

72.7838	8955	11/01841/LIPDPS	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4HT	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:30
72.92805	69876	11/12180/LIPVM	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00
73.47238	16960	16/07437/LIPVM	Black's	Basement To First Floor 67 Dean Street London W1D 4QH	Club or institution	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	8 March 2018
Licensing Ref No:	17/14804/LIPV - Premises Licence Variation
Title of Report:	Young Cheng Restaurant 39 Wardour Street London W1D 6PX
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:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	15 December 2017		
<b>Applicant:</b>	Xiaofeng Yu		
<b>Premises:</b>	Young Cheng Restaurant		
<b>Premises address:</b>	39 Wardour Street London W1D 6PX	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises has operated as a Chinese Restaurant with approximately 64 covers since at least 2005 over the ground floor and basement.		
<b>Variation description:</b>	<p>According to the application form, the licence holder has now acquired the first floor and second floor of the premises in addition to the existing ground floor and basement. The licence holder would like to vary the existing licence to cover the first floor for the following:</p> <ol style="list-style-type: none"> <li>1. To add live music to all areas of the premises;</li> <li>2. To add the performance of dance to all areas of the premises;</li> <li>3. To add the playing of recorded music on first floor;</li> <li>4. To add private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit on first floor;</li> <li>5. To add late night refreshment on first floor and add late night refreshment on Sundays on all floors;</li> <li>6. To add the sale by retail of alcohol on first floor and extend the hours by 30 minutes on Monday to Saturday across all floors;</li> <li>7. To permit seasonal variations for live music, recorded music, performance of dance, late night refreshment, and sale by retail of alcohol until 00:30 on Chinese New Year and Christmas Eve</li> <li>8. Changes to the layout of the premises in line with the schedule of changes provided;</li> <li>9. To remove conditions 12 and 13 from the premises licence.</li> </ol> <p>Please note the following:</p> <ul style="list-style-type: none"> <li>• The above 9 points reflect what the applicant has applied for on the application form. However, when asked to describe the nature of the variation on the application form, the applicant has stated 'as per existing licence'. As set out above, much of what has been applied for is beyond the activities covered by the existing licence. Public notices displayed during consultation stated 'as per existing licence' although</li> </ul>		

	<p>did also direct interested parties to the full application form on the Licensing Register.</p> <ul style="list-style-type: none"> <li>• The current premises licence (15/03863/LIPDPS) only permits recorded music and private entertainment (both unrestricted) as grandfathered rights following conversion of the licence in 2005.</li> <li>• The applicant has not applied to alter the opening hours of the premises. However, the hours requested for late night refreshment exceed the current opening hours on Sundays by 30 minutes.</li> </ul>
<b>Premises licence history:</b>	The premises has operated as a Chinese restaurant since at least 2005.
<b>Applicant submissions:</b>	<ul style="list-style-type: none"> <li>• The applicant has provided a schedule of works that have been completed at the premises in line with the updated plans provided (please refer to <b>section 1-C</b> below).</li> <li>• The applicant has also offered the following provisions in the operating schedule on the application form: <ol style="list-style-type: none"> <li>1. Maintain CCTV in good working order;</li> <li>2. Provide adequate lighting for patrons leaving the premises;</li> <li>3. Patrons will be requested to leave the premises quietly and not to cause annoyance to occupiers of neighbouring premises;</li> <li>4. Contact numbers for taxis and minicabs will be readily available;</li> <li>5. Challenge 25 policy will be adopted;</li> <li>6. Adequate signage will be displayed.</li> </ol> </li> <li>• Following negotiations with Environmental Health, the applicant has agreed to add two conditions to the premises licence (please refer to <b>section 1-D</b> and <b>Appendix 4</b> below).</li> </ul>
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		10:00	23:30	Basement & ground floor	Basement & ground floor to retain unrestricted right, first floor added to times specified
<b>Tuesday</b>	Unrestricted		10:00	23:30	Basement & ground floor	As above
<b>Wednesday</b>	Unrestricted		10:00	23:30	Basement & ground floor	As above
<b>Thursday</b>	Unrestricted		10:00	23:30	Basement & ground floor	As above
<b>Friday</b>	Unrestricted		10:00	23:30	Basement & ground floor	As above
<b>Saturday</b>	Unrestricted		10:00	23:30	Basement & ground floor	As above
<b>Sunday</b>	Unrestricted		12:00	23:00	Basement & ground floor	As above
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				To permit licensable activities until 00:30 on Chinese New Year and Christmas Eve.	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Tuesday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Wednesday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Thursday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Friday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Saturday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors



<b>Sunday</b>	N/A	N/A	12:00	23:00	N/A	Basement, ground and first floors
<b>Seasonal variations</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				To permit licensable activities until 00:30 on Chinese New Year and Christmas Eve.	
<b>Non-standard timings:</b>	N/A				N/A	

<b>Performance of dance</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Tuesday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Wednesday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Thursday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Friday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Saturday</b>	N/A	N/A	10:00	23:30	N/A	Basement, ground and first floors
<b>Sunday</b>	N/A	N/A	12:00	23:00	N/A	Basement, ground and first floors
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				To permit licensable activities until 00:30 on Chinese New Year and Christmas Eve.	
<b>Non-standard timings:</b>	N/A				N/A	

<b>Private entertainment</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted		Unrestricted		Basement & ground floor	Basement, ground & first floors
<b>Tuesday</b>	Unrestricted		Unrestricted		Basement & ground floor	Basement, ground & first floors
<b>Wednesday</b>	Unrestricted		Unrestricted		Basement & ground floor	Basement, ground & first floors
<b>Thursday</b>	Unrestricted		Unrestricted		Basement & ground floor	Basement, ground & first floors
<b>Friday</b>	Unrestricted		Unrestricted		Basement & ground floor	Basement, ground & first floors

<b>Saturday</b>	Unrestricted	Unrestricted	Basement & ground floor	Basement, ground & first floors
<b>Sunday</b>	Unrestricted	Unrestricted	Basement & ground floor	Basement, ground & first floors
<b>Seasonal variations:</b>	<b>Current:</b>		<b>Proposed:</b>	
	N/A		N/A	
<b>Non-standard timings:</b>	N/A		N/A	

<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>	
		Indoors			Indoors	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	23:30	23:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Tuesday</b>	23:00	23:30	23:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Wednesday</b>	23:00	23:30	23:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Thursday</b>	23:00	23:30	23:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Friday</b>	23:00	23:30	23:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Saturday</b>	23:00	23:30	23:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Sunday</b>	N/A	N/A	23:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Seasonal variations:</b>	<b>Current:</b>			<b>Proposed:</b>		
	N/A			To permit licensable activities until 00:30 on Chinese New Year and Christmas Eve.		
<b>Non-standard timings:</b>	N/A			N/A		

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>		<b>Current :</b>			<b>Proposed:</b>	
		Both			Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:00	10:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Tuesday</b>	10:00	23:00	10:00	23:30	Basement & ground floor	Basement, ground & first floors

<b>Wednesday</b>	10:00	23:00	10:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Thursday</b>	10:00	23:00	10:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Friday</b>	10:00	23:00	10:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Saturday</b>	10:00	23:00	10:00	23:30	Basement & ground floor	Basement, ground & first floors
<b>Sunday</b>	12:00	22:30	12:00	22:30	Basement & ground floor	Basement, ground & first floors
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				To permit licensable activities until 00:30 on Chinese New Year and Christmas Eve.	
<b>Non-standard timings:</b>	N/A				N/A	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No change		Basement & ground floor	Basement, ground & first floors
<b>Tuesday</b>	10:00	23:30	No change		Basement & ground floor	Basement, ground & first floors
<b>Wednesday</b>	10:00	23:30	No change		Basement & ground floor	Basement, ground & first floors
<b>Thursday</b>	10:00	23:30	No change		Basement & ground floor	Basement, ground & first floors
<b>Friday</b>	10:00	23:30	No change		Basement & ground floor	Basement, ground & first floors
<b>Saturday</b>	10:00	23:30	No change		Basement & ground floor	Basement, ground & first floors
<b>Sunday</b>	12:00	23:00	No change		Basement & ground floor	Basement, ground & first floors
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				To permit licensable activities until 00:30 on Chinese New Year and Christmas Eve.	
<b>Non-standard timings:</b>	N/A				N/A	

<b>1-C Layout alteration</b>
<b>Basement:</b> <ol style="list-style-type: none"> <li>1. Kitchen removed.</li> <li>2. Service lift added.</li> <li>3. Ceiling slab open for service lift.</li> <li>4. Toilets reconfigured.</li> <li>5. Buffet counter added.</li> </ol>

**Ground Floor:**

1. Entrance corridor removed.
2. Staircase added to the back to the house.
3. Service lifts added.
4. Floor slab open for service lifts.
5. Bar relocated.
6. Buffet counter added.

**First Floor:**

1. Staircase added to the back to the house.
2. Seating area added
3. Toilets added.
4. Service lift added.
5. Floor slab open for service lift.
6. Bar added.

**1-D Conditions being varied, added or removed**

<b>Condition</b>	<b>Proposed variation</b>
<p>12. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30</p> <p>(c) On Good Friday, 12:00 to 22:30</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</p>	<p>To <b>remove</b> this condition from the premises licence. The effect of this will be an extension of hours for the sale of alcohol on Christmas Day and Good Friday.</p>

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

<p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>		
<p>13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.  (b) He resides in the premises, but is not employed there.  (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.  (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>		<p>To <b>remove</b> this condition from the premises licence.</p>
<p>The supply of alcohol on the First Floor shall at all times only be to a person seated and taking a substantial table meal there and for consumption by such a person as ancillary to their meal.</p>		<p>To <b>add</b> this condition to the premises licence.</p>
<p>The maximum number of persons permitted on the First Floor at any one time shall not exceed 25 persons (excluding staff).</p>		<p>To <b>add</b> this condition to the premises licence.</p>
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	N/A	N/A

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mrs Shannon Pring-Ardis
<b>Received:</b>	29 January 2018

I write in relation to the application submitted for a variation of a Premises Licence for the following premises –  
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

The variation application being considered seeks to extend the licensable activities on the current premises licence to cover the first floor of the premises; specifically:

- Provision of regulated entertainment on first floor, from 10:00 to 23:30 Monday to Saturday and 12:00 – 23:00 Sunday.
- Playing of recorded music on first floor, from 10:00 to 23:30.
- Late night refreshment on first floor, from 23:00 to 23:30 Monday to Sunday.
- Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit on first floor, from 10:00 to 23:30 Monday to Saturday and 12:00 – 23:00 Sunday.
- Supply and Sale by retail of alcohol on first floor, from 10:00 to 23:30 Monday to Saturday and 12:00 – 22:30 on Sunday.

We acknowledge that you have agreed the following conditions with Mr Nevitt, the Environment Health Officer:

- 1. The supply of alcohol on the First Floor shall at all times only be to a person seated and taking a substantial table meal there and for consumption by such a person as ancillary to their meal.*
- 2. The maximum number of persons permitted on the First Floor at any one time shall not exceed 25 persons (excluding staff).*

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered.

The premises currently operates as a restaurant where alcohol is sold and supplied as ancillary to tables, but not the full Council model condition 66. The variation seeks to add an area on the first floor which will allow an additional 25 customers in a very busy part of the cumulative impact area. We are concerned that the increase in capacity will lead to an increase in the cumulative impact. RNT2 states that applications for restaurants will generally be granted provided it does not add to cumulative impact. Therefore it is for the applicant to demonstrate how the additional customers will not add to cumulative impact within the cumulative impact area.

Please accept this formal representation.

<b>Responsible Authority:</b>	Environmental Health ( <b>withdrawn</b> )
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	29 December 2017

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

Following discussions with the applicant, Mr Nevitt proposed two conditions which were accepted by the applicant (please refer to **section 1-D** and **Appendix 4**). Subsequently, Mr Nevitt withdrew his representation.

<b>Responsible Authority:</b>	Metropolitan Police ( <b>withdrawn</b> )
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	11 January 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. The proposed increase in capacity across the two extra floors will add to the cumulative impact, particularly at closing time and we have concerns that this application will cause further policing problems in an already demanding area.

Following the applicant's agreement to add the two conditions proposed by Environmental Health to the premises licence (please refer to **section 1-D** and **Appendix 4**), PC Janes withdrew his representation.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.</p>
<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 MD2 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 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.
<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.

### 4. Equality Implications

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

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

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

## 5. Appendices

<b>Appendix 1</b>	Premises plans – available at Licensing Sub-Committee
<b>Appendix 2</b>	Applicant supporting documents - None
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@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	April 2017
<b>4</b>	Application form	15 December 2017
<b>5</b>	Premises licence	15 August 2015
<b>6</b>	Licensing Authority representation	29 January 2018
<b>7</b>	Environmental Health representation	29 December 2017
<b>8</b>	Metropolitan Police representation	12 January 2018

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/08216/LIPC Conversion application	Application to convert the Justices licence under the Licensing Act 2003	16.09.2005	Granted under delegated authority
11/11207/LIPT Transfer application	Application to transfer the premises licence from Mr Sau Cheun Cho to Tiger Cub (UK) Ltd	28.11.2011	Granted under delegated authority
14/01529/LIPT Transfer application	Application to transfer the premises licence from Tiger Cub (UK) Ltd to Xiaofeng Yu	28.05.2014	Granted under delegated authority
17/14804/LIPV Variation application	Current application		

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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 reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. Throughout the premises (including the external area) food and beverages (whether alcohol or otherwise) shall be supplied only to persons seated at table by waiter or waitress.
11. A CCTV system shall be installed, and thereafter maintained and operated correctly in accordance with the requirements of the relevant Metropolitan Police Crime Prevention Officer.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

12. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

***Note: the applicant has requested to remove this condition.***

- 13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.



In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

***Note: the applicant has requested to remove this condition.***

14. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

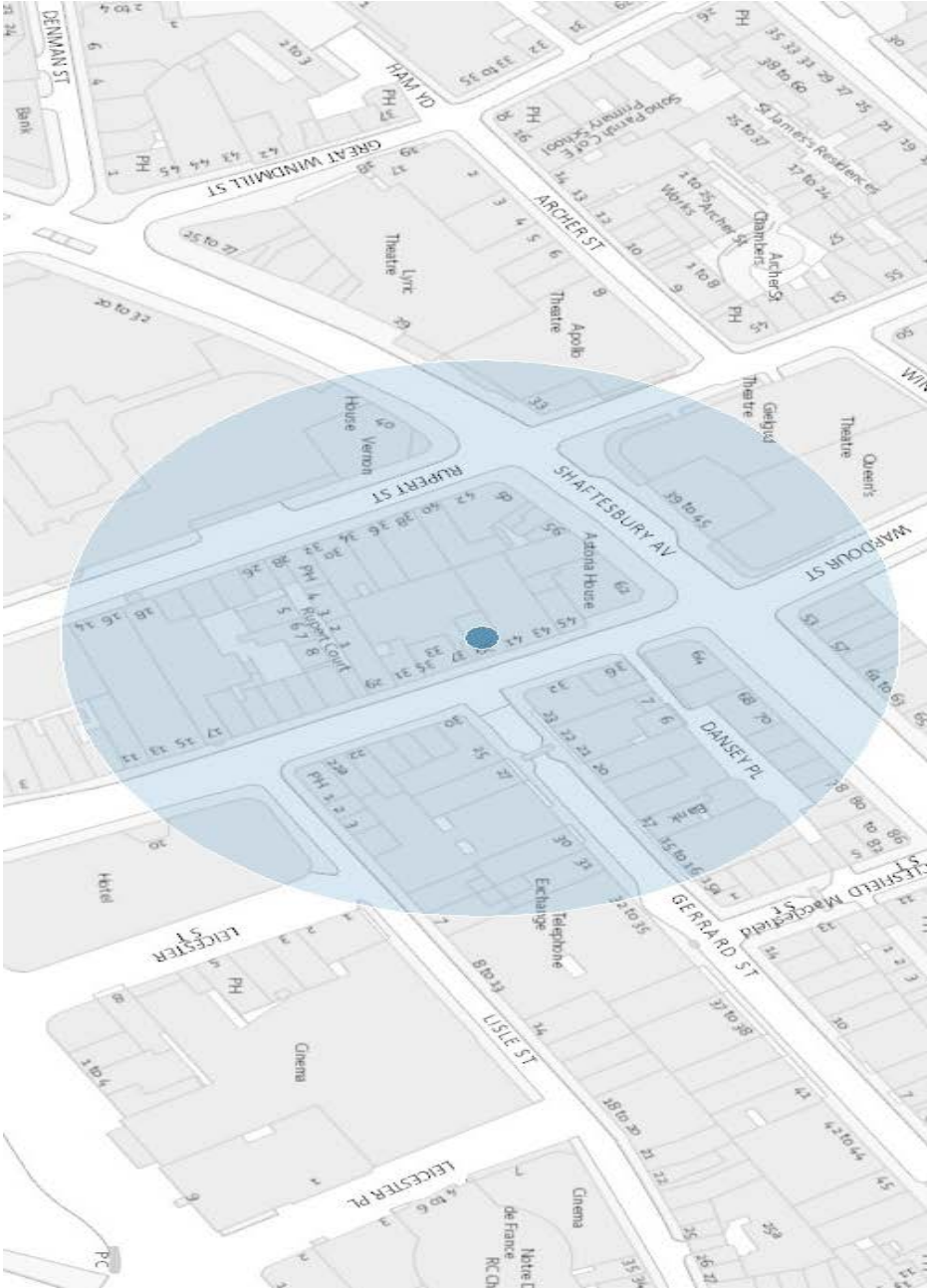
None

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

None

**Conditions proposed by Environmental Health and accepted by the applicant:**

15. The supply of alcohol on the First Floor shall at all times only be to a person seated and taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
16. The maximum number of persons permitted on the First Floor at any one time shall not exceed 25 persons (excluding staff).



<b>DISTANCE</b>	<b>OBJECTID</b>	<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>
1.691873432	70330	15/03863/LIPDPS	Young Cheng Restaurant	39 Wardour Street London W1D 6PX	Restaurant
9.174760558	4199	17/01785/LIPVM	O'Neills Public House	33 Wardour Street London W1D 6PU	Public house or pub restaurant
11.39289317	69744	14/01871/LIPDPS	Wong Kei Restaurant	41-43 Wardour Street London W1D 6PY	Restaurant
16.467283	22105	07/10675/WCCMAP	Sunrise Cafe And News	Ground Floor 31 Wardour Street London W1D 6PT	Shop
17.28021917	69754	18/00273/LIPDPS	La Scala	45 Wardour Street London W1D 6PZ	Restaurant
20.2966252	69791	17/12173/LIPDPS	Pizza Express	29 Wardour Street London W1D 6PS	Restaurant
21.5731022	44774	17/11200/LIPVM	The Two Sportsmen	36 - 40 Rupert Street London W1D 6DN	Restaurant
21.77168557	32261	16/00578/LIPDPS	MW Buffet	Astoria House 58-60 Shaftesbury Avenue London W1D 6LS	Restaurant

25.33398834	76815	14/01354/LIPVM	The Palomar	34 Rupert Street London W1D 6DN	Restaurant
26.10748773	77179	17/03149/LIPCHT	XU	30 Rupert Street London W1D 6DL	Restaurant
27.41732087	63593	06/12437/WCCMAP	C & R Cafe Restaurant	3-4 Rupert Court London W1D 6DY	Shop
28.84655882	38588	16/06186/LIPN	Viet Food	34-36 Wardour Street London	Restaurant
30.32729326	4020	12/08402/LIPDPS	Hung's Chinese Restaurant	Ground Floor To Second Floor 27 Wardour Street London W1D 6PR	Restaurant
30.63331548	76393	17/03319/LIPDPS	Thai Tho Soho	42 Rupert Street London W1D 6DP	Restaurant
30.63331548	76394	17/14506/LIPDPS	Thai Tho Soho	42 Rupert Street London W1D 6DP	Restaurant
30.63331548	77414	15/04805/LIPDPS	Caffe Concerto	50 Shaftesbury Avenue London W1D 6LW	Cafe

31.21942701	22352	15/04586/LIPDPS	Vietnamese Restaurant	36 Wardour Street London W1D 6QT	Restaurant
32.3111648	76596	17/13611/LIPDPS	Blue Posts Public House	28 Rupert Street London W1D 6DJ	Public house or pub restaurant
32.3111648	76605	17/09394/LIPN	Not Recorded	28 Rupert Street London W1D 6DJ	Restaurant
33.2011786	84343	06/13240/WCCMAP	Mr Wu Restaurant	28 Wardour Street London W1D 6QJ	Restaurant
35.49397229	32171	17/03204/LIPDPS	Kowloon Restaurant	Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH	Restaurant
36.65791566	76301	15/03177/LIPDPS	Gerrard's Corner	25 Gerrard Street London W1D 6JL	Restaurant
39.77670314	76539	16/00598/LIPDPS	Shuang Shuang	64 Shaftesbury Avenue London W1D 6LU	Restaurant
43.58143624	77241	16/06461/LIPD	London Chinatown Restaurant	27 Gerrard Street London W1D 6JN	Restaurant

44.54151876	69904	06/12381/WCCMAP	Cafe T.P.T.	21 Wardour Street London W1D 6PN	Restaurant
45.43473291	76580	16/10458/LIPVM	Plum Valley	20 Gerrard Street London W1D 6JQ	Restaurant
47.65221958	71773	17/13866/LIPDPS	Ichi Buns (22-22A)	22A Wardour Street London W1D 6QH	Restaurant
50.23874499	6064	16/02850/LIPDPS	Bar Rumba	Ground Floor Unit 17d Trocadero 13 Coventry Street London W1D 7ER	Restaurant
50.23874499	60426	14/10567/LIPVM	Fratelli La Bufala	40 Shaftesbury Avenue London W1D 7ER	Restaurant
50.26763646	70361	16/08206/LIPT	Old Town 97	19 Wardour Street London W1D 6PL	Restaurant
50.81748896	56846	13/07198/LIPDPS	Waxy's Little Sister	20 Wardour Street London W1D 6QJ	Public house or pub restaurant
51.4926532	77869	17/05614/LIPDPS	Morada Brindisa	18 Rupert Street London W1D 6DE	Restaurant

51.4926532	69877	17/00090/LIPVM	Morden & Lea	17 Wardour Street London W1D 6PJ	Restaurant
52.87765399	77874	14/01226/LIPT	Golden Dragon Restaurant	28 - 29 Gerrard Street London	Restaurant
53.49278514	11566	11/01048/LIPDPS	Little Korea Ltd	2 - 3 Lisle Street London WC2H 7BG	Restaurant
53.5945458	17604	17/05312/LIPDPS	New Mayflower Chinese Restaurant	68-70 Shaftesbury Avenue London W1D 6LY	Restaurant
58.11850092	32197	17/11099/LIPT	Little Hong Kong	Ground Floor 18 Gerrard Street London W1D 6JF	Restaurant
59.14856276	77137	17/04220/LIPDPS	Cafe Monico	39 - 45 Shaftesbury Avenue London W1D 6LA	Restaurant
61.63280068	20615	12/01394/LIPDPS	Little Lamb	Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA	Restaurant

61.63280068	20617	16/02800/LIPDPS	Little Lamb	Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA	Restaurant
61.66476137	69833	16/10204/LIPV	London Jade Garden	15 Wardour Street London W1D 6PH	Restaurant
61.66476137	69828	15/05385/LIPT	London Jade Garden	15 Wardour Street London W1D 6PH	Restaurant
61.66476137	76169	14/01152/LIPVM	Waxy O'Connor's	Basement And Ground Floor 14 - 16 Rupert Street London W1D 6DD	Public house or pub restaurant
63.64676195	76900	14/01227/LIPT	Royal Dragon Chinese Restaurant	30 Gerrard Street London W1D 6JS	Restaurant
64.42367227	35853	17/12743/LIPDPS	Slug And Lettuce	Ground 5 Lisle Street London WC2H 7BG	Public house or pub restaurant
65.23196513	22743	15/07927/LIPCH	Platinum Lace Gentleman's Club	Unit 33 Trocadero 13 Coventry Street London W1D 7AB	Night clubs and discos



65.23196513	11290	16/08280/LIPDPS	Yo! Sushi	Unit 34A Trocadero 13 Coventry Street London W1D 7AB	Restaurant
65.23196513	12301	17/07952/LIPDPS	Not Recorded	Unit 34B Trocadero 19 Rupert Street London W1D 7PN	Not Recorded
65.23196513	22288	16/08521/LIPT	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	Restaurant
65.23196513	22290	17/09674/LIPDPS	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	Restaurant
65.23196513	60169	17/14540/LIPDPS	District	Basement 21 Rupert Street London W1D 7PJ	Restaurant

69.03990719	62180	17/13905/LIPDPS	Sugar	First Floor And Second Floor 11 Wardour Street London W1F 0UN	Club or institution
69.03990719	70397	06/04892/WCCMAP	Misato Restaurant	11 Wardour Street London W1D 6PG	Restaurant
69.14001963	76879	13/07015/LIPDPS	Loon Tao Chinese Restaurant	31 Gerrard Street London W1D 6JT	Restaurant
69.90138503	76515	16/11292/LIPDPS	Babaji Pide	53 Shaftesbury Avenue London W1D 6LB	Restaurant
71.07248829	21350	14/05537/LIPVM	Apollo Theatre	Apollo Theatre 31- 33 Shaftesbury Avenue London W1D 7EA	Theatre
71.66007792	46378	17/02040/LIPN	ER MEI	Basement And Ground Floor 6-7 Lisle Street London WC2H 7BG	Not Recorded

72.38525709	403	16/04273/LIPCHT	Pho & Bun	76 - 78 Shaftesbury Avenue London W1D 6NG	Restaurant
72.4241769	61440	17/08062/LIPDPS	Opium Dim Sum Parlour	Ground Floor Entrance And Second Floor To Fourth Floor 15 - 16 Gerrard Street London W1D 6JB	Leisure (other)
72.4241769	61401	15/11567/LIPDPS	Dumplings' Legend	Basement To First Floor 15 - 16 Gerrard Street London W1D 6JB	Restaurant

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