



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 18 January 2024**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**  
Angela Piddock (Chair)  
Md Shamsed Chowdhury  
Louise Hyams

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 64 Victoria Street 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 further information, please contact the Committee Officer, Steven Clarke, Committee and Councillor Co-ordinator.

**Email:** [sclarke1@westminster.gov.uk](mailto:sclarke1@westminster.gov.uk)  
**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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

#### 1. CHEEMC, 32 GREAT WINDMILL STREET, W1D 7LR

(Pages 1 - 52)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  * West End  ** None	CheeMC 32 Great Windmill Street W1D 7LR	Premises Licence Variation	23/07209/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

**2. CRISPIES, 412 HARROW ROAD, W9 2HU**

**(Pages 53 - 74)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Harrow Road  * None  ** None	Crispies 412 Harrow Road W9 2HU	New Premises Licence	23/06874/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. COZY NOODLE, 145 CLEVELAND STREET, W1T 6QH**

**(Pages 75 -  
108)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  * None  ** None	Cozy Noodle 145 Cleveland Street W1T 6QH	New Premises Licence	23/07105/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love  
Chief Executive  
10 January 2024**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

### **Policy Considerations**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

### **Guidance Considerations**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

### **Core hours When Customers Are Permitted to Be on The Premises**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

#### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

#### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday: 09:00 hours to 24:00 hours

#### **3. Hotels**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

#### **4. Off licences**

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

#### **5. Outdoor Spaces**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

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

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

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City of Westminster

## Licensing Sub-Committee Report

Item No:

Date:

18 January 2024

Licensing Ref No:

23/07209/LIPV - Premises Licence Variation

Title of Report:

CheeMc  
32 Great Windmill Street  
London  
W1D 7LR

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:

Miss Jessica Donovan  
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500  
Email: [jdonovan@westminster.gov.uk](mailto:jdonovan@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>	19 October 2023		
<b>Applicant:</b>	Dozzang Ltd		
<b>Premises:</b>	CheeMc		
<b>Premises address:</b>	32 Great Windmill Street London W1D 7LR	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises currently operates as a restaurant.		
<b>Variation description:</b>	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> <li>To extend the hours for the Sale by Retail of Alcohol &amp; Late Night Refreshment Monday to Thursday until 00:00 and Friday &amp; Saturday until 01:30.</li> <li>To extend the opening hours Monday to Thursday until 00:30 and Friday to Saturday until 02:00.</li> </ul>		
<b>Premises licence history:</b>	<p>The premises had the benefit of a premises licence from 2007 however, the licence lapsed in July 2023 (17/02349/LIPDPS). The premises were granted new premises licence in 2022 (22/05904/LIPN).</p> <p>A copy of the current premises licence can be viewed at <b>Appendix 3</b> of this report.</p> <p>A full licence history for the premises appears at <b>Appendix 4</b>.</p>		
<b>Applicant submissions:</b>	<p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> <li>A summary of the application.</li> </ul> <p>A copy of the document can be found at <b>Appendix 2</b>.</p>		
<b>Applicant amendments:</b>	<p>Following consultation, the applicant withdrew their request to extend the hours for the Sale by Retail of Alcohol and Late Night Refreshment Monday to Thursday until 00:00 and the opening hours until 00:30 and will revert back to the timings stated at section <b>1-B</b>.</p>		



1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	23:30	Basement, Ground floor, First floor, Second floor & Third floor	No change
Tuesday	23:00	23:30	23:00	23:30		
Wednesday	23:00	23:30	23:00	23:30		
Thursday	23:00	23:30	23:00	23:30		
Friday	23:00	00:00	23:00	01:30		
Saturday	23:00	00:00	23:00	01:30		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		23:00 to 00:00 on the Sundays immediately before a Bank Holiday.			23:00 to 01:30 on the Sundays immediately before a Bank Holiday.	

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On sales			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	09:00	23:30	Basement, Ground floor, First floor, Second floor & Third floor	No change
Tuesday	09:00	23:30	09:00	23:30		
Wednesday	09:00	23:30	09:00	23:30		
Thursday	09:00	23:30	09:00	23:30		
Friday	09:00	00:00	09:00	01:30		
Saturday	09:00	00:00	09:00	01:30		
Sunday	09:00	22:30	09:00	22:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		09:00 to 00:00 on the Sundays immediately before a Bank Holiday.			09:00 to 01:30 on the Sundays immediately before a Bank Holiday.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	09:00	00:00	Basement, Ground floor, First floor, Second floor & Third floor	No change
Tuesday	09:00	00:00	09:00	00:00		
Wednesday	09:00	00:00	09:00	00:00		
Thursday	09:00	00:00	09:00	00:00		
Friday	09:00	00:30	09:00	02:00		
Saturday	09:00	00:30	09:00	02:00		
Sunday	09:00	23:00	09:00	23:00		
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>	
	Sundays before Bank Holidays: 09:00 to 00:30.				09:00 to 02:00 on the Sundays immediately before a Bank Holiday.	

1-C Layout alteration
There are no proposed changes to the layout.

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Karyn Abbott
<b>Received:</b>	15 November 2023
<p>I write in relation to the application submitted for a variation of the premises licence for 32 Great Windmill Street, London, W1D 7LR.</p> <p>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 four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul> <p>The application seeks to vary the following:</p> <p>To increase the hours to:</p> <p><b>Sale by Retail of Alcohol</b>  Monday to Thursday: 09:00 to 00:00  Friday to Saturday: 09:00 to 01:30  Sunday: 09:00 to 22:30, remains the same.</p> <p>Non-standard Timings: 09:00 to 01:30 on the Sundays immediately before a Bank Holiday.</p>	

**Late Night Refreshment**

Monday to Thursday: 23:00 to 00:00

Friday to Saturday: 23:00 to 01:30

Non-standard Timings: 23:00 to 01:30 on the Sundays immediately before a Bank Holiday.

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and RNT1.

The Licensing Authority note that the proposed variation does not fall within Westminster's core hours for Restaurants.

**Restaurants**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

The Licensing Authority encourages the applicant to provide further submissions as to why the applicant wants to extend the hours beyond core as this can have a detrimental impact on the west end cumulative impact zone.

This application falls under Westminster's RNT1 (B) Policy which states 'B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or later night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The Licensing Authority encourages the applicant to provide further submissions as to how the increase of hours will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority would like submissions from applicant in regard to the above questions so the application can be assessed further against any further relevant policy considerations.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	16 November 2023
<p><b>I refer to the variation application for the above premises which is located in the West End Cumulative Impact Zone as defined in Westminster's Statement of Licensing Policy.</b></p> <p>Representation is made as the proposal may lead to undermining the licencing objective of Prevention of Public Nuisance.</p> <p>A premises history check of Environmental Health records shows the current operation has not been the cause of nuisance complaints made against the premises since it opened earlier this year. Nevertheless as the premises are located in West End Cumulative Impact Zone the applicant needs to demonstrate 'exception to policy' in how the premises will not add to cumulative impact for this request to operate beyond 'core' hours.</p> <p>The applicant is requested to contact the undersigned, including arranging a site visit, to discuss the issues raised by this application.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	16 November 2023
<p>With reference to the application for <b>CheeMc, 32 Great Windmill Street, W1D 7LR – 23/07209/LIPV</b>, I am writing to inform you that the Metropolitan Police Service is <b>objecting</b> to this application on the basis that if granted, it would undermine the Licensing Objectives, namely the Prevention of Crime and Disorder.</p> <p>The applicant is seeking to vary the current licence to:</p> <ul style="list-style-type: none"> <li>• <b>Alcohol Sales (On Sales):</b></li> </ul> <p>Monday to Thursday: 09:00 to 00:00  Friday to Saturday: 09:00 to 01:30  Sunday: 09:00 to 22:30</p> <ul style="list-style-type: none"> <li>• <b>Late Night Refreshment:</b></li> </ul> <p>Monday to Thursday: 23:00 to 00:00  Friday to Saturday: 23:00 to 01:30</p> <p>The venue currently operates as a core hour's restaurant with on sale alcohol sales and is situated within the heart of Cumulative Impact Zone (CIZ).</p> <p>However, the hours sought within the application are beyond those of the Westminster Councils Core Hours Policy (HRS1) and the Police are concerned that the venue may add to the cumulative impact in an already demanding area.</p> <p>The crime levels within the CIZ are at significant levels and it is felt that the extra hours will have an adverse impact in the area. Customers may be tempted to remain within the CIZ and will continue drinking, as opposed to dispersing from the area. This may increase the risk of intoxication and vulnerability levels of the customers and will potentially allow them to become the victims and/or perpetrators of crime and disorder.</p>	

It is for these reasons that the Metropolitan Police Service have objected to this application and we request that the licensing sub-committee members to refuse the application in its current form.

A copy of the Metropolitan Police's further submissions can be seen at **Appendix 1**.

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 November 2023		
<p>The hours shouldn't be allowed as the hours of operation will disrupt the residents [REDACTED] [REDACTED]</p> <p>The hours will attract more people to the premises just to have more alcohol consumption and this will lead to more social behaviours issue. In order to increase the business, property owner will not be able to control the alcohol limit within the customer.</p> <p>Furthermore, there will be more rubbish will be out on the street as the rubbish will be dumped [REDACTED] [REDACTED] And this isn't a good scene for [REDACTED] [REDACTED] to see as the rubbish are always blocked the pedestrian pathway.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	26 October 2023		
<p>I am very concerned that yet another premises is applying for an extension to their licence beyond core hours. Already, local residents are kept awake later and later by the kind of drunken anti-social behaviour that this attracts ie: drug dealing, pedicabs etc. The street urination, vomiting or worse, [REDACTED] is in itself a powerful emetic. Why does a restaurant need such a late licence?</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	16 November 2023		
<p>We object to this application to increase the hours of operation on Monday to Thursday, sales of alcohol until midnight and closing 12.30am, and Friday to Saturday, alcohol 1.30am, closing at 2am. The applicant describes the premises as a restaurant however it also provides karaoke facilities.</p> <p>As the Committee will be aware the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives.</p>			

'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough,' draft Cumulative Impact Assessment 2023 (CIA) a statement that comes as no surprise to Soho residents. Soho is at the heart of the West End's entertainment district with its **489** li- censed premises which includes a large proportion being late night **121** (25%) licensed with a terminal hour between 1am - 6am and a **capacity of 22,827**. The draft CIA 2023 confirms crime levels in Westminster has reached pre-COVID levels and since the last Cumulative Impact Assessment 2020 crimes have concentrated even further in the West End. The modelling shows a 50% increase in undesirable behaviours from any new OR extended licence. It proposes a new Licensing Authority Statement which makes it clear granting further authorisations and variations in the West End Zone 1 would be inconsistent with the authority's duty under the Licensing Act 2003. The evidence is clear any increase in hours of this restaurant at night will fail to promote the licensing objectives and increase cumulative impact. (Appendix 1 Cumulative Impact, Appendix 2 Crime and Disorder).

We support the residents who have objected to this application, [REDACTED] [REDACTED] have raised complaints of late night noise [REDACTED]. Overall there are real concerns amongst residents about the ever increasing numbers of licensed premises and people on the streets at night causing disturbance, they have been subjected to noise disturbance and anti-social behaviour that is beyond acceptable levels. They are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking, and are subjected to anti-social behaviour with people vomiting and urinating in the street and in their doorways.

Residents are also disturbed even if an establishment is not located directly on their street, as patrons usually intoxicated leave premises and either carry on their night out in Soho or as they make their way home making a noise and disturbing residents along the way.

It is therefore unsurprising that a survey conducted by [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in Appendix 3.

### **In summary**

Considering the evidence presented above this application to increase the hours late in to night in the West End Impact Zone cannot be justified, the applicant has to demonstrate they will not increase cumulative impact and will promote the licensing objectives, they have failed to do and we respectfully ask the Committee to refuse this application.

Yours faithfully,



██████████  
██████████  
██████████

**Appendix 1 : Cumulative Impact**

**Appendix 2 : Crime and Disorder**

**Appendix 3 : ██████████ Sleep Survey Results**

**Appendix 4 : The Application**

**Appendix 5 : ██████████**

**Appendix 1 : Cumulative Impact**

This area has been identified by Westminster City Council as under stress because of the cumulative effect of the concentration of licensed premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the draft Cumulative Impact Assessment 2023 continues to show high levels of cumulative impact in the West End Zone 1 in 2022, it states,

**'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.'** (p.50)

The proposed Licensing Authority Statement strengthens the previous 2020 CIA statement in acknowledging the increasing and detrimental impact of the large number of licensed premises in the West End, it concludes,

**'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.'** (p.80) **(our emphasis)**

In any application for an alcohol licence in the Cumulative Impact Zone the applicant is required to demonstrate that the application will not increase the Cumulative Impact. In the draft Cumulative Impact Assessment 2023 the modelling shows an overall factor of up to 1.5, which means that for every additional licence granted the number of undesirable behaviours expected in the area in a year would increase by up to a multiple of 1.5. This means **a 50% increase in undesirable behaviours from any one new or extended licence, similarly the figures suggest a 26% increase in reported theft for each additional licence issued - for whatever type of venue: club, restaurant or café.** In relation to noise, it concludes,

**'The number of licensed premises is a significant factor in the generation of noise complaints.'**

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the SoLP).

D23. **'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance.** It goes on, **'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area;** thus the number of people visiting the premises, the nature of licensable activities and **the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'** **(our emphasis)**

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

**Appendix 2 : Crime and Disorder**

The draft Cumulative Impact Assessment 2023 states by September 2022 crime in Westminster had reached pre-pandemic levels. It compared the proportion of crimes that

occurred in 2022 against the period of the 2020 CIA (2017 - 2019) it indicates that '**crimes within Westminster has concentrated even further within West End Zone 1.**' (p.52).

It confirmed the majority of the hotspots for the four major crime types (overnight thefts, robbery, drug offences, violence against person) were closely concentrated in the West End, stating,

'This provides further evidence to the greater prevalence of criminal offences within this area, and given the temporal nature of this analysis, also suggests that criminal activity within this area is getting worse.' (p.47)

Overall the West End Zone 1 accounts for:

- Just under 66% of all crime in Westminster
- 47% of violent crimes - approximately 59% at night (most prior to and after midnight)
- 44% (968) of all overnight robberies
- Over 65% of sexual offences.
- 52% of all night time alcohol related ASB
- 74% drug offences, small clusters include Soho - Old Compton Street
- 57% of all ASB call details included reference to public house/nightclub, night-time transport route, station, hotel or restaurant establishment

It confirms the majority of crime takes place on Friday / Saturday and Saturday/Sunday between 6pm - 6am. Overnight crime is identified as being particularly prevalent in Old Compton Street, Greek Street and Frith Street.

The level of crime, disorder and anti-social behaviour continues to be a huge problem in Soho, the crime figures are high and rising. The police crime reports for April/May 2023 shows current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime being between 10pm - 2am.

In Soho the majority of robberies take place at night, with people being targeted as they leave venues. Alongside the robberies and assaults drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into

Soho before returning to be driven away.

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them. We believe patrons leaving this restaurant at night will be at high risk of becoming victims of crime.

### **Appendix 3 : ██████████ Sleep Survey Results - 31 October 2022**

The survey conducted by ██████████ confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years  
26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year  
42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords 10 respondents



have children living at home with them

58% have double  
glazing 37% single  
glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a  
week 19% of respondents have their sleep disturbed 3 or 4 nights  
a week 19% of respondents have their sleep disturbed once or  
twice a week 20% do not have a problem with environmental  
noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36, and car horns 33 and deliveries at 25.

Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

████████████████████, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

████████████████████ I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord ██████ does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of ██████████

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

████████████████████ Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in ██████████ and 1 in ██████████ There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

████████████████████ It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours. Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders [REDACTED] show a total disrespect to the effects that noise has on the residents of Soho **Appendix 4 : The Application Variation** - to increase the hours of operation. **Alcohol:** Mon -Thurs: 9am - MN. Fri -Sat: 9am - 1.30am. Sunday: 9am - 10.30pm **LNR:** Mon -Thurs: 11pm - MN. Fri -Sat: 11pm - 1.30am. **Opening Hours:** Mon -Thurs: 9am - 12.30am. Fri -Sat: 9am - 2am. Sunday: 9am - 11pm. Capacity unknown **Current Licence: 22/05904/LIPN Sale of Alcohol:** Mon -Thurs: 9am - 11.30pm. Fri -Sat: 9am - MN. Sunday: 9am - 10.30pm **LNR:** Mon -Thurs: 11pm - 11.30pm. Fri -Sat: 11pm - MN. **Opening Hours:** Mon -Thurs: 9am - MN. Fri -Sat: 9am - 12.30am. Sunday: 9am - 11pm **Capacity unknown :** Condition 25 - capacity to be determined by the EHO **Appendix 5 :** [REDACTED] [REDACTED] is a charitable company limited by guarantee established in 1972. [REDACTED] 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.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural</li> </ol>

and sporting venues due to the nature of the operation.

11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

1. **Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.
2. **Cinemas, Cultural Venues and Live Sporting Premises:**  
Monday to Sunday: 9am to 12am
3. **Hotels:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.
4. **Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.
5. **Outdoor Spaces:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
6. **Pubs and bars, Fast Food and Music and Dance venues:**  
Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.
7. **Qualifying Clubs:** Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
8. **Restaurants:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
9. **Sexual Entertainment Venues and Sex Cinemas:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within

	the relevant premises use policies within this statement.
<b>Policy RNT1 applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

<b>Appendix 1</b>	Metropolitan Police's further submissions
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing Premises Licence 23/01607/LIPRW
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

**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 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	The Licensing Authority representation	15 November 2023
<b>5</b>	Environmental Health Service representation	16 November 2023
<b>6</b>	Metropolitan Police Service representation	16 November 2023
<b>7</b>	Interested party representation (1)	12 November 2023
<b>8</b>	Interested party representation (2)	26 October 2023
<b>9</b>	Interested party representation (3)	16 November 2023





PC David Morgan  
Westminster Police Licensing Unit  
Westminster City Hall  
15th Floor, 64 Victoria Street  
London  
SW1E 6QP  
Email:  
dmorgan@westminster.gov.uk

Thursday 4<sup>th</sup> January 2024

Dear Westminster Licensing Team,

The Metropolitan Police Service wishes to submit the further following information with regards to the representation made for opposing the granting a variation of a Premises Licence for:

**CheeMc, 32 Great Windmill Street, W1D 7LR – 23/07209/LIPV**

As stated in my initial representation, the venue currently operates as a core hour's restaurant with on-sale alcohol sales within the Cumulative Impact Zone (CIZ).

The applicant is applying to vary the current licence to extend the hours of alcohol sales which will take it beyond that of the Westminster's core hour's policy.

The Police have concerns that by allowing the venue to open for longer, customers will be drawn to the venue and will remain within the CIZ rather than dispersing, thus adding to cumulative impact. The extension of alcohol sales may also increase the risk of intoxication and vulnerability of its customers as they disperse from the area.

The current levels of Assaults, Sexual Assaults and Robberies within the West End are now higher than at pre-covid levels and when the current Cumulative Impact Assessment was conducted in 2020.

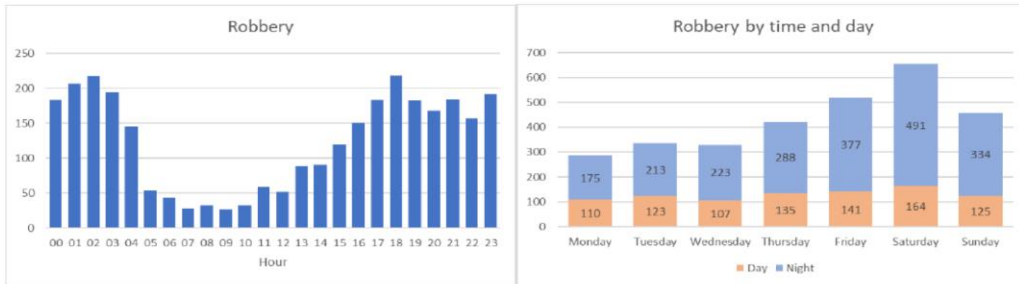
The new draft Cumulative Impact Assessment 2023 states that the West End (West End and St James Wards), now account for just under 66% of all crime within Westminster and 74% of all 'public realm' crime.

On page 51 of the new assessment, it describes the area known as West End Zone 1 (where this venue sits) as the epicentre for issues associated with cumulative impact and states that this area holds a quarter of all licensed premises, a majority of which are restaurants.

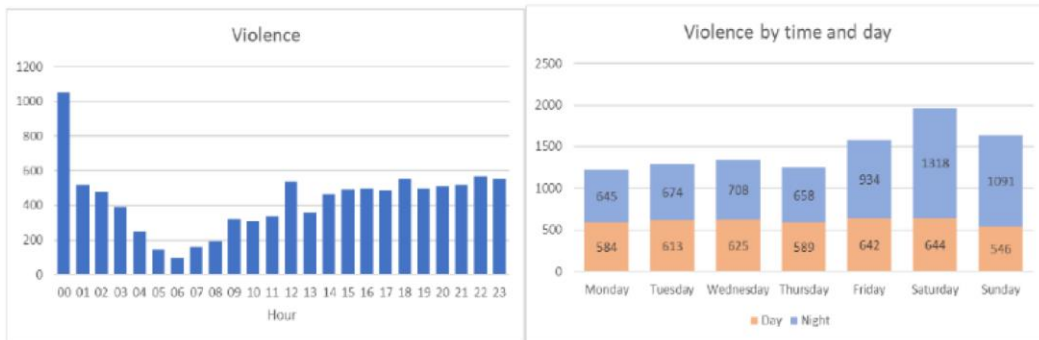


Within the CIZ, there is a high concentration of Street Robberies and Violence against the Person and a majority of these offences are committed at or after midnight and especially on Fridays and Saturdays. This can be seen on pages 16 and 18 in the new draft policy which states:

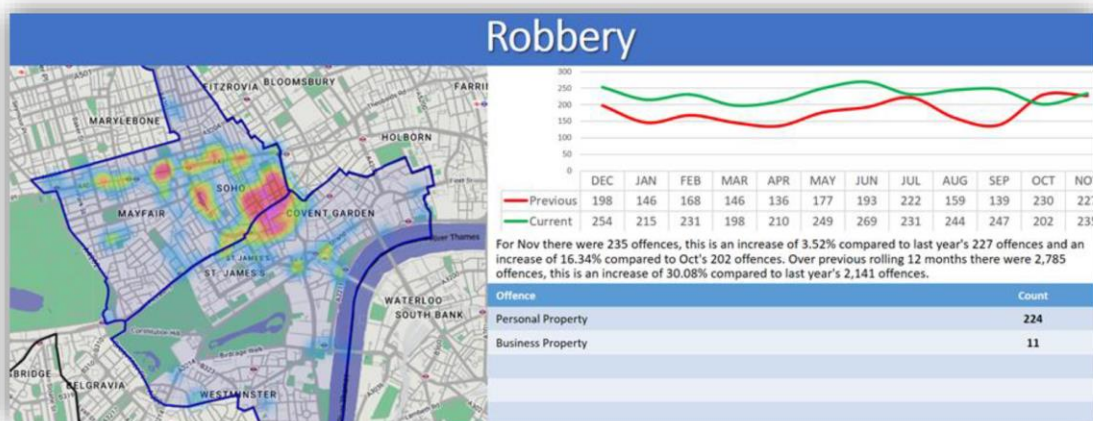
**Robbery offences are highly concentrated by time and day, with 70% (2,101) occurring between 6pm and 6am. Key times are after midnight on Saturday and Sunday mornings.**

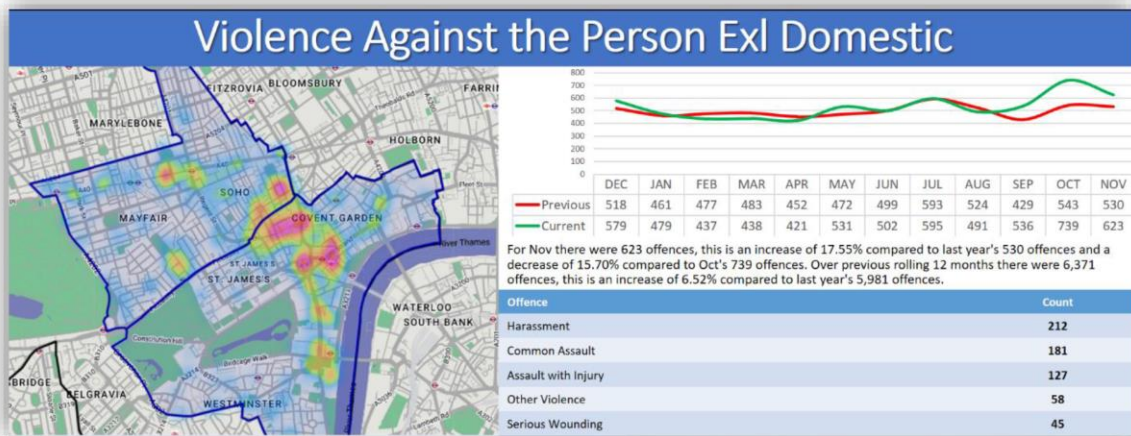


**Approximately 59% (6,028) of violent offences occur between 6pm to 6am and most concentrated in the period just prior and to and after midnight. The peak times are 11pm to 3pm, especially overnight Friday/Saturday and Saturday/Sunday.**

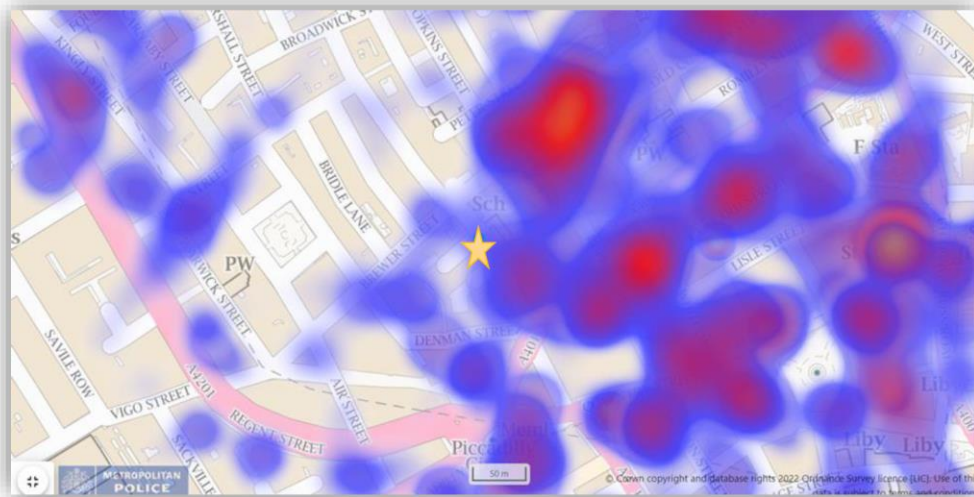


Of these crimes, the most recent figures can be seen below and shows the offences and heat maps for Robbery and Violence against the person for the month of November 2023.





The last illustration shows a heat map of Robbery and Violence offences within the CIZ that have taken place within the last 12 weeks.



The Police feel that the applicant has not submitted sufficient mitigation to show that they won't add to cumulative impact and the Police have concerns that by allowing another venue within the CIZ to remain open beyond core hours, it will have a negative impact within the area and has the potential to increase the demand on the Police and the Emergency Services in an already very demanding area.

It is for these reasons that the Police have objected to this application and request that the Licensing Sub-Committee refuses the application in its current form.

**PC David Morgan**

**Westminster Police Licensing Team**



licensable activities ceased at 23:30 or 00:00. It is more likely that by staying open that little bit longer the customer is more satisfied they have had their night out and are seeking more than ever to return to their homes.

For Fridays, Saturdays and Sundays immediately preceding a bank holiday, the same general principal applies. The rest of town stays open later, and the current permission for licensable activities extends to midnight on these days. The longer customers stay in the restaurant, seated having consumed alcohol with their extended table meal, the longer these customers are staying off the streets, and visiting other venues which may be open. Again, by the end of the licensable period, the strong likelihood is they will be seeking a route home rather than looking to extend their evening elsewhere.

In addition, the business has to be practical, in that they need to ensure the customer has enough time to come into the restaurant, order food, eat their food and leave without being rushed, therefore the last entry for Monday to Thursday would be 22:30, with licensable activity ceasing at 00:00 and the doors to the premises locked at 00:30, and for Friday Saturday, and Sunday preceding bank holidays, the last entry would be 00:00, with licensable activity to cease at 01:30, and doors locked at 02:00.

Therefore, there will be no opportunity for any customer to use the premises for a quick snack and drinks 5 to 10 minutes before the end of licensable activity.

Further, it is rare for all restaurant customers to remain on the premises until the terminal hour. Customers finish their food and drink at different times, and so leave the premises on a staggered basis. A table of 4 leaving the restaurant less than 1 hour 30 minutes before the end of licensable activities, cannot be replaced by a new table of four given the point already made in this section.

In addition, transport links away from the premises are favourable to ensure the customers from the restaurant can disperse and leave the area quickly and safely.

The closest tube stations are as follows:

Piccadilly Circus 1min away from the restaurant

- 1.Piccadilly line week day finish 00:00 and weekend 24hours
- 2.Bakerloo line all week ends 00:00

Leicester square 3mins away from the restaurant

- 1.Northern line week day finish 00:00 and weekend 24 hours
- 2.Picadilly line week day finish 00:00 and weekend 24 hours

In addition there are various taxi's that can assist in customers getting home safely.

## **Policy HRS1**

## **Core Policy Hours Policy**

This application seeks to take the permitted hours of operation beyond the core hours policy. In mitigation, the applicant would say this.

There is no regulated entertainment taking place at the premises, therefore no potential of increasing public nuisance in terms of noise.

All customers will have been in the premises under strict restaurant conditions, meaning the venue does not lend itself to encouraging customers to drink to excess, and therefore cause a public nuisance or/ and ASB, on leaving the premises.

Indeed, given the strict restaurant conditions, they will leave the premises in a relaxed frame of mind, not seeking trouble.

The favourable transport links have been detailed under the previous section above, and will ensure no addition to the cumulative impact in the area.

The existing licence already has robust conditions in place in respect of deliveries (condition 13), and the applicant is not seeking to change this condition.

## **Policy RNT1                      Restaurants Policy**

The premises currently operate to robust restaurant conditions within the core hours, with no incident, and no addition to the cumulative impact in the area.

There are three conditions contained in the original licence, (attached), that relate specifically to the restaurant policy, and again the applicant is not seeking to change any of these conditions.

The conditions that relate to this are conditions 11, 25 and 26. These conditions are to remain.

### **Conclusions:**

In the above submissions, the applicant has dealt with the prevention of crime and disorder objective, and the prevention of public nuisance objective. This variation will not engage the public safety objective, or the protection of children from harm objective. There is no addition to the cumulative impact in the area currently on any of the 4 licensing objectives, and it is the applicants submission that this variation will not change the current situation.

As a result the applicant requests that the application as applied for be granted.

Stewart Gibson  
SG Licensing Ltd



**City of Westminster**  
64 Victoria Street, London,  
SW1E 6QP

**Schedule 12**  
**Part A**

**WARD: West End**  
**UPRN: 100023472657**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

23/01607/LIPRW

**Original Reference:**

22/05904/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

CheeMc  
32 Great Windmill Street  
London  
W1D 7LR

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

*Non-standard Timings:* 23:00 to 00:00 on the Sundays immediately before a Bank Holiday

**Sale by Retail of Alcohol**

Monday to Thursday: 09:00 to 23:30

Friday to Saturday: 09:00 to 00:00

Sunday: 09:00 to 22:30

*Non-standard Timings:* 09:00 to 00:00 on the Sundays immediately before a Bank Holiday

**The opening hours of the premises:**

Monday to Thursday:	09:00 to 00:00
Friday to Saturday:	09:00 to 00:30
Sunday:	09:00 to 23:00
Sundays before Bank Holidays:	09:00 to 00:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption on the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Dozzang Ltd  
310 Walworth Road  
London  
SE17 2NA

**Registered number of holder, for example company number, charity number (where applicable)**

11096975

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Mr Wooyong Lee

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Licence Number: 22/00646/PERSON  
Licensing Authority: London Borough Of Lambeth

**Date:** 15 March 2023

**This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.**



## Annex 1 – 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.

## Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team:
  - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The supply of alcohol shall be by waiter or waitress service only
12. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
13. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day
14. 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.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day
19. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - i. all crimes reported to the venue

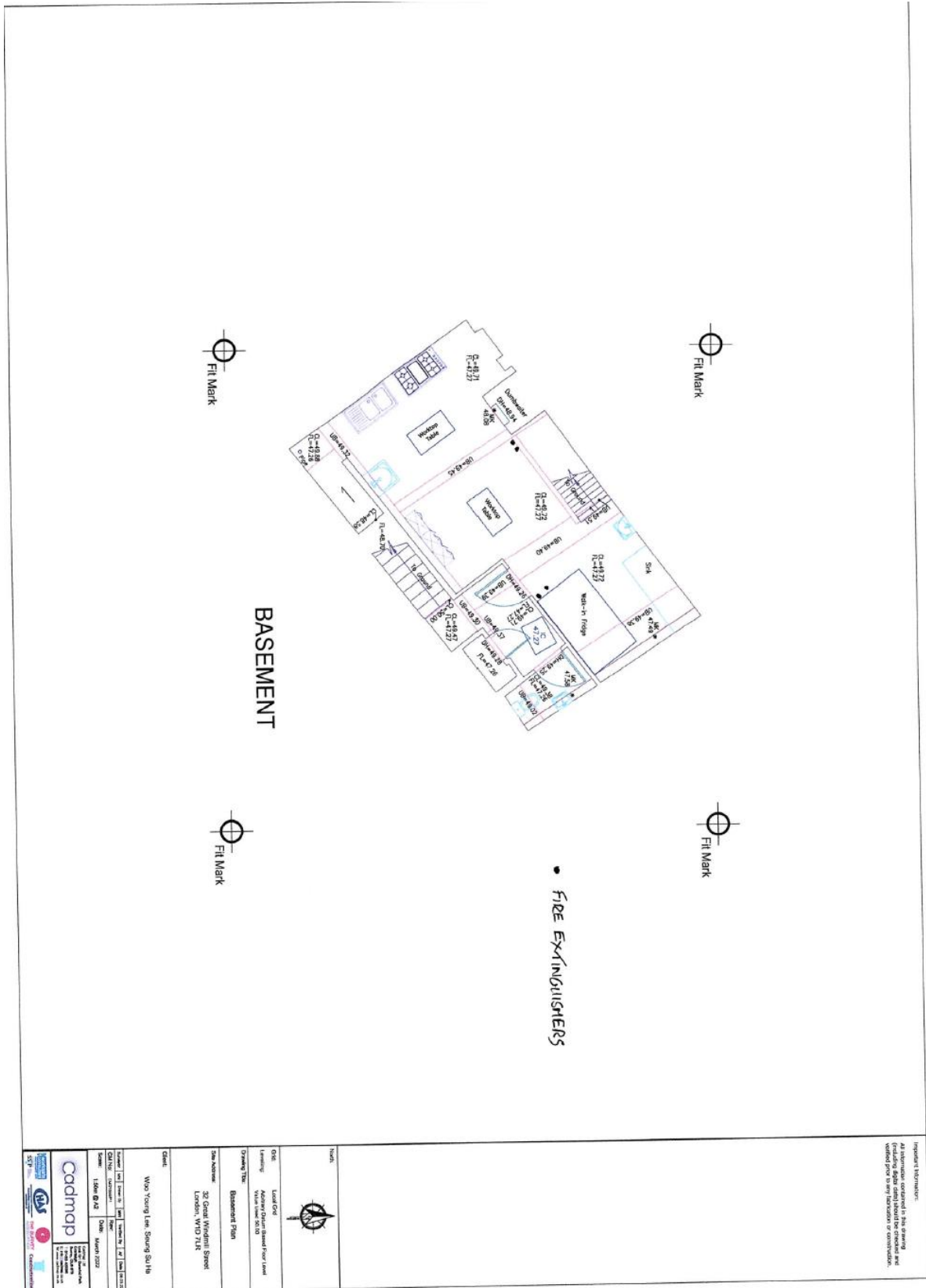
- ii. all ejections of patrons
- iii. any complaints received concerning crime and disorder
- iv. any incidents of disorder
- v. all seizures of drugs or offensive weapons
- vi. any faults in the CCTV system, searching equipment or scanning equipment
- vii. any refusal of the sale of alcohol
- viii. any visit by a relevant authority or emergency service.

21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
22. 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
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them
24. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
25. The premises shall only operate as a restaurant,
  - i. in which customers are shown to their table or the customer will select a table themselves,
  - ii. where the supply of alcohol is by waiter or waitress service only,
  - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - iv. which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - v. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
26. For the purpose of this condition Substantial Table Meal means a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.
27. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
28. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed:
  - Ground Floor: 30 persons
  - First Floor: 30 persons
  - Second Floor: 20 persons
  - Third Floor: 20 persons

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

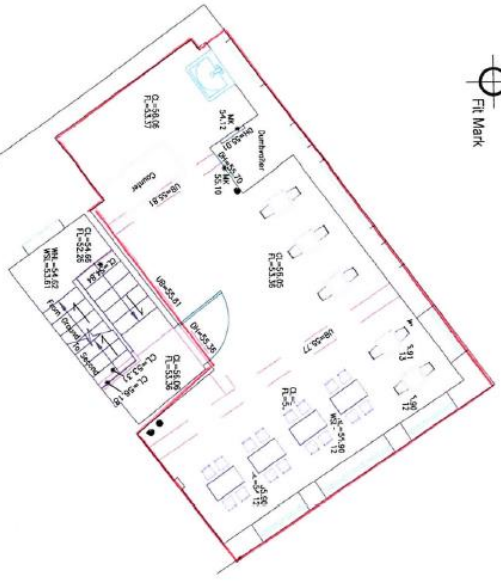
None

Annex 4 – Plans








Important Information  
 All information contained in this document is confidential and should not be disseminated or reproduced without the prior written consent of the Commission.



FIRST FLOOR

LIENSABLE AREA  
 FIRE EXTINGUISHERS

	
One	Local One
Location	Admiral Nelson Island Floor Level
Project	Admiral Nelson Island
Project Type	First Floor Plan
Site Address	33 Great Westfield Street, London, W1D 7JL
Client	Whoa Young Lee, Seung Su, Ho
Contractor	Whoa Young Lee, Seung Su, Ho
Client Ref	Whoa Young Lee, Seung Su, Ho
Contract No.	Whoa Young Lee, Seung Su, Ho
Scale	1:500 @ A3
Date	March 2022
	
	









City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part B

WARD: West End  
UPRN: 100023472657

Premises licence  
summary

Regulation 33, 34

Premises licence  
number:

23/01607/LIPRW

Part 1 – Premises details

Postal address of premises:

CheeMc  
32 Great Windmill Street  
London  
W1D 7LR

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment  
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

*Non-standard Timings:* 23:00 to 00:00 on the Sundays immediately before a Bank Holiday

**Sale by Retail of Alcohol**

Monday to Thursday: 09:00 to 23:30

Friday to Saturday: 09:00 to 00:00

Sunday: 09:00 to 22:30

*Non-standard Timings:* 09:00 to 00:00 on the Sundays immediately before a Bank Holiday

**The opening hours of the premises:**

Monday to Thursday:	09:00 to 00:00
Friday to Saturday:	09:00 to 00:30
Sunday:	09:00 to 23:00
Sundays before Bank Holidays:	09:00 to 00:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption on the Premises.

**Name and (registered) address of holder of premises licence:**

Dozzang Ltd  
310 Walworth Road  
London  
SE17 2NA

**Registered number of holder, for example company number, charity number (where applicable)**

11096975

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Mr Wooyong Lee

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 15 March 2023

**This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.**

**Licensing Act 2003**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
07/09110/LIPN	New premises licence	15.11.2007	Granted by Licensing Sub-Committee
08/00775/WCCMAP	Master Licence	15.11.2007	Granted by Licensing Sub-Committee
08/08444/LIPD	Request for a duplicate licence	15.10.2008	Granted under Delegated Authority
13/01565/LIPT	Transfer application: GM Europe Limited to Sooni Limited	28.04.2013	Granted under Delegated Authority
13/01569/LIPDPS	Application to vary the designated premises supervisor	29.04.2013	Granted under Delegated Authority
16/04510/LIPDPS	Application to vary the designated premises supervisor	07.06.2016	Granted under Delegated Authority
17/02349/LIPDPS	Application to vary the designated premises supervisor	17.07.2017	Granted under Delegated Authority <b>(Licence Lapsed July 2023)</b>
22/05904/LIPN	New premises licence	18.07.2022	Granted under Delegated Authority
23/01607/LIPRW	Removal of a works condition	15.03.2023	Granted under Delegated Authority

**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.



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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team:
  - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The supply of alcohol shall be by waiter or waitress service only.
12. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
13. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.
14. 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.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
19. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received concerning crime and disorder
  - iv. any incidents of disorder
  - v. all seizures of drugs or offensive weapons
  - vi. any faults in the CCTV system, searching equipment or scanning equipment
  - vii. any refusal of the sale of alcohol
  - viii. any visit by a relevant authority or emergency service.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
22. 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.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
24. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
25. The premises shall only operate as a restaurant
  - i. in which customers are shown to their table or the customer will select a table themselves,
  - ii. where the supply of alcohol is by waiter or waitress service only,
  - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - iv. which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - v. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
26. For the purpose of this condition Substantial Table Meal means a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.
27. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

28. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed:

Ground Floor: 30 persons

First Floor: 30 persons

Second Floor: 20 persons

Third Floor: 20 persons

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

None

**Conditions proposed by the Licensing Authority**

None

**Conditions proposed by the Environmental Health Service**

None

**Conditions proposed by the Metropolitan Police Service**

None

32 Great Windmill Street, London, W1D 7LR



15/12/2023, 10:28:42

- Property Mailing List
- Ward Boundaries
- Ward Labels

**Resident count: 187**

Licensed premises within 75 metres of 32 Great Windmill Street, London, W1D 7LR				
Licence Number	Trading Name	Address	Premises Type	Time Period
23/01607/LIPRW	CheeMc	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 09:00 - 23:00   Monday to Thursday; 09:00 - 00:00   Friday to Saturday; 09:00 - 00:30   Sundays before Bank Holidays; 09:00 - 00:30
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
22/01978/LIPN	Shadow Licence	20 Great Windmill Street London W1D 7LA	Premises Licence - Shadow Licence	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:50
23/03197/LIPDPS	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant	Sunday; 10:00 - 22:50   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00

14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
22/07815/LIPT	Not Recorded	21 Great Windmill Street London W1D 7LB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/06193/LIPDPS	Not Recorded	21 Great Windmill Street London W1D 7LB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/04777/LIPDPS	West End Metro	Ground Floor 38 Great Windmill Street London W1D 7LU	Shop	Sunday; 07:00 - 02:00   Monday to Saturday; 07:00 - 02:00
23/00869/LIPRW	Bantof Co	31 Great Windmill Street London W1D 7LP	Restaurant	Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 00:00
22/02238/LIPRW	Thin White Duke	22 Great Windmill Street London W1D 7LD	Cafe within another property	Sunday; 09:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00
14/07220/LIPN	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street London W1D 7LX	Restaurant	Sunday; 11:00 - 00:00   Monday to Saturday; 11:00 - 01:00
21/14637/LIPV	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Sexual Entertainment Venue	Monday; 09:00 - 05:30   Tuesday; 09:00 - 05:30   Wednesday; 09:00 - 05:30   Thursday; 09:00 - 05:30   Friday; 09:00 - 05:30

				Saturday; 09:00 - 05:30   Sunday; 09:00 - 03:00
22/07837/LIPV	The Windmill	17 - 19 Great Windmill Street London W1D 7JZ	Theatre	Monday; 09:00 - 05:30   Tuesday; 09:00 - 05:30   Wednesday; 09:00 - 05:30   Thursday; 09:00 - 05:30   Friday; 09:00 - 05:30   Saturday; 09:00 - 05:30   Sunday; 09:00 - 03:00
23/03639/LIPRW	Not Recorded	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Hotel, 4+ star or major chain	Not Recorded; XXXX - XXXX
15/12078/LIPDPS	Engawa	2 Ham Yard London W1D 7DT	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
20/03711/LIPV	Olives N' Mezze Mediterranean Kitchen	Basement And Ground Floor 40 Great Windmill Street London W1D 7LY	Restaurant	Sunday; 09:00 - 02:00   Monday to Saturday; 08:00 - 02:00
22/09173/LIPDPS	Archer Street	3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 01:30   Sundays before Bank Holidays; 09:00 - 00:00
15/02567/LIPVM	Blacklock	25 Great Windmill Street London W1D 7LH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:30
17/09357/LIPN	Fiorucci	39-43 Brewer Street London W1F 9UD	Shop	Saturday to Sunday; 08:00 - 20:00

23/00335/LIPDPS	Bocca Di Lupo	Basement And Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Sunday; 11:00 - 23:30   Monday to Friday; 07:30 - 00:00
23/01986/LIPV	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
17/15045/LIPDPS	Sophies	42 - 44 Great Windmill Street London W1D 7ND	Restaurant	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 01:30
16/06157/LIPT	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Restaurant	Sunday; 05:00 - 23:00   Monday to Thursday; 05:00 - 00:00   Friday to Saturday; 05:00 - 01:00
18/16199/LIPVM	Shaftesbury Food And Wine	Ground Floor Unit 2 Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Shop	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
23/00478/LIPDPS	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue London W1D 7EG	Theatre	Monday to Sunday; 09:00 - 00:00
23/03361/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30



23/01638/LIPV	Gelupo	7 Archer Street London W1D 7AU	Cafe	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 10:00 - 22:30
20/11037/LIPCH	St James Tavern Public House	45 Great Windmill Street London	Public house or pub restaurant	Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
22/05797/LIPT	Chilli Shaker Indian Cuisine	4 Denman Street London W1D 7HD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/11207/LIPDPS	Shoryu Soho	2-3 Denman Street London W1D 7HA	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/11964/LIPDPS	Bills	36 Brewer Street London W1F 9TA	Cafe	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Sunday; 10:00 - 00:00
22/11095/LIPVM	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 -

				03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
19/14625/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PL	Wine bar	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
19/09651/LIPN	Not Recorded	57 Rupert Street London W1D 7PL	Wine bar	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
06/05475/WCCMAP	Taro Kaz Restaurant	61 Brewer Street London W1F 9UW	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 01:00
17/12283/LIPT	Damson & Co	21 Brewer Street London W1F 0RL	Restaurant	Monday to Sunday; 08:00 - 21:45   Sundays before Bank Holidays; 08:00 - 00:00
22/04554/LIPDPS	Piccadilly Theatre	Piccadilly Theatre Denman Street London W1D 7DY	Theatre	Monday to Friday; 09:00 - 03:00   Saturday to Sunday; 09:00 - 04:00



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	18 January 2024
Licensing Ref No:	23/06874/LIPN - New Premises Licence
Title of Report:	Crispies 412 Harrow Road London W9 2HU
Report of:	Director of Public Protection and Licensing
Wards involved:	Harrow Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	10 October 2023		
<b>Applicant:</b>	Mr Irshad Ullah Tabib		
<b>Premises:</b>	Crispies		
<b>Premises address:</b>	412 Harrow Road London W9 2HU	<b>Ward:</b>	Harrow Road
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form the premises trade as a quick service takeaway and restaurant.		
<b>Premises licence history:</b>	The premises previously held a premises licence from September 2005 until May 2016 when the licence lapsed due the Licensing Holder company was dissolved.		
<b>Applicant submissions:</b>	<p>The applicant is applying for a premises licence to be able to serve items from food and beverage menu to customers after 11pm for both walk in takeaway and orders made via the internet for delivery by third party couriers and the applicants own drivers.</p> <p>Full details of the proposal and how it supports relevant policies contained in the Statement of Licensing policy are included in a explanatory letter which appears at appendix 2.</p>		
<b>Applicant amendments:</b>	<p>Following consultation, the applicant has reduced the hours applied for from midnight Sunday to Thursday and 01:00 Friday and Saturday to Monday to Thursday 23:30 Friday and Saturday 00:30 and removed Sundays from the application.</p> <p>The hours as now applied for are set out at appendix 1-B below.</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:30	00:30	
<b>Seasonal variations/ Non-standard timings:</b>		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:15	00:15	00:15	00:15	00:15	00:15	00:15
<b>Seasonal variations/ Non-standard timings:</b>	None						
<b>Adult Entertainment:</b>	None						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	Tom Stewart
<b>Received:</b>	07 November 2023 (withdrawn 21 November 2023)
<p>Dear Westminster Licensing Service,</p> <p>I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <b><u>412 Harrow Road, London, W9 2HU</u></b>.</p> <p>I have considered the information that has been provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking:</p> <p><b><u>Late night refreshment</u></b></p> <p>Sunday to Thursday: 23:00 to 00:00</p> <p>Friday to Saturday: 23:00 to 01:00</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <ul style="list-style-type: none"> <li>• The hours requested to provide late night refreshment may have the likely effect of undermining the licensing objectives; <b>The Prevention of Crime and Disorder and The Prevention of Public Nuisance.</b></li> </ul> <p>The hours requested fall outside of the Core Hours Policy (HRS1) of Westminster's Statement of Licensing Policy (SLP).</p> <p>Westminster City Council's SPL recognises that Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives (Para E2). The Revised Guidance also confirms that the Licensing Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy</p>	

statement. The Guidance further states at paragraph 10.13 that Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities (such as the Police).

Paragraph E10 of Westminster's SPL states:

*"The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so."*

The Police have concerns that the premises may attract customers who may have been consuming alcohol, which may lead to crime and anti-social behaviour in an area that is primarily residential in nature. Paragraph F56 of Westminster's SPL states:

*"Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and*

*drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour."*

The police also have concerns with how the premises intend to control third party delivery riders. This is also recognised within the SLP at paragraph G4 where it states:

*"The Licensing Authority is concerned with the growing levels of residential complaints and issues associated with public nuisance that is either generated at or in the general vicinity of the licensed premises where deliveries are collected or at the end destination where the delivery is made. Complaints often relate to noise from delivery personnel waiting around the licensed premises or from their delivery vehicles"*

Paragraph G6 continues:

*"The applicant will be expected to consider where delivery vehicles or cycles will be parked or stored when the delivery service is being operated or when the premises is closed. Applicants should ensure that the public highway is not obstructed and that delivery vehicles are not in contravention of the Road Traffic Act. If the applicant intends to use a specific area for the delivery vehicles to wait, then this should not be located in a place that is likely to cause nuisance to residents. Premises that are located in an area of residential accommodation or are in close proximity to residential accommodation, e.g. have residential properties immediately above them must consider the impact that this can have on residents, especially if the operation of the delivery service will be late at night when roads are quieter"*

Paragraph G15 states:

*"Applicants who employ their own delivery staff are likely to have far greater control to ensure that the licensing objectives are not negatively impacted upon. Therefore, the Licensing Authority will consider whether the delivery service is being delivered by the applicant or provided by a third party and their ability to*

*manage any risk associated with the licensing objectives when determining that application. Applicants that do provide their own delivery service, with sufficient measures in place to*

*promote the licensing objectives are likely to be considered more favourably than those using third party delivery companies.”*

I am happy to discuss the Police representation further with the applicant and their representative.

**Following a reduction in the hours applied for, the Metropolitan Police withdrew the representation on 21 November 2023**

<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ayesha Bolton
<b>Received:</b>	07 November 2023

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

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. To provide Late Night Refreshments Indoors from the premises Sunday to Thursday 23.00 to 00.00 and Saturday to Friday 23.00 to 01.00 hours.

I wish to make the following representation:

1. The provision of Late Night Refreshment and hours requested will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

<b>2-B Other Persons</b>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	06 November 2023

The area is 90% residential so is not suitable for such hours.

This is not a commercial zone so late trading will impact people's sleep.

An application has recently been granted for Wraps and Wings, 3 Chippenham Road, for delivery only. This application for 412 Harrow Road, 23/06874/LIPN is also to allow people to sit on the premises, and is likely to cause noise, nuisance and shouting from customers visiting the premises.

This premises is located close to the Prince of Wales Junction where there is already anti-social behaviour, so opening later at this location could relocate the ASB down the road.



### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> <li>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</li> <li>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into</li> </ol>



	<p>account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for This application as defined within this policy is:  <b>8. Restaurants:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p>
<p><b>Policy FFP1 (A) applies</b></p>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meet the definition of a fast food premises in Clause D.</li> </ol> <p>D. For the purposes of this policy a Fast Food Premises is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.</li> <li>2. Food and drink are: a. Available on the premises for self-selection. b. Prepared on the premises. c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.</li> <li>3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.</li> <li>4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.</li> </ol>
<p><b>Policy DEL1 applies</b></p>	<p>A. Applications for premises that intend to sell alcohol and/or late-night refreshment for delivery to customers at a residential or workplace address, which is ancillary to the main use of the premises, will generally be granted subject to not being contrary to other policies within this Statement of Licensing Policy and that it meets the criteria below:</p> <p>Criteria:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1</li> <li>2. The hours when delivery will take place is within the relevant Core Hours for that premises use,</li> <li>3. The delivery of alcohol and/or late-night refreshment to customers at their residential address or workplace will be ancillary to the main premises use,</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact if the premises are located within the West End</li> </ol>

	<p>Cumulative Impact Zone.</p> <p>5. The applicant has demonstrated that they have taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</p> <p>6. That the applicant will, a. Implement their own age verification procedures for the sale and supply of alcohol for their delivery staff and ensure that they receive regular training in the company's age verification procedures, and/or b. ensure that any third party, to which they have contracted the delivery of alcohol and/or food has sufficient age verification procedures in place for the sale of alcohol and has regular training for its delivery personnel on their age verification procedures.</p> <p>7. That the applicant will, a. implement their own procedures and provide mitigation to reduce the risk that their delivery service and delivery personnel will create public nuisance either at the premises where the delivery originates and at the delivery destination, and/or b. ensure that any third party, to which they have contracted their delivery service to have sufficient procedures and mitigation in place to ensure that their delivery personnel do not create public nuisance either at the premises where the delivery originates and at the delivery destination.</p> <p>B. Applications that do not meet the criteria in Clause A will be considered on their own merits, subject to other relevant policies within this statement and the following considerations:  Considerations:</p> <p>1. The likelihood of the effect of the grant of the licence for the delivery of alcohol and/or late-night refreshment on the licensing objectives and whether the applicant has demonstrated that they will meet the criteria and considerations within policies CD1, PS1, PN1 and CH1.</p> <p>2. The proposed hours for the operation of the delivery service, whether they are beyond the Core Hours as set out in Policy HRS1 and if so, what are the reasons for the additional hours and what has the applicant proposed as measures that will mitigate or eliminate any potential impact on the licensing objectives.</p> <p>3. If the application is located within:</p> <p>a. the West End Cumulative Impact Zone, have they demonstrated that they will not add to cumulative impact, or,</p> <p>b. a designated Special Consideration Zone, have they demonstrated that they have taken account of the issues identified in that area and put forward proposed mitigation measures in relation to those issues in accordance with Policy SCZ1,</p> <p>4. Whether the premises are located within an area of residential accommodation and/or in close proximity to residential accommodation,</p> <p>5. Whether the delivery personnel are directly employed by the applicant or whether the delivery service will be provided by a third party,</p> <p>6. How will the applicant ensure that the operation of the delivery service, operated directly by them with their own staff does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act.</p> <p>7. If a third party will provide the delivery service on behalf of the applicant what are the contractual arrangements with that third party to ensure that the operation of the delivery service does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act,</p>
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	<p>8. The operation and management of the proposed delivery service from the premises,</p> <p>9. The types of vehicles that will be used for the delivery of alcohol and/or late-night refreshment and whether they will likely create public nuisance,</p> <p>10. The history of the applicant's operation of licensed premises and the premise's operation in relation to any impact on the licensing objectives, breaches of any terms and conditions of a licence, any reviews of a licence or offences committed under the Act,</p> <p>11. In addition to Sub-clause 6 and 7 above what measures the applicant or the third party providing the delivery service has put forward to mitigate the specific risk of public nuisance by the operation of the delivery service at the premises or at the end point of delivery,</p> <p>12. In addition to sub-clause 6 and 7 above what specific measures and processes the applicant or the third party providing the delivery service has put forward to mitigate the risk from the delivery of alcohol to children to ensure that they are protected from harm.</p> <p>C. For the purposes of this policy premises uses are defined within the relevant premises use policies within this statement.</p>
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#### 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

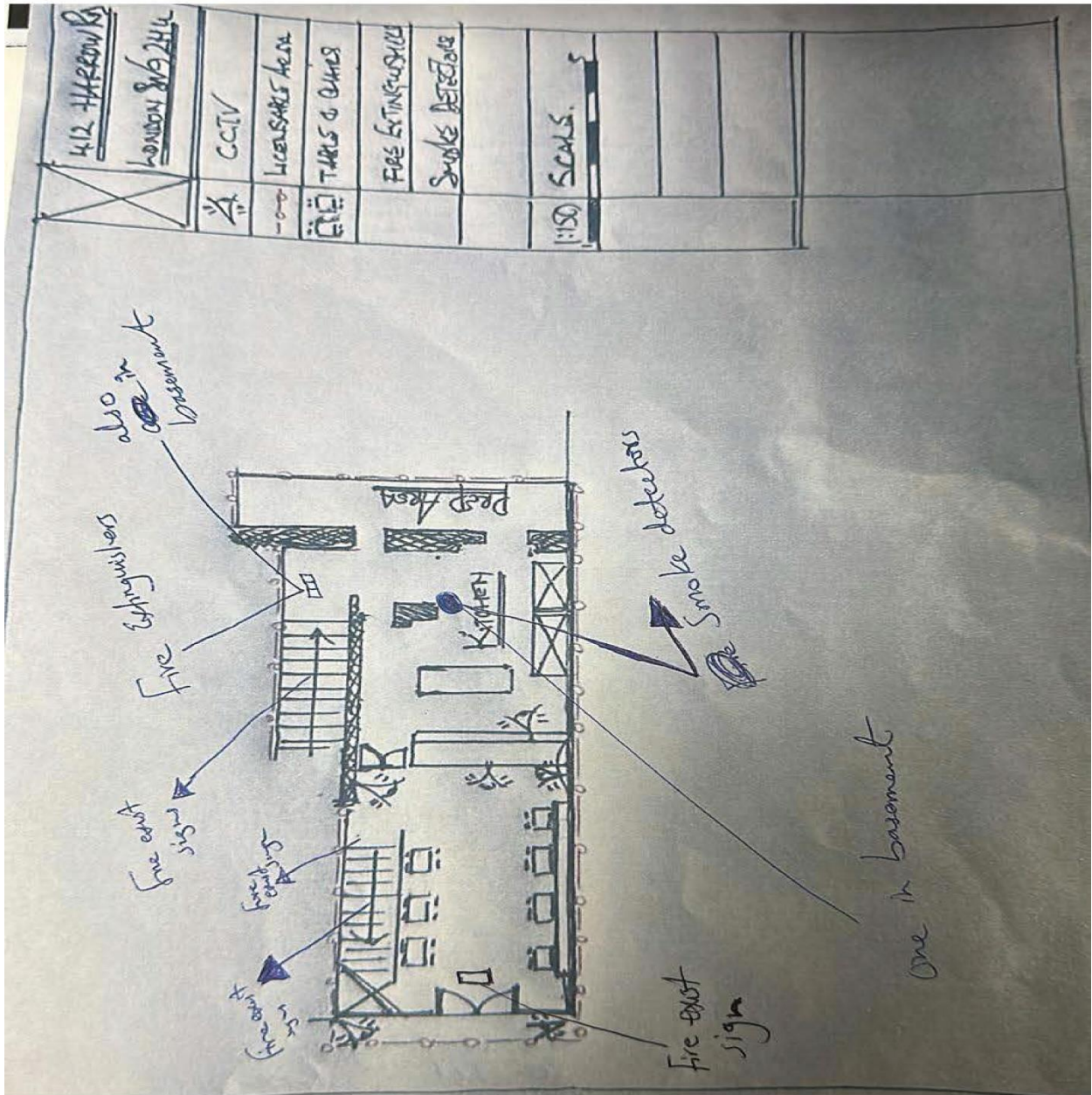
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@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	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Metropolitan Police representation	07 November 2023
<b>5</b>	Environmental Health representation	07 November 2023
<b>6</b>	Interested Party representation	06 November 2023





Associate Consultants:

Ken Macleay  
Philip Andrews  
Mark Altman  
Brian Crouch – Legal Advisor

**Joshua Simons & Associates Ltd**

Imperial Place  
4 Maxwell Road  
Borehamwood  
Hertfordshire  
WD6 1JN.

Telephone:  
Fax:  
Email:

Dispatch: By email

**Addressee:**

Westminster City Council  
Licensing authority

Your ref:

Our ref: PRE-LIC-APP-CRISPIES

Date: 10/10/23

Dear Licensing Authority,

**\*\*APPLICATION FOR A NEW PREMISES LICENCE – Crispies, 412 Harrow Road, Maida Vale, W9 2HU\*\***

We write as the authorised licensing agents for and on behalf of the applicant in the above matter. This letter provides details on the application for a new premises licence in particular details of the proposed licensable activity, days and timings, details of an assessment of Westminster City Councils Statement of licensing policy, and control measures as licensing conditions under appendix 1.

**1.Assessment of the statement of licensing policy**

Prior to the development of this application the applicants licensing agents assessed WCC Statement of Licensing Policy dated 1 October 2021 to understand how licenced premises should operate and assess the policies that are relevant and how they could affect an application for late night refreshment.

Initial enquiries established Westminster City Council do not have any defined cumulative impact policy where the premises are located, however there is a Core Hours policy HRS1 that has framework opening times for late night refreshment premises as Monday to Thursday up until 23.30, Friday and Saturday 00:00 and Sunday 22.30.

The licensing policy at section E7 states that WCC is prepared generally to grant premises licences for longer hours at the end of the week outside a Cumulative Impact Zone as this enables people to travel home relatively easily by tube, train, bus, licensed private hire vehicle and/or taxi, while retaining opportunities for residents to have an additional respite on Sunday.

It is understood that Policy FFP1 deals with Fast food premises and states these types of premises can attract large groups of customers, that can lead to additional noise and disturbance and further congestion in the area. The SOLP considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour. In relation to this application it is acknowledged there are some residential roads nearby to the premise for example Windsor Gardens and those on the corner of Chippenham Road and Harrow Road. This application has considered, risk assessed and included in the applicant operating schedule control measures (some of these are extracted from Westminster City Councils list of model conditions) to aid in the prevention of both collection drivers and customers congregating and making noise outside the premises.

Application for a new premises licence introductory and schedule letter Crispies, W9 2HU

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On the basis of policy E7 and the control measures offered under the operating schedule this application proposes later trading times on Saturday and Sunday mornings until 01:00.

Policy B41 - minimising waste/litter from premises this policy could be supported by the business providing receptacles for recycling business waste and receptacles for customer litter in the premise.

Policy G10 – Raises the issue of the environment specifically packaging that is used for any products that are being delivered either to their premises or from it. The policy points out that the use of packaging made from recyclable materials is highly recommended and operators are encouraged to avoid the use of single use plastic packaging. Crispies do offer some non plastic materials for packaging. With the implementation on the ban of single use disposable plastic cutlery from October 2023 this is a policy that could be complied with.

Policy G13 refers to delivery personnel having access to toilet provisions within the licensed premises and that the applicant must ensure that delivery personnel are made aware of the availability of toilet facilities at the premises. The applicant can provide these facility if required by collection drivers.

**2.Liason with Metropolitan Police Service** - The applicant is aware at Appendix 10 of the WCC – SOLP that The Metropolitan Police Service are committed to reducing the levels of crime and disorder associated with premises undertaking 'Licensable activities. As part of the operating schedule the applicant has provided a number of control measures under the licensing objective concerned with the Prevention of Crime and Disorder.

### **3.Control mesures as proposed licence conditions**

A number of control measures have been assessed and are detailed under appendix 1 of this letter as licensing conditions under the 4 licensing objectives.

**Other matters** - In the first instance if the licensing authority have any queries please direct these to Joshua Simons and Associates as the authorised and instructed licesning agents.

**Yours faithfully**

*Joshua Simons*

**Joshua Simons**

**Principal Licensing Agent, Joshua Simons & Associates Limited**

☎ Mobile: 07725418439

☎ Fax: 020 8 213 3001

✉ Email: jsimons@jsaal.co.uk

✉ Address: Imperial Business Park, 4 Imperial Place, Maxwell Road, Borehamwood, Hertfordshire, WD6 1JN.

Registered in England & Wales under Company Number: 8030680

VAT Number 154 176 021.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/08068/LIPC	Conversion licence	21.09.2005	Granted under delegated authority
07/00592/WCCMAP	Master Licence	21.09.2005	Granted under delegated authority
08/10279/LIPT	Transfer application – Mrs Shereen Chowdhury to Chillies Balti Indian Restaurant Ltd	20.11.2008	Granted under delegated authority
09/03895/LIPDPS	Application to vary the designated premises supervisor	08.06.2009	Granted under delegated authority
10/06886/LIPT	Transfer application – Chillies Balti Indian Restaurant Ltd to Mr Ghazi Sultani	22.09.2010	Granted under delegated authority
11/00705/LIPDPS	Application to vary the designated premises supervisor	24.03.2011	Granted under delegated authority
14/09347/LIPT	Transfer application – Mr Ghazi Sultani to Zones24 Limited	03.02.2015	Granted under delegated authority (Licence lapsed 31.05.2016)

**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 necessary for the promotion of the licensing objectives.

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

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  
$$P = D + (D \times V)$$
  
Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions consistent with the operating schedule

9. The applicant shall maintain and operate a comprehensive CCTV system taking into account some of the minimum requirements these shall include:
  - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (b) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. CCTV equipment shall be checked on a daily basis and any faults and corresponding engineer call outs; immediately arranged and recorded in the Incident Log.
11. Adequate lighting to be provided.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. There shall be an area allocated permanently for seated customers in order to prevent overcrowding and to allow those customers who purchase food and beverages to be able to consume these on the premises.
14. Staff levels shall be maintained at a minimum of 3 persons on the premises during the provision of late night refreshment to ensure customers can be served effectively and to reduce any queues that may form.
15. A manager shall always be deployed at the premises during licensable timings.
16. Warning signs about crime prevention measures shall be prominently displayed inside the premises retail area.
17. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Local Authority or the Police, which shall record the following:
  - All crimes reported to the venue
  - Any complaints received
  - Any faults in the CCTV system.
  - Any visit by a relevant authority or emergency service
18. Delivery drivers employed by the applicant or third parties shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway and to park in the demarcated loading bays directly outside the premises.

19. A manager shall be on duty during licensable timings. Part of the role of the manager shall be to ensure customers and or delivery drivers do not congregate outside the premises.
20. Notices shall be prominently displayed at the customer service counter and at the exit requesting customers and delivery drivers to respect the needs of local residents and leave the area quietly.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
23. Exclusion of person/s under 18 years of age from the premises (unless accompanied by a parent or guardian) when any licensable activities are taking place past midnight – this shall be communicated by staff to customers where required and enforced by a manager if required.

**Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the operating schedule**

24. 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.
25. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 and 08.00 hours on the following day.
29. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
30. Deliveries of food shall only be made to a bonafide residential or business addresses.

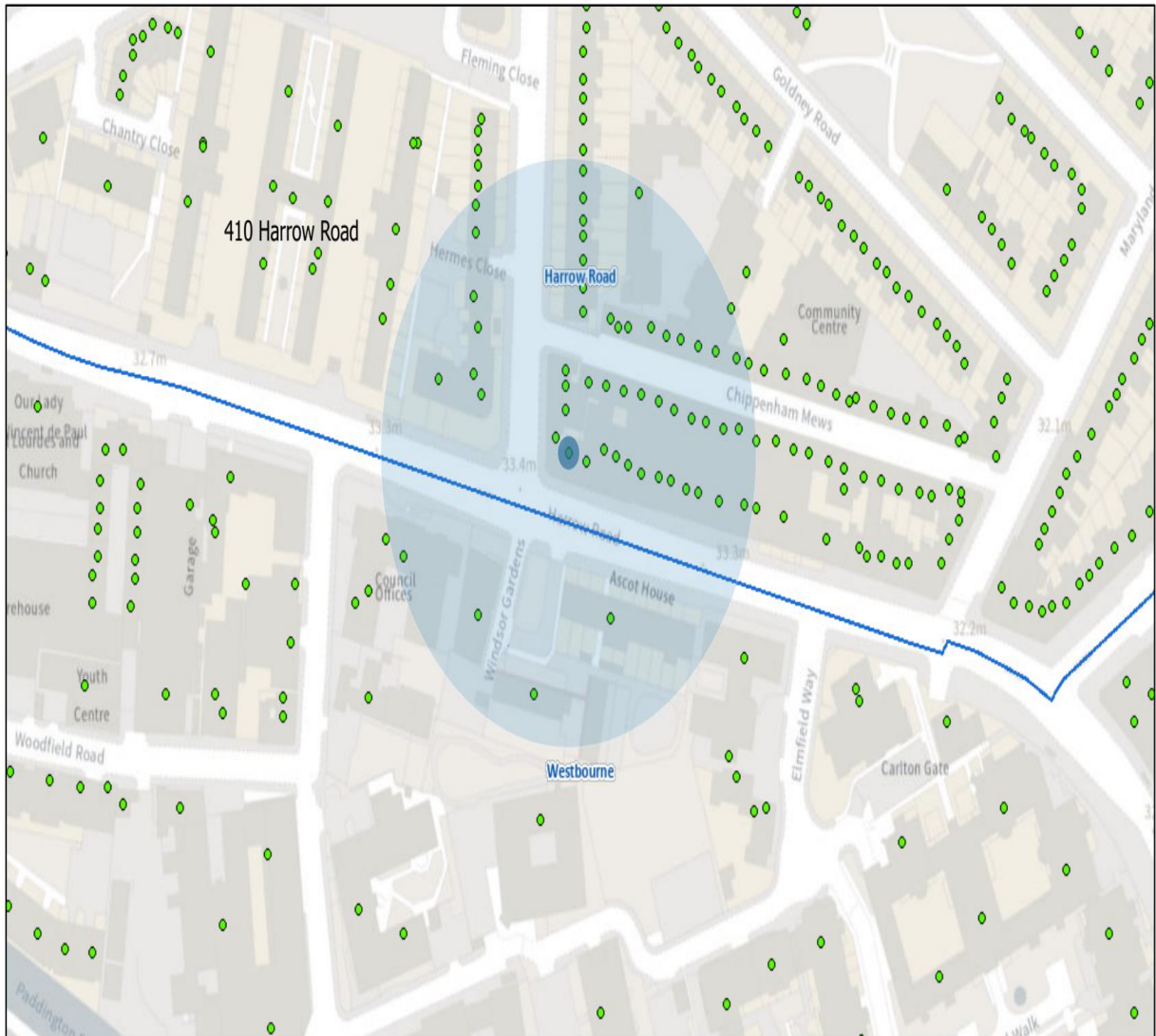
**Conditions proposed by Environmental Health yet to be agreed**

31. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 15 persons.

**Conditions proposed by the Police**

**None**

412 Harrow Road, London, W9 2HU

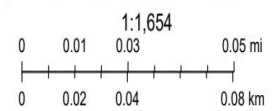


13/12/2023, 12:44:42

● Property Mailing List

▭ Ward Boundaries

Ward Labels



**Resident Count: 240**

Licensed premises within 75m of 412 Harrow Road, London, W9

Licence Number	Trading Name	Address	Premises Type	Time Period
23/02055/LIPN	Wraps And Wings	3 Chippenham Road London W9 2AH	Restaurant	Monday to Sunday; 10:00 - 05:00
11/07847/LIPN	Supermercado Portugal	Basement And Ground Floor 396 Harrow Road London W9 2HU	Cafe	Sunday; 10:00 - 22:00   Monday to Saturday; 08:00 - 22:00

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City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

18 January 2024

23/07105/LIPN - New Premises Licence

Cozy Noodle  
145 Cleveland Street  
London  
W1T 6QH

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

Roxsana Haq  
Senior Licensing Officer

Telephone: 020 7641 6500  
Email: rhaq@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>	17 October 2023		
<b>Applicant:</b>	Tian Ying Ltd		
<b>Premises:</b>	Cozy Noodle		
<b>Premises address:</b>	145 Cleveland Street London W1T 6QH	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None.
		<b>Special Consideration Zone:</b>	None.
<b>Premises description:</b>	According to the applicant the premises operates as a Chinese noodle restaurant.		
<b>Premises licence history:</b>	There has been a premises licence for the premises since at least 2005. The most recent premises licence (reference 19/02724/LIPT) lapsed on 11 February 2020. A copy of this lapsed licence can be seen at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	None.		
<b>Applicant amendments:</b>	None.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:00
<b>Seasonal variations/ Non-standard timings:</b>				None.			

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>				None.			

Hours premises are open to the public:							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:00
<b>Seasonal variations/ Non-standard timings:</b>				None			
<b>Adult Entertainment:</b>				None			

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Service
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	09 November 2023
<p><b>Cozy Noodle/Chinese restaurant, 145 Cleveland Street, London, W1T 6QH</b></p> <p>I refer to the new application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"><li>1. Provision of late-night refreshment Indoors &amp; outdoors Monday to Saturday 23:00 – 00:30 hours and Sunday 23:00 – 00:00 hours</li><li>2. Supply of alcohol for consumption on &amp; off the premises Monday to Saturday 10:00 – 00:00 hours and Sunday 10:00 – 23:30 hours</li></ol> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <ol style="list-style-type: none"><li>1. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</li><li>2. The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</li></ol> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.</p> <p>Conditions have been proposed to replace those contained within the operating schedule. Applicant is advised to study these conditions and they may be discussed further during a site visit.</p> <p>Proposed Environmental Health conditions to replace those contained within the operating schedule.</p> <ol style="list-style-type: none"><li>1. 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</li><li>2. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly</li><li>3. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to</li></ol>	

residents and businesses in the vicinity.

4. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them
5. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
6. The premises shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

7. There shall be no sales of alcohol for consumption off the premises after 23.00 hours
8. All sales of alcohol for consumption off the premises shall be in sealed containers only
9. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption
10. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours
11. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
12. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
13. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
14. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
16. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall

at all material times be maintained in good condition and full working order

17. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
18. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
19. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
20. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
21. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined

Maxwell Owusu Koduah  
Environmental Health Officer

**Further representation from the Environmental Health Service was sent to the applicant on 27 November 2023.**

Dera Christopher Montanez

Following a site visit and telephone conversation in respect of the above application, please find attached amended EH conditions for your consideration.

**(A full set of conditions can be seen at Appendix 5 of this report).**

Please be advised that if the police have not made a representation to the application, I may have to amend my conditions to include additional conditions that the police would usually propose.

I have also attached for your consideration, complaint history going back 2 years. Our records show that residents had reasons to make complaints regarding intrusive and disturbing plant noise from the premises. These complaints culminated into the serving of a section 80 notice against the premises on 19.09.2022. Even beyond 19.09.2022, complaints continued to be received.

For the above reason, I need a written response from yourself regarding measures already taken or proposed to be taken in response to the complaints.

I have taken note of the revised plans submitted in support of the application.

Kevin – it is my understanding that Chris is not aware of any representations made against the application. Please share the representations made by residents with him to facilitate the process of mediation.

Kind regards  
Maxwell

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	19 November 2023		
<p>I do not object to alcohol being served on the premises. However, the times proposed for closing are not in keeping with the other restaurants and bars on the street - many of which are on the Camden side of the street.</p> <p>So, I object on that basis i.e. the proposed late closing, and suggest they should fall in line with the rest of this highly residential street.</p> <p>Otherwise the knock on effect of taxis, smoking outside, saying goodbye after a late night and the music that spills out will inevitably cause distress to the residents that no other business does that late.</p> <p>On a different but related matter, this restaurant has refused to repair its noisy and damaged extractor fan for a number of years to the detriment of their neighbours - since this issue began it has been unpleasant to have windows open due to the noise. They have been spoken to and are aware and agree its a problem, but have not fixed it.</p> <p>Therefore, they have proven a lack of care for their neighbours and so any grant of licence should have clear boundaries.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 October 2023		
<p>This is a residential area with a narrow road where the noise bounces around. It would be completely wrong for a late alcohol license to be permitted.</p> <p>In addition, this restaurant has been complained about for a long time because they have a faulty fan that is disturbingly noisy. They keep reassuring neighbours that it is in the process of being fixed but again and again nothing has happened. Which might imply that they cannot be trusted to be considerate or reliable.</p>			

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<p><b>Restaurant Policy RNT1 applies</b></p>	<p><b>A.</b> Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p><b>C. For the purposes of this policy a restaurant is defined as:</b></p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>
<p><b>Hours Policy HRS1 applies</b></p>	<p><b>A.</b> Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p><b>B.</b> Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> </ol>

5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C.** For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
- 8. Restaurants**  
Monday to Thursday: 9am to 11.30pm.  
Friday and Saturday: 9am to Midnight.  
Sunday: 9am to 10.30pm.  
Sundays immediately prior to a bank holiday: 9am to Midnight.
- D.** Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E.** For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
- Note:** The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.



#### 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

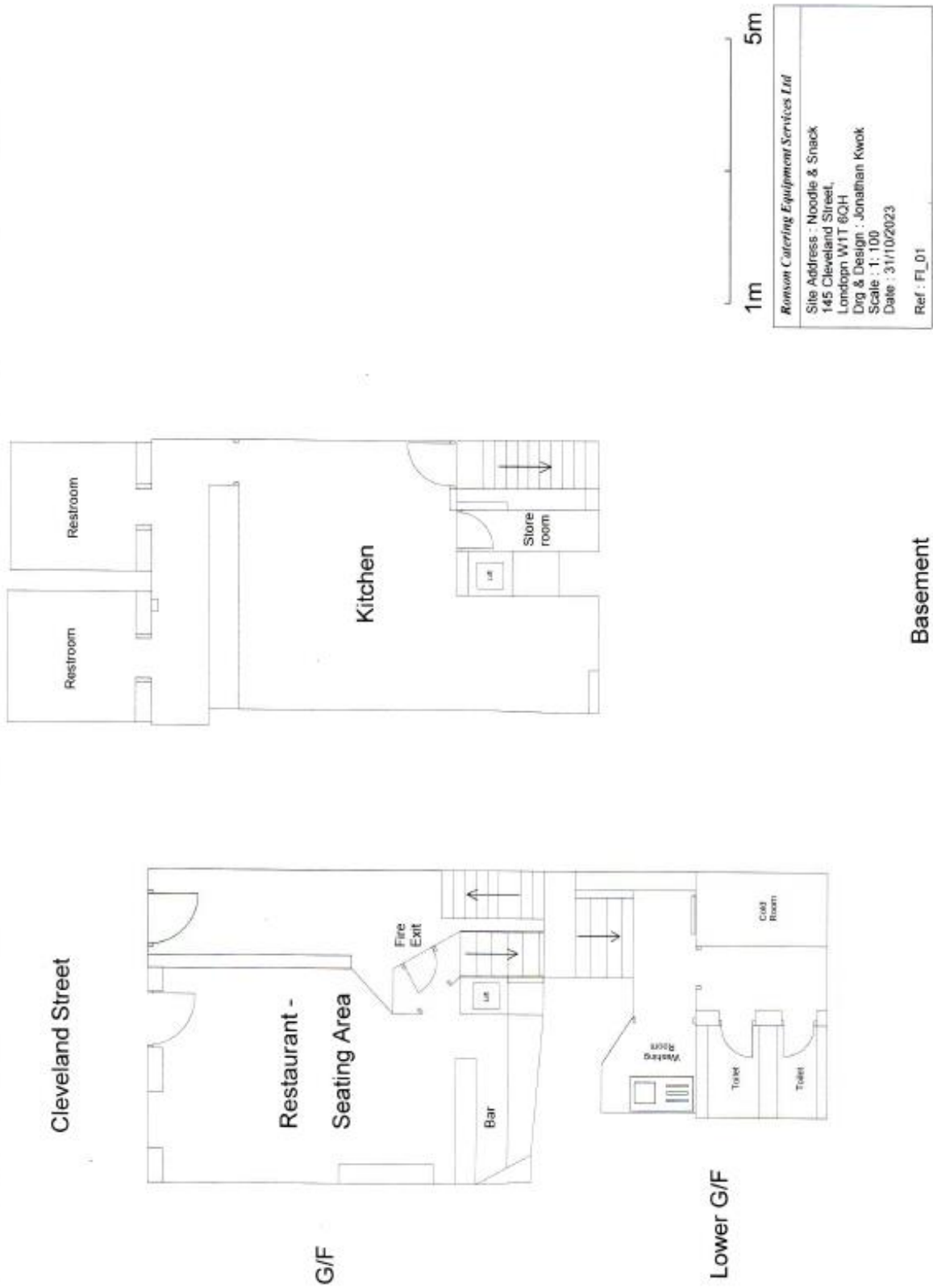
<b>Appendix 1</b>	Premises Plans
<b>Appendix 2</b>	Applicant Supporting Documents
<b>Appendix 3</b>	Premises History
<b>Appendix 4</b>	Responsible Authority Additional Submissions
<b>Appendix 5</b>	Proposed Conditions
<b>Appendix 6</b>	Residential Map and List of Premises in the Vicinity

<b>Report author:</b>	Miss Roxsana Haq Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@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	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Environmental Health Representation	9 <sup>th</sup> November 2023
<b>5</b>	Interested Party 1	19 <sup>th</sup> November 2023
<b>6</b>	Interested Party 2	25 <sup>th</sup> October 2023



## **Applicant Supporting Documents**

## **Appendix 2**

There are no applicant submissions.

Previous premises licence: Lapsed February 2020.

 <b>City of Westminster</b> 64 Victoria Street, London, SW1E 6QP	Schedule 12 Part A  Premises licence	WARD: Marylebone High Street UPRN: 100023468051	Regulation 33, 34
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Premises licence number:	19/02724/LIPT
Original Reference:	05/08479/LIPC

**Part 1 – Premises details**

<b>Postal address of premises:</b>  TianFu Restaurant 145 Cleveland Street London W1T 6QH
<b>Telephone Number:</b>

<b>Where the licence is time limited, the dates:</b>  Not applicable
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<b>Licensable activities authorised by the licence:</b>  Playing of Recorded Music Late Night Refreshment Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Sale by Retail of Alcohol
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<b>The times the licence authorises the carrying out of licensable activities:</b>	
<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	Unrestricted
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:30
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

<b>The opening hours of the premises:</b>	
Monday to Saturday:	10:00 to 00:30
Sunday:	12:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mei Li Jia Limited  
Tian Fu Bu Yi  
145 Cleveland Street  
London  
W1T 6QH

Registered number of holder, for example company number, charity number (where applicable)

11595881

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Yuchuan Fu

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 2012/00427/LAPER  
Licensing Authority: London Borough of Hammersmith & Fulham

Date: 4<sup>th</sup> June 2019

Signed:

pp



This licence has been authorised by Karyn Abbott on behalf of the Director - Public Protection and Licensing.

## Annex 1 – 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children :
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.



7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml; and
  - (b) customers are made aware of the availability of these measures.

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.

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

#### **Conditions related to the Sale of Alcohol**

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

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

#### **Conditions related to the Sale of Alcohol**

11. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
  - (c) On Christmas Day: 12:00 to 22:30;
  - (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
  - (e) On New Year's Eve on a Sunday, 12:00 to 22:30.

- (f) 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 taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) 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;
- (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.

- 12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- 13. 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

**Annex 4 – Plans**

Attached



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: Marylebone High  
Street  
UPRN: 100023468051

Premises licence  
summary

Regulation 33, 34

Premises licence number:

19/02724/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

TianFu Restaurant  
145 Cleveland Street  
London  
W1T 6QH

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	Unrestricted
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption on the Premises.

**Name and (registered) address of holder of premises licence:**

Mei Li Jia Limited  
Tian Fu Bu Yi  
145 Cleveland Street  
London  
W1T 6QH

**Registered number of holder, for example company number, charity number (where applicable)**

11595881

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Yuchuan Fu

**State whether access to the premises by children is restricted or prohibited:**

Restricted

Date: 4<sup>th</sup> June 2019

Signed:

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This licence has been authorised by Karyn Abbott on behalf of the Director - Public Protection and Licensing.

Complaint History Provided by Environmental Health Services.

Complaint history associated with 145 Cleveland Street. There is a lapsed licence ref. 19/02724/LIPT.

Date & time	Complaint	Action/comments for officers
14.05.2023 @19:11	Noisy AC system from Noodle & Snack	14 May 19:48 PKG Looked at history S80 Served. TC and noisy has been getting worse. Visit agreed. 14 May 20:30 PKG and RXT. Could hear whirring noise but lots of plant noise but not a nuisance at that time. Customer says it switches off when not in use which implies a kitchen extract system but I said it was not a nuisance but would inform Gordon.
15.01.2023 @ 13:30	Noise from fan system behind the restaurant (from the restaurant called Noodle & Snack)	Called customer's number; automated message said "incorrect number"; NFA. (Previous ref: 22/37176/ENC45 of 19/09/2022)
26.09.2022 @	Out the back of the restaurant Noodle & Snack but echoing around the street and up to flats at the back. 145 Cleveland St, London W1T 6QH Notes: I have spoken to the restaurant twice and they tell me the council is coming to review their extractor fan as they are waiting for permission to replace it. They say the council are coming soon but haven't given a date. When I last reported this I was told there had been no planning application, so I'm not sure who to believe. The restaurant seem very open to changing the extractor fan and are ready to do the work once permission is granted. It's a constant background hum during opening hours and really needs sorting out - could this be 'fast-tracked'?	
19.09.2022 @ 17:56	Noise everyday from 9/10am until 10pm - super noisy fan / AC from outside (comes from the back of the building)	Noise audible and a nuisance in customer flat from worn out fan/extraction system of Noodle and Snack. Owned by Noodle

<p>They acknowledge the noise but do not want to deal with it until the council force them to do it</p>	<p>Ninja Ltd . Director is 'Tim' ie Mr Liao Guangze 07888259633  guangzliaoo7171@gmail.com.  Says he has parts ordered and will repair. Pass to area team to follow up.  Email sent:  Good Evening Mr Guangze,</p> <p>Nice to meet you this evening. I can confirm that the noise from the fan is a statutory nuisance and must receive prompt remedial action. Please confirm to Mr Keegan and Mr McRae within 7 days your plans to remedy the noise. If we do not hear from your formal abatement notice will be served and this carries a fine on summary conviction for non compliance.</p> <p>Hi Gordon,</p> <p>Just wondering if you managed to visit them and if anything will be done.</p> <p>I did not notice any differences from the flat sadly ...</p> <p>Kind regards,  Adrien</p> <p>On 16 Jan 2023, at 16:29, Corbet, Gordon: WCC  &lt;gcorbet@westminster.gov.uk&gt; wrote:</p> <p>Hi Adrien</p> <p>I will be visiting the restaurant tomorrow with a licensing colleague. I will let you know the outcome.</p> <p>Regards</p>
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	<p>Gordon</p> <p><b>An email received from a resident</b></p> <p>Hi Gordon,</p> <p>Happy new year!</p> <p>I am emailing because the restaurant is again very noisy all day - during the working hour.</p> <p>I think they never replaced the system and are back as it was before, can you please help here?</p> <p>Kind regards, Adrien</p> <p>On 18 Oct 2022, at 08:06, Corbet, Gordon: WCC &lt;<a href="mailto:gcorbet@westminster.gov.uk">gcorbet@westminster.gov.uk</a>&gt; wrote:</p> <p>Hi Adrien</p> <p>Can you advise at what time the unit has been super noisy...? it would be helpful for me to visit at that time to get an idea of how bad it actually is. Note the proprietor is intending to replace the entire system and stated he has reduced the fan speed as an interim measure.</p> <p>Regards</p> <p>Gordon</p> <p><b>An email sent by an officer</b></p>
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Hello,

I wanted to check on the next steps regarding the noise nuisance from the restaurant ? It is still super noisy, nothing has changed which is very annoying, especially when working from home.

Wishing you a great weekend.

Kind regards,  
Adrien

On 28 Sep 2022, at 13:56, Corbet, Gordon: WCC  
<gcorbet@westminster.gov.uk> wrote:

I can make 4 o'clock tomorrow.

**An email from a resident**

Hi Gordon,

Nobody will be in the flat at lunch time, I can do later from 4 o'clock and onward.

Kind regards,  
Adrien

On 28 Sep 2022, at 12:39, Corbet, Gordon: WCC  
<gcorbet@westminster.gov.uk> wrote:

Hi Adrien

Would it be possible to visit your home tomorrow at around lunchtime?

Regards

		<p>Gordon</p> <p>Visit made to customers (penthouse flat) dwelling on 29/09/22 at 1600 Noise from air handling unit audible outside dwelling and at low level if patio door/window open. Customer stated she was at home all day and had to have windows open. I explained level of noise was not a SN at that time of day however S80 served (by hand) on the basis of likelihood. Spoke to proprietor of restaurant who was aware of noise issue and advised me he had submitted plans for significant remedial works. Requested that details of application be sent to me.</p> <p>Follow up visit with Rob McRae carried out on 17/01/23 at 1700 regarding extraction and LA03. Proprietor not present. Spoke with manager and stated that the proprietor needed to provide evidence he is dealing with issue asap.</p>
<p>05.09.2022 @ 15:38</p>	<p>The noise is coming from a fan that needs modifying. I have spoken to the owners who say they are aware of it and agree it's unpleasant, but they are waiting for planning permission from the council. It is a constant mechanical noise that makes it unpleasant to be outdoors or have windows open, especially as the noise bounces around the buildings. There doesn't seem to be any dispute about the noise, where it's coming from or what needs to be done. It just needs Westminster council to give planning permission.</p>	<p>Customer advised evidence of planning application not seen on our database. Offered to visit to assess noise, but customer opted to go back to restaurant and speak to them, then come back to us again, if necessary. NFA.</p>

20.05.2022 @ 13:57	The flue at the back of the restaurant is making lots of noise again, she did report it yesterday CAS-396753	voicemail message left
13.04.2022 @ 09:31	I live in xxxx Street on the ground and lower ground floor flat and there has been a persistent clicking noise for the past two months. I believe it may be an extractor fan based at the Chinese restaurant next door at 145 Cleveland Street. It is affecting me and my wife's quality of life as the noise comes and goes throughout the day. Notes: The Chinese Restaurant is called "Noodle & Snack" and as mentioned the noise comes and goes from early morning and into the night.	would like a visit but call first before visit, is at home and noise from extractor ongoing. Visit made waited 10 minutes in the complainants flat no noise at the time of visit. Customer advised to keep a diary to see if there is a pattern to when the noise occurs.
12.04.2022 @ 10:13	The subject of the noise complain is a ground-floor Chinese restaurant named "Noodle and Snack" Notes: The common wall from Noodle and Snack Chinese restaurant is shared with my flat at xxx Cleveland Street (ground floor). I believe the sound is an extractor fan constantly turning off and on; a continuous clicking noise. The noise occurs daily, from early AM until evening. The noise is intermittent and has caused my wife and I distress as it is audible and interferes with our quality of life. The noise problem began occurring about two months ago.	Phone call customer has carpet fitters currently in co cannot currently hear the noise. Advised that officers would need to visit him to hear the noise. Customer will recall another time when there are no tradesmen.

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

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

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

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

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions consistent with the operating schedule.

9. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
  - a) The police and, where appropriate, the London Ambulance Service, are called immediately;
  - b) As far as is safe and reasonable practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police;
  - c) As far as is safe and reasonable practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police;
  - d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.
  
10. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record:
  - a) Any and all allegations of crime or disorder reported at the venue
  - b) Any and all complaints related to licensable activities received by any party
  - c) Any faults in the CCTV system
  - d) Any visit by a relevant authority or emergency service
  - e) Any and all ejections of patrons
  - f) Any refusal of the sale of alcohol.
  
11. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:
  - a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
  - b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
  - c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;
  - d) One camera will show a close-up of the entrance to the premises, to capture a clear, full-length image of anyone entering;
  - e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
  - f) The system will record in real time and recordings will be date and time stamped;
  - g) At all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.
  - h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act 2018) within 24 hours of any request.
  - i) Signage stating that CCTV is in operation will be clearly and prominently displayed at the premises.
  
12. The premises will operate the 'Challenge 21' proof of age scheme
  - a) All staff will be fully trained in its operation.
  - b) Only physical production of suitable forms of photographic identification, such as passport or UK driving licence, or a holographically marked PASS scheme cards, will be accepted. A screenshot or digital document copy will not be sufficient.
  
13. The supply of alcohol for consumption off the premises shall be limited to alcohol supplied in sealed containers for takeaway as part of a meal or delivery at a customer's home or business address and for consumption there.

14. The supply of alcohol on the premises shall only be ancillary to patrons having a table meal.
15. A notice shall be placed in prominent position within the venue requesting that patrons leave quietly and have respect for local residents.
16. In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.

**Conditions proposed by the Environmental Health Service.**

17. 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
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them
21. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
22. The premises shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

23. There shall be no sales of alcohol for consumption off the premises after 23.00 hours
24. All sales of alcohol for consumption off the premises shall be in sealed containers only
25. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption
26. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours

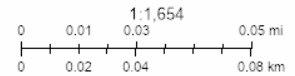


27. All tables and chairs shall be removed from the outside area by 23.00 hours each day
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
29. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
30. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
31. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
32. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
33. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
35. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
36. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 30 persons

145 Cleveland Street London W1T 6QH



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- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries

**Resident Count: 229**

<b>Licenced premises within 75 metres of 145 Cleveland Street, London, W1T 6QH</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
19/13103/LIPDPS	The George & Dragon Public House	151 Cleveland Street London W1T 6QN	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
20/03068/LIPDPS	Holiday Inn Regents Park Hotel	Holiday Inn Regent's Park Hotel Carburton Street London W1W 5EE	Hotel, 4+ star or major chain	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30   Monday to Sunday; 00:00 - 00:00