



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	1 December 2016
Licensing Ref No:	16/10204/LIPV - Premises Licence Variation
Title of Report:	London Jade Garden 15 Wardour Street London W1D 6PH
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 September 2016		
<b>Applicant:</b>	London Jade Garden Ltd		
<b>Premises:</b>	London Jade Garden		
<b>Premises address:</b>	15 Wardour Street London W1D 6PH	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises are operating as a Chinese Restaurant.		
<b>Variation description:</b>	<p>The application proposes to:</p> <ol style="list-style-type: none"> <li>1. Vary the premises layout in accordance with the appended plans. The changes include the installation of a sushi kitchen and dining area on the first floor; and the replacement of private dining room on third floor with back of house area and dispense bar.</li> <li>2. Extend the terminal hour for licensable activities to 02.30am seven days a week.</li> <li>3. Add the provision of films, live music and regulated entertainment of a similar description to the premises licence.</li> <li>4. Add the following condition to the premises licence: "Notwithstanding condition 25 [model restaurant condition 66] the sale of alcohol is permitted to persons attending the premises for pre booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment "</li> </ol> <p>In accordance with Statement of Licensing Policy paragraph 2.4.6, Premises Licence 16/02999/LIPT in respect of 21 Lisle Street will be surrendered which authorises licensable activities until 3am seven days a week.</p>		
<b>Premises licence history:</b>	This premises have been licensed since October 2013.		

<b>Applicant submissions:</b>	None submitted
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**1-B Current and proposed licensable activities, areas and hours**

Recorded Music						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	10:00	02:30		
<b>Tuesday</b>	10:00	23:30	10:00	02:30		
<b>Wednesday</b>	10:00	23:30	10:00	02:30		
<b>Thursday</b>	10:00	23:30	10:00	02:30		
<b>Friday</b>	10:00	00:00	10:00	02:30		
<b>Saturday</b>	10:00	00:00	10:00	02:30		
<b>Sunday</b>	12:00	22:30	12:00	02:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	

Live Music						
Indoors, outdoors or both		Current :			Proposed:	
					Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>			10:00	02:30		
<b>Tuesday</b>			10:00	02:30		
<b>Wednesday</b>			10:00	02:30		
<b>Thursday</b>			10:00	02:30		
<b>Friday</b>			10:00	02:30		
<b>Saturday</b>			10:00	02:30		
<b>Sunday</b>			12:00	02:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
					<p>From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p> <p>An additional hour when British Summertime commences.</p>	

Anything of a similar description						
Indoors, outdoors or both			Current :		Proposed:	
					Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday			10:00	02:30		
Tuesday			10:00	02:30		
Wednesday			10:00	02:30		
Thursday			10:00	02:30		
Friday			10:00	02:30		
Saturday			10:00	02:30		
Sunday			12:00	02:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
					From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.  An additional hour when British Summertime commences.	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
					Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	02:30		
Tuesday	23:00	23:30	23:00	02:30		
Wednesday	23:00	23:30	23:00	02:30		
Thursday	23:00	23:30	23:00	02:30		
Friday	23:00	00:00	23:00	02:30		
Saturday	23:00	00:00	23:00	02:30		
Sunday			23:00	02:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
					From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.  An additional hour when British Summertime commences.	

Exhibition of Films						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors				
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday			10:00	02:30		
Tuesday			10:00	02:30		
Wednesday			10:00	02:30		
Thursday			10:00	02:30		
Friday			10:00	02:30		
Saturday			10:00	02:30		
Sunday			12:00	02:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
					<p>From end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p> <p>An additional hour when British Summertime commences.</p>	

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On Sales			On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	02:30		
Tuesday	10:00	23:30	10:00	02:30		
Wednesday	10:00	23:30	10:00	02:30		
Thursday	10:00	23:30	10:00	02:30		
Friday	10:00	00:00	10:00	02:30		
Saturday	10:00	00:00	10:00	02:30		
Sunday	12:00	22:30	12:00	02:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
					<p>From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p> <p>An additional hour when British Summertime commences.</p>	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	10:00	03:00		
<b>Tuesday</b>	10:00	23:30	10:00	03:00		
<b>Wednesday</b>	10:00	23:30	10:00	03:00		
<b>Thursday</b>	10:00	23:30	10:00	03:00		
<b>Friday</b>	10:00	00:00	10:00	03:00		
<b>Saturday</b>	10:00	00:00	10:00	03:00		
<b>Sunday</b>	12:00	22:30	12:00	03:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
					From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.  An additional hour when British Summertime commences.	

1-C Layout alteration
<p>Change of layout and the installation of a sushi kitchen and dining area on the first floor.</p> <p>The replacement of private dining room on third floor with back of house area and dispense bar.</p>

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
	Notwithstanding condition 25 (model condition 66) the sale of alcohol is permitted to persons attending the premises for pre booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Not applicable	Not applicable

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Mr Adam Deweltz
<b>Received:</b>	26 <sup>th</sup> September 2016
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>This decision will need to be made by the Licensing Sub Committee.</p>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	12 <sup>th</sup> October 2016
<p><b><i>Re: London Jade Garden, 15 Wardour Street, London, W1D 6PH</i></b></p> <p>I refer to the application to vary a Premises Licence located within the West End Cumulative Impact area.</p> <p>This representation is based on operating schedule and plans of 1<sup>st</sup> to 4<sup>th</sup> floors dated August 2016.</p> <p>The applicant is seeking to:</p> <ol style="list-style-type: none"> <li>1. Vary the premises layout in accordance with the appended plans. The changes include the installation of a sushi kitchen and dining area on the first floor; and the replacement of private dining room on third floor with back of house area and dispense bar.</li> <li>2. Extend the terminal hour for licensable activities to 02.30am seven days a week.</li> <li>3. Add the provision of films, live music and regulated entertainment of a similar description to the premises licence.</li> <li>4. Add the following condition to the premises licence:  <i>"Notwithstanding condition 25 [model restaurant condition 66] the sale of alcohol is permitted to persons attending the premises for pre booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment"</i> </li> </ol> <p>I wish to make the following representation</p>	

1. Variation of the premises layout will have the likely impact on Public Safety within the West End Cumulative Impact area
2. Extension of the terminal hours for licensable activities will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area
3. Inclusion of additional licensable activities will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
4. Amendment of condition 25 as above will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

Additional conditions suggest:

**Condition 13 to be replaced with**

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

**Condition 9 to be replaced with**

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

**Condition 16 to be replaced with**

3. 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.

**Condition 20 to be reassessed**

4. Number of persons permitted on 1<sup>st</sup> floor to be re-assessed  
Number of persons on 3<sup>rd</sup> floor to be re-assessed
5. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be



altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

6. 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
7. 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
8. The variation of the Premises Licence 16/10204/LIPV to change the existing layout of the premises and extend hours for the provision of late night refreshment and sale of alcohol will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
9. Before the variation comes into force, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr Steven Rowe
<b>Received:</b>	21 <sup>st</sup> October 2016

I write in relation to the application submitted for a variation of the Premises Licence for the above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

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

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.

The application seeks to:

1. vary the premises layout
2. extend the terminal hour for licensable activities to 02.30am seven days a week.
3. add the provision of films, live music and regulated entertainment of a similar description to the premises licence.
4. add the following condition to the premises licence:

"Notwithstanding condition 25 [model restaurant condition 66] the sale of alcohol is permitted to persons attending the premises for pre booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment "

The applicants have further stated that in accordance with Statement of Licensing Policy paragraph 2.4.6, Premises Licence 16/02999/LIPT in respect of 21 Lisle Street will be surrendered which authorises licensable activities until 3am seven days a week.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

The variation application seeks to extend the hours beyond core hours:

Recorded Music:

Monday to Thursday 3 hours beyond 'core hour' of 23:30.

Friday and Saturday 2 ½ hours beyond 'core hour' of 00:00

Sunday 4 hours beyond 'core hour' of 22:30.

Films:

Monday to Thursday 3 hours beyond 'core hour' of 23:30.

Friday and Saturday 2 ½ hours beyond 'core hour' of 00:00

Sunday 4 hours beyond 'core hour' of 22:30.

Alcohol:

Monday to Thursday 3 hours beyond 'core hour' of 23:30.

Friday and Saturday 2 ½ hours beyond 'core hour' of 00:00

Sunday 4 hours beyond 'core hour' of 22:30.

Late Night Refreshment:

Monday to Thursday 3 hours beyond 'core hour' of 23:30.

Friday and Saturday 2 ½ hours beyond 'core hour' of 00:00

Sunday 4 hours beyond 'core hour' of 22:30.

Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy CIA1 applies:</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy RNT2 applies:</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Appendices

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

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	21 <sup>st</sup> September 2016
<b>5</b>	Representation – Environmental Health	12 <sup>th</sup> October 2016
<b>6</b>	Representation - Metropolitan Police Service	26 <sup>th</sup> September 2016
<b>7</b>	Representation – Licensing Authority	21 <sup>st</sup> October 2016





**Applicant Supporting Documents**

None submitted.



### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/06348/LIPN	New premises Licence	02/10/2016	Granted Under Delegated Authority
14/08759/LIPDPS	Vary Designated Premises Supervisor	12/12/2014	Granted under Delegated Authority

#### 2<sup>nd</sup> Licence for Jade Garden, 15 Wardour Street

Application	Details of Application	Date Determined	Decision
05/08300/LIPC	Premises Licence conversation	13/09/2005	Granted under Delegated Authority
06/13183/WCCMAP	Master Licence	13/09/2005	Granted under Delegated Authority
13/06745/LIPT	Transfer application	15/10/2013	Granted under Delegated Authority
13/06746/LIPDPS	Vary Designated Premises Supervisor	15/10/2013	Granted under Delegated Authority
14/08758/LIPDPS	Vary Designated Premises Supervisor	03/11/2014	Granted under Delegated Authority
15/01636/LIPV	<p>Variation Application:</p> <p>The proposed changes to layout are shown on the appended plans and include:</p> <p>Ground Floor:</p> <ol style="list-style-type: none"> <li>1. New lobby entrance (maintenance of existing entrance/exit)</li> <li>2. Removal of secondary kitchen</li> </ol>	01/04/2015	Granted under Delegated Authority

	<p>3. Slight changes to seating layout and addition of fixed seating</p> <p>4. Reconfiguration of dispense bar</p> <p>5. Improved lobbied sanitary accommodation</p> <p>6. General improvements to back of house areas and kitchen</p> <p>Mezzanine:</p> <p>1. Replacement of bar counter with back of house service area</p> <p>2. Slight changes to seating layout and addition of fixed seating</p> <p>3. New private dining rooms in place of existing restaurant area</p> <p>4. General improvements to back of house areas and office</p> <p>There are no proposed changes to the licensable activities, licence conditions, hours or number of toilets.</p> <p>The premises will continue to operate as a restaurant specialising in high quality Chinese food.</p>		
15/05385/LIPT	Transfer of Premises Licence	15/07/2015	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 variation of a 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. Substantial food and suitable beverages other than alcohol, including drinking shall be equally available during the whole of the permitted hours in all parts of the Premises where alcohol is sold or supplied.

### **Condition 9 proposed to be amended as follows: (agreed with EH)**

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

10. There shall be no sales of hot food or hot drink for consumption off the Premises after 23.00 hours.
11. A Challenge 21 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.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
13. No noise shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a nuisance.

**Condition 13 proposed to be amended as follows: (agreed with EH)**

***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***

14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. No deliveries shall be made to the Premises between the hours 23:00 hours and 07:00 hours.
16. The pavement from the building line to the kerb edge immediately outside the Premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

**Condition 16 proposed to be amended as follows: (agreed with EH)**

***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.***

17. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.
19. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.

**Condition 20 to be reassessed as advised by Environmental Health**

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

First Floor: 80 persons  
Second Floor: 50 persons  
Third Floor: 50 persons  
Fourth Floor: 30 persons

The total combined capacity shall not exceed 180 persons (excluding staff) at any one time.

23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
24. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
25. The premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

**Additional condition:**

26. ***Notwithstanding condition 25 the sale of alcohol is permitted to persons attending the premises for pre booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment.***
27. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

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

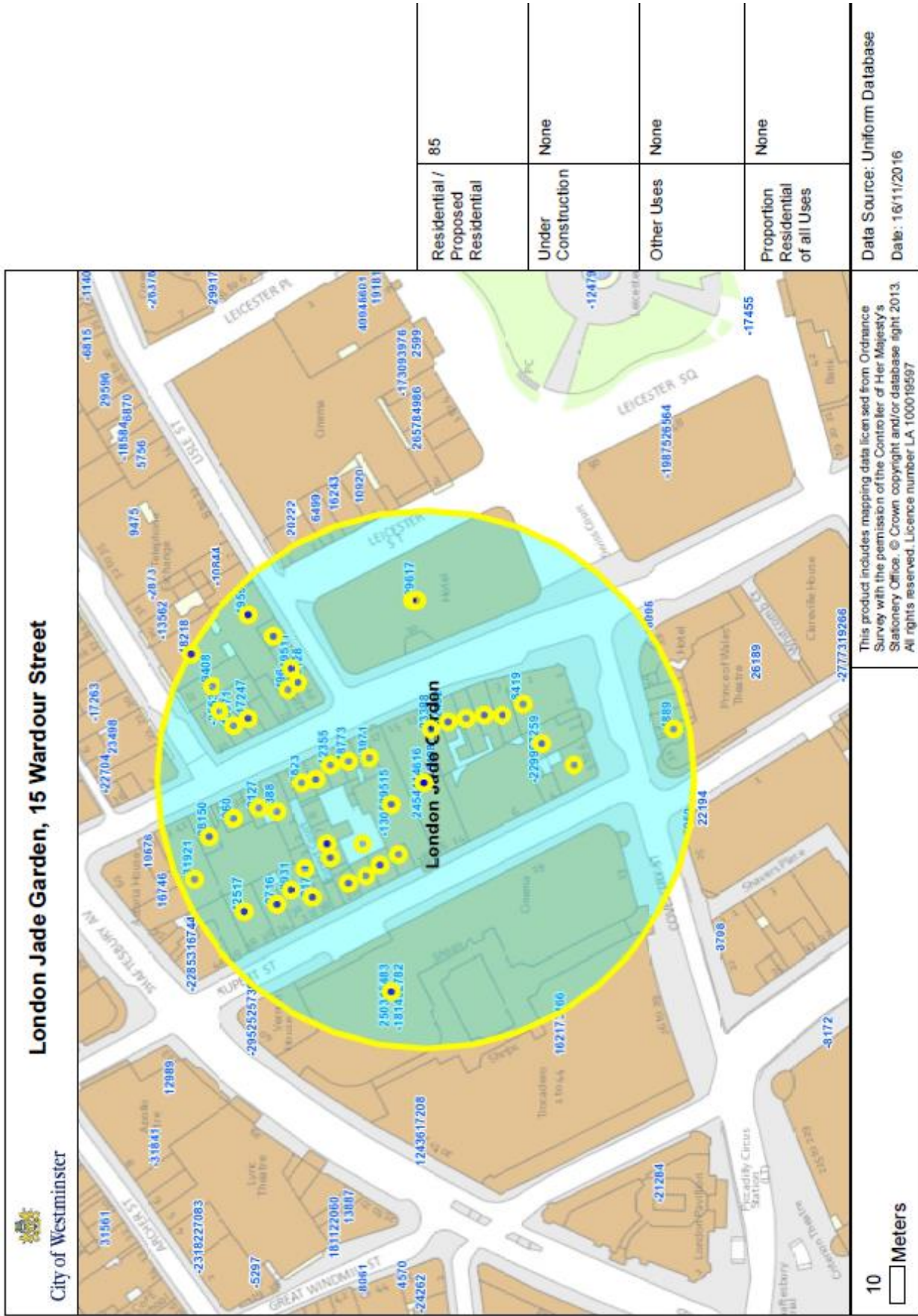
None



**Additional conditions suggested by Environmental Health:**

28. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
29. 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
30. 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
31. The variation of the Premises Licence 16/10204/LIPV to change the existing layout of the premises and extend hours for the provision of late night refreshment and sale of alcohol will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
32. Before the variation comes into force, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority

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



**London Jade Garden, 15 Wardour Street**



City of Westminster

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**Premises within 75 metres of: London Jade Garden, 15 Wardour Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
-25537	Gerrard's Corner	25 Gerrard Street London W1D 6JL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
1959	Slug And Lettuce	Ground 5 Lisle Street London WC2H 7BG	Thursday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:00 Monday to Wednesday 07:00 - 23:20
19071	Mr Wu Restaurant	28 Wardour Street London W1D 6QJ	Monday to Sunday 11:00 - 00:00
-8419	Kentucky Fried Chicken	1 - 2 Coventry Street London W1D 6BH	Sunday 23:00 - 02:30 Monday to Saturday 23:00 - 03:00
19511	Little Korea Ltd	2 - 3 Lisle Street London WC2H 7BG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31770	Blue Posts Public House	28 Rupert Street London W1D 6DJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-22995	Cafe De Paris	Basement And Lower Ground Floor 3-4 Coventry Street London W1D 6BL	Monday to Sunday 09:00 - 06:00
9931	Bao	30 Rupert Street London W1D 6DL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
25128	Waxy's Little Sister	20 Wardour Street London W1D 6QJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:50
-32492	Misato Restaurant	11 Wardour Street London W1D 6PG	Monday to Sunday 11:00 - 00:00
-23301	Yo! Sushi	Unit 34a Trocadero 13 Coventry Street London W1D 7AB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

960	O'Neills Public House	33 Wardour Street London W1D 6PU	Sunday 08:00 - 02:00 Monday to Tuesday 08:00 - 02:30 Sundays before Bank Holidays 08:00 - 02:30 Wednesday to Saturday 08:00 - 03:30
31242	C & R Cafe Restaurant	3-4 Rupert Court London W1D 6DY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3971	Old Town 97	19 Wardour Street London W1D 6PL	Monday to Saturday 10:00 - 04:00 Sunday 12:00 - 04:00
12517	Sports Bar And Gril	36 - 40 Rupert Street London W1D 6DN	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
7259	G. Casino Piccadilly	Upper Ground Floor To Third Floor 3-4 Coventry Street London W1D 6BL	Monday to Saturday 10:00 - 10:00 Sunday 12:00 - 12:00
-9408	London Chinatown Restaurant	27 Gerrard Street London W1D 6JN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
8127	Sunrise Cafe And News	Ground Floor 31 Wardour Street London W1D 6PT	Monday to Saturday 08:00 - 05:00 Sunday 10:00 - 05:00
28150	Young Cheng Restaurant	39 Wardour Street London W1D 6PX	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-15408	Waxy O'Connor's	Basement And Ground Floor 14 - 16 Rupert Street London W1D 6DD	Friday to Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
18773	Cafe T.P.T.	21 Wardour Street London W1D 6PN	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 01:00
2782	Ed's Easy Diner	Unit 34B Trocadero 19 Rupert Street London W1D 7PN	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30

7388	PizzaExpress	29 Wardour Street London W1D 6PS	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
18218	Golden Dragon Restaurant	28 - 29 Gerrard Street London	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-18145	District	Basement 21 Rupert Street London W1D 7PJ	Monday to Sunday 09:00 - 03:00
5823	Hung's Chinese Restaurant	Ground Floor To Second Floor 27 Wardour Street London W1D 6PR	Monday to Saturday 10:00 - 04:30 Sunday 12:00 - 04:30
12355	Four Seasons	23 Wardour Street London W1D 6PW	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
23388	Sugar	First Floor And Second Floor 11 Wardour Street London W1F 0UN	Monday to Thursday 09:00 - 03:30 Friday to Saturday 09:00 - 06:00 Sunday 09:00 - 23:00
4889	Cornishe	32 Coventry Street London W1D 6BR	Monday to Sunday 23:00 - 05:00
29515	Morada Brindisa	18 Rupert Street London W1D 6DE	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-17247	BST And PT	Ground Floor 26 Wardour Street London W1D 6QL	Monday to Saturday 12:00 - 23:00 Sunday 12:00 - 23:00
496	HK Diner	22A Wardour Street London W1D 6QH	Monday to Saturday 10:00 - 04:00 Sunday 12:00 - 04:00
-29617	W Hotel	W London Leicester Square 10 Wardour Street London W1D 6QF	Monday to Sunday 00:00 - 00:00
25031	Platinum Lace Gentleman's Club	Unit 33 Trocadero 13 Coventry Street London W1D 7AB	Sunday 15:00 - 03:30 Monday to Saturday 15:00 - 06:30
-1305	Morden & Lea	17 Wardour Street London W1D 6PJ	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00

-31921	Wong Kei Restaurant	41-43 Wardour Street London W1D 6PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2716	The Palomar	34 Rupert Street London W1D 6DN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5483	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30