



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	14 December 2017
Licensing Ref No:	17/10875/LIPV - Premises Licence Variation
Title of Report:	PF Changs 10-11 Great Newport Street London WC2H 7JA
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:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@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>	29 September 2017		
<b>Applicant:</b>	Diverse Dining Ltd		
<b>Premises:</b>	PF Changs		
<b>Premises address:</b>	10-11 Great Newport Street London WC2H 7JA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises currently operates as a restaurant servicing Chinese and Asian food.		
<b>Variation description:</b>	<p>The variation seeks to add off sales of alcohol to the licence, restricted to a) persons using an external seating area or b) ancillary to take-away meals, subject to the conditions set out in the operating schedule below.</p> <p>The application has proposed to remove condition 10 and to vary condition 37.</p> <p>3 additional conditions have been proposed.</p> <p>No changes are proposed to other licensable activities, permitted hours or layout of the premises.</p>		
<b>Premises licence history:</b>	The premises has been licensed since 2016. The full details of the premises licence history can be found at Appendix 2. There is no history for tables and chairs.		
<b>Applicant submissions:</b>	None		
<b>Plans:</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Late night refreshment					
Indoors, outdoors or both		Current :			Proposed:
		Indoors			No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	23:30	No change		No change
Tuesday	23:00	23:30			
Wednesday	23:00	23:30			
Thursday	23:00	23:30			
Friday	23:00	00:00			
Saturday	23:00	00:00			
Sunday	23:00	00:00			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		Sundays before Bank Holidays: 23:00 to 00:00.			No change

Sale by Retail of Alcohol					
On or off sales		Current :			Proposed:
		On			Both
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	No change		No change
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	22:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		Sundays before Bank Holidays: 12:00 to 00:00.			No change

**Hours premises are open to the public**

	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
<b>Monday</b>	10:00	00:00	No change		No change
<b>Tuesday</b>	10:00	00:00			
<b>Wednesday</b>	10:00	00:00			
<b>Thursday</b>	10:00	00:00			
<b>Friday</b>	10:00	00:30			
<b>Saturday</b>	10:00	00:30			
<b>Sunday</b>	10:00	23:00			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	Sundays before Bank Holidays: 12:00 to 00:00.			No change	

**1-C Layout alteration**

There are no proposed changes to the layout of the premises.

<b>1-D Conditions being varied</b>	
<b>Condition</b>	<b>Proposed variation</b>
<p><b>Condition 37</b></p> <p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p>	<p>Except for persons using designated external seating areas, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p>

<b>1-E Conditions being removed</b>
<p><b>Condition 10</b></p> <p>Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.</p>

<b>1-F Conditions being added</b>
<p>Apart from customers being permitted to take alcohol from the premises in accordance with condition 9, the sale of alcohol for consumption off the premises shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.</p>
<p>Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.</p>
<p>All outside tables and chairs shall be rendered unusable by (23.00) each day.</p>

## **2. Representations**

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Maxwell Owusu Koduah
<b>Received:</b>	27 October 2017
<p>I refer to the application to vary a Licence for the above premises, which is located in the West End Cumulative Impact area.</p> <p>This representation is based on plans of Basement &amp; Ground Floors by Zebra Projects FZE dated 08/09/2016 ref. 28023</p> <p><b>The applicant is seeking the following:</b></p>	

1. Permit consumption of alcohol at external seating area by removing condition 10 which reads:

***Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.***

Applicant has proposed the following additional conditions:

2. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9, the sale of alcohol for consumption off the premises shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.
3. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables
4. All outside tables and chairs shall be rendered unusable by 23.00 hours each day
5. Amend condition 37 to read:

**Except for persons using designated external seating areas, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them**

I wish to make the following representation

1. Permitting the consumption of alcohol at the external seating area will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the West End Cumulative Impact area
2. A condition to permit drinking at external seating area will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the West End Cumulative Impact area
3. No objection
4. Allowing tables and chairs at the external seating area up to 23:00 hours will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the West End Cumulative Impact area
5. Amending condition 37 will have the likely effect of causing an increase in Public Nuisance 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 and impact on Public Safety within the 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

The applicant is asked to contact the undersigned to arrange a site visit to assess premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives of Prevention of Public Nuisance and Public Safety.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Shannon Pring
<b>Received:</b>	3 November 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises –</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 Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> </ul> <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The variation application seeks to add a condition to allow the sale of alcohol for consumption off the premises which shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.</p> <p>We are concerned that the increase in capacity will lead to an increase in the cumulative impact. RNT2 states that applications for restaurants will generally be granted provided it does not add to cumulative impact. We would like to see additional information in relation to how many additional people will be permitted in the external seating area and how this will not add to cumulative impact.</p> <p>Please accept this formal representation and we look forward to receiving the additional information.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	3 November 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area. Namely by amending premises licence conditions intended to control the sale of premium alcohol.</p>	

## 2-B Other Persons

**Received:** 16 October 2017

I work nearby and have already found PF Changs to be a fantastic addition to the local scene. I think boosting their trade would be a good thing, and I think that if this leads to sophisticated external dining on Great Newport Street that would be a fantastic thing for the street. It might also help to reduce disorderly behaviour which would benefit local businesses.

**Received:** 25 October 2017

I object to alcohol being sold with take-away sales, as this is simply planning application creep from the original application that stated no intention to pursue an off-licence; I'm also alarmed by reference to outside dining areas, as I'm not aware of any application to put tables and chairs outside the premises, and would certainly object to any such application. In addition, and in general, I'm already negatively affected by powerful and intrusive cooking smells that enter my flat from kitchen ventilation or doors or windows that open onto the basement stair well at the rear of the premises, and I also suffer noise disturbance from kitchen staff who eat their lunch and chatter with each other, or on mobile telephones, on this same stair well. These disturbances were not anticipated by me when I attended a previous review and I would object, if able, to any licence renewal on the grounds of this discovered disturbance.

**Following receipt of the correspondence letter from the applicant (which can be found at Appendix 1) on 29 November, the resident has provided an additional submission which can be found below:**

When I attended the original licensing committee hearing for this applicant, my focus was on a desire to see good neighbourliness, with particular regard to customer behaviour upon leaving, those standing outside smoking, and the potential for noise from late-night waste disposal and bottle collection.

My focus remains in these areas. I made comment recently online with regard to invasive cooking smells coming from the kitchen, rising from the rear stairwell, and with regard to chatter from staff taking their break out on the stairs. I know my neighbour has spoken with the manager more than once on the same subject. It's a curious result of the configuration of these buildings that even normal talk in the courtyard, on the street, or in stairwells, rises to our windows as though the person talking were standing outside, four floors up.

The applicant might argue that any additional street noise will be limited to the times stated, and in an entertainment area such as this will not add significantly to the general hubbub - but we must do what we can to not allow such noise to increase to unbearable levels, and to keep commitments to their original nature.

I believe there was a commitment to address the two issues of staff talking in the stairwell, and invasive cooking smells rising up from the rear. I've not noticed any recent noise disturbance from staff, but only yesterday I was standing in my kitchen and the now familiar strong smell that I've noticed since the restaurant opened yet again invaded my home.

I hope that commitment to controlling smells from the kitchen is not going to slide. Such commitment to neighbourliness obviously impacts on those neighbours' ability to assess



the likely impact of other proposed changes.

**Received:** 25 October 2017

The tables and chairs would prove to be a major obstacle for both our residents and for the general public on a very narrow street.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy HRS1 applies:</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
<b>Policy RNT2 applies:</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy CIA1 applies:</b>	(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.  (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.

#### **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 relevant protected characteristics and persons who do not share it.

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

## 5. Appendices

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

<b>Report author:</b>	Ms Daisy Gadd Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Representation Environmental Health	27 October 2017
<b>5</b>	Representation Licensing Authority	3 November 2017
<b>6</b>	Representation Metropolitan Police Service	3 November 2017
<b>7</b>	Representation resident	16 October 2017
<b>8</b>	Representation resident	25 October 2017
<b>9</b>	Representation resident	25 October 2017
<b>10</b>	Letter to residents from applicant	28 November 2017
<b>11</b>	External seating consents	19 September 2017

***Applicant letter to residents***



Letter to be distributed by the City of Westminster Licensing Authority

28 November 2017

Dear Sir or Madam

**Premises Licence Application**  
PF Changs, 10-11 Great Newport Street, London

We have been provided with a copy of your representation in respect of our premises licence application. We would be grateful for your consideration of this letter, which we hope helps to address the concerns you have raised.

The council have recently granted planning permission and a highways licence to place furniture in our external seating area. During that process the council assessed our proposals to ensure the furniture was suitable and adequate space remained on the pavement for pedestrians to pass by unobstructed. The consents were granted on a temporary basis allowing the renewal applications to be continually assessed.

We have now submitted a premises licence application to authorise the sale of alcohol to persons using our external seating area. We will ensure customers are managed professionally to ensure the area is used responsibly without causing our neighbours any nuisance. The application proposes the sale of alcohol in this area until 11.00 pm, which is consistent with the temporary consents already granted by Westminster. In addition, we are willing to agree additional conditions to ensure the area is only used by persons enjoying a meal at our restaurant and supervised by staff, as follows:

- 1. The supply of alcohol to persons in the external seating area shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
- 2. The supply of alcohol to persons in the external seating area shall be by waiter or waitress service only.*

We hope that this letter has helped to clarify the scope of our application. Please do not hesitate to contact us if you would like to discuss our proposals further, or any other matter in relation to the operation of our restaurant in your community.

Yours sincerely

Barry Cook & Simon Smith

[barry.cook@diversedining.co.uk](mailto:barry.cook@diversedining.co.uk)  
[simon.smith@diversedining.co.uk](mailto:simon.smith@diversedining.co.uk)  
PF Changs Restaurant Management

## External seating consents

### NOTES

The Council may revoke this licence on certain specified grounds e.g. for misconduct, failure to comply with licence conditions.

The holder may employ any other person to ASSIST him/her in the conduct of the business without any further licence being required, but the licence may not be transferred to any other person nor may it be altered or tampered with in any way. Any failure by an Assistant to comply with licence conditions will be deemed to be a failure by the licence holder.

Any breach of this licence is punishable by a penalty not exceeding Level 3.

### CITY OF WESTMINSTER

CITY OF WESTMINSTER ACT 1999

TEMPORARY LICENCE  
FOR THE USE OF  
TABLES AND CHAIRS

Pf Changs  
10-11 Great Newport Street  
London  
WC2H 7JA

LICENCE NO:  
17/10450/STTC



City of Westminster

17/10450/STTC

1. THE WESTMINSTER CITY COUNCIL hereby grants to Diverse Dining Ltd

A temporary licence to engage in the use of tables and chairs in the City of Westminster from the street outside Pf Changs, 10-11 Great Newport Street, London, WC2H 7JA

2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the conditions made under Section 21(2)(b) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.

3. This licence shall remain in force until 15 April 2018 unless it is cancelled or revoked by the Council.

Dated this: 16 October 2017

Director of Public Protection & Licensing

**SCHEDULE**

Number Of Places	8						
Type and number of other approved furniture	TABLES: 4 CHAIRS: 8 HEATERS: nil PLANTERS:						
Location / Premises	Pf Changs, 10-11 Great Newport Street, London, WC2H 7JA,						
Dimensions of private forecourt	None						
Dimensions of area licensed	WIDTH: 3.96 DEPTH: 1.4						
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From Time	08:00	08:00	08:00	08:00	08:00	08:00	08:00
To Time	23:00	23:00	23:00	23:00	23:00	23:00	23:00

**FURTHER CONDITIONS**

- (i) No space heaters shall be permitted within the licensed area.
- (ii) The approved furniture shall be removed from the highway each day no later than the terminal hour stated above and shall not be returned to the highway until the commencement time on the following day.



Your ref: 10-11 Great Newport Street  
My ref: 17/06623/TCH

Please reply to:  
Tel No:

Zulekha Hosenally  
020 7641 2511

Miss Rebecca Pipe  
Zebra Projects  
The Pavilion  
1 Newhams Row  
London  
SE1 3UZ

Development Planning  
Westminster City Council  
PO Box 732  
Redhill, RH1 9FL

19 September 2017

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted. Unless any other period is stated in the Schedule this permission, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended) is subject to a condition that the development shall be commenced within 3 years of the date of this decision. Your attention is drawn to the Applicant's Rights.

**SCHEDULE**

Application No: 17/06623/TCH

Application Date:

Date Received: 25.07.2017

Date Amended: 25.07.2017

**Plan Nos:**

**Address:** 10-11 Great Newport Street, London, WC2H 7JA,

**Proposal:** Use of an area of the public highway measuring 1.4m x 4m for placing of 4 tables and 8 chairs in connection with the existing ground floor use.

See next page for conditions/reasons.

Yours faithfully

**John Walker**  
Director of Planning

**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must not put the tables and chairs in any other position than that shown on drawing 010 Rev. N. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 08.00 and 23.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of basement and ground floor restaurant (Class A3) at 10-11. (C25CA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 This use of the pavement may continue until 30 September 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the

Note:

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- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing 010 Rev. N. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence.  
  
If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.  
  
Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You are advised that Condition 8 of the permission dated 02 July 2013 (12/06317/FULL) for use of part basement and part ground floor as a restaurant (Class A3) permitted the following opening hours of the restaurant; 08.00 to 24.00 hours each day. The submitted application form states under section 20 that the opening hours are from 08.00 to 23.00 hours on Monday to Friday and Sundays, and from 08.00 to 01.00 on Saturday. The terminal hour for Saturday does not comply with the hours approved under the 2013 permission and any extension of hours outside of those permitted under the 2013 scheme would require planning permission to vary Condition 8.

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- 5 For the avoidance of doubt this permission only relates to the external tables and chairs on the public footway. This permission does not approve the internal layout at basement and ground floor level as shown on drawing 010 Rev. N.

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## City of Westminster

### TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

## Applicant's Rights and General Information

### 1. Applicant's Rights (refusals and conditional approvals)

#### a) Appeals to the Planning Inspectorate

If your application has been refused by the City Council or granted subject to conditions that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- o **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- o **8 weeks** in the case of an appeal against refusal of advertisement consent.
- o **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
  - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
  - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
  - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- o **12 weeks** in the case of 'minor commercial applications that is,
  - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
  - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- o **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

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- The terms 'us' and 'we' refer to the Council as local planning authority.



If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at [www.planningportal.gov.uk/planning/appeals/online/makeanappeal](http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal)

**APPROVAL OF DETAILS:**

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at [www.westminster.gov.uk/planning](http://www.westminster.gov.uk/planning)

**b) Purchase Notices**

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

**2. General information relating to all approvals**

**a) Other legislative requirements**

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

**Transportation:** If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email [highwaysplanning@westminster.gov.uk](mailto:highwaysplanning@westminster.gov.uk) or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Highways Licensing:** For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

**Building Control:** You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

**Land Drainage:** Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

### ***b) Provision of access and facilities for disabled people***

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



## Licence &amp; Appeal History

Application	Details of Application	Date Determined	Decision
16/04563/LIPN	This was an application for a new premises licence.	26.07.2016	Granted by Licensing Sub Committee
16/11140/LIPN	This was an application for a new premises licence.	21.11.2016	Granted under Delegated Authority
17/08696/LIPT	This was an application to transfer the premises licence from Aviva Life & Pensions UK Limited to Diverse Dining Ltd.	23.08.2017	Granted under Delegated Authority
17/08697/LIPDPS	This was an application to vary the DPS.	23.08.2017	Granted under Delegated Authority.
17/08952/LIPVM	<p>This was an application for a minor variation. The application sought to vary the layout of the premises. Additionally, the application sought to amend conditions to read as follows:</p> <p>Condition 11: Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched RED and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.</p> <p>Condition 12: Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched RED and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.</p> <p>Condition 24: Excluding staff, the number of persons permitted in the premises at any one time shall not exceed 136 persons, with no more than 30 in the basement at any one time.</p>	23.08.2017	Granted under Delegated Authority

There is no appeal history

## Appendix 3

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

When determining an application to vary the 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**

None

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

- 9. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

- 10. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.

### **The applicant has applied to remove Condition 10.**

- 11. Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched red and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.
- 12. The premises will be laid out with a minimum of 136 covers at all times.

13. 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 entire 31 day period.
14. 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.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency 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 all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
22. All exit doors to the premises will remain closed after 23:00 hours except for entrance and egress.

23. Excluding staff, the number of persons permitted in the premises at any one time shall not exceed 136 persons, with no more than 30 in the basement at any one time.
24. 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.
25. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
26. 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.
27. 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.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. 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.
33. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**Environmental Health has proposed to remove condition 33.**

34. 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.

35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

**Environmental Health has proposed to amend condition 36 to read as follows:**

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, including those seated in an area appropriately authorised for the use of tables and chairs on the highway, shall be limited to 8 persons at any one time.

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

**The applicant has applied to amend condition 37 to the following:**

Except for persons using designated external seating areas, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

#### **Conditions proposed by the applicant**

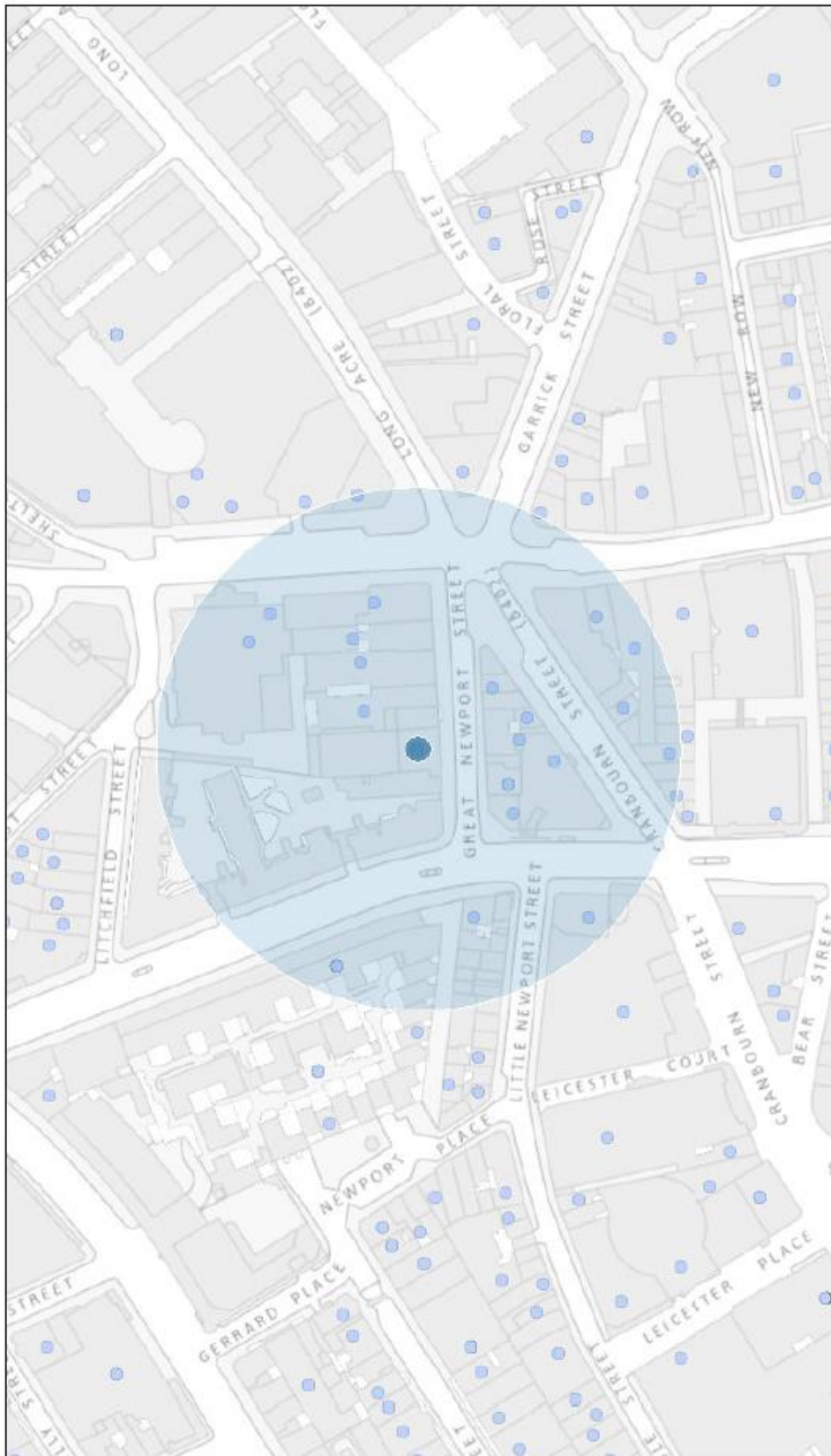
38. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9, the sale of alcohol for consumption off the premises shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.
39. Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.
40. All outside tables and chairs shall be rendered unusable by 23:00 each day.
41. The supply of alcohol to persons in the external seating area shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal.
42. The supply of alcohol to persons in the external seating area shall be by waiter or waitress service only.

#### **Conditions proposed by Environmental Health**

43. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of

alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

PF Changs



November 28, 2017

● Live Licensing Act

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Resident count = 261

Trading Name	Address	Premises Type	Time Period
PF Changs	10-11 Great Newport Street London WC2H 7JA	Rest aurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 10:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:00
Aviva (Shadow)	10-11 Great Newport Street London WC2H 7JA	Office	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
Salvador & Amanda	8 Great Newport Street London WC2H 7JA	Rest aurant	Monday; 09:00 - 01:30   Tuesday to Thursday; 09:00 - 02:30   Friday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 01:00
Pizza Rico	15-18 Great Newport Street London WC2H 7JG	Rest aurant	Monday to Sunday; 07:00 - 00:30
Abeno Too Japanese Restaurant	15-18 Great Newport Street London WC2H 7JG	Rest aurant	Monday to Wednesday; 12:00 - 23:00   Wednesday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 22:30
Spaghetti House	24 Cranbourn Street London WC2H 7AA	Rest aurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
Entrecote Tortilla	21 Cranbourn Street London WC2H 7AA	Sales kiosk	Monday to Sunday; 23:00 - 05:00
The Arts Theatre	The Arts Theatre 6-7 Great Newport Street London WC2H 7JB	Theatre	Monday to Sunday; 09:00 - 00:00
The Porcupine Public House	48 Charing Cross Road London WC2H 0BS	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:30   Sunday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
Cafe Aroma	22 Cranbourn Street London WC2H 7AA	Rest aurant	Monday to Thursday; 10:00 - 03:00   Friday to Saturday; 10:00 - 04:00   Sunday; 12:00 - 23:00
White Space	5 Great Newport Street London WC2H 7JA	Confrence or exhibition centre	Monday to Saturday; 09:00 - 00:30   Sunday; 10:00 - 23:00
Angus Steak House	Ground Floor 20 Cranbourn Street London WC2H 7AA	Rest aurant	Monday to Saturday; 10:00 - 01:00   Sunday; 10:00 - 00:00   Sundays before Bank Holidays; 10:00 - 01:00
Scarlets	1 Upper St Martin's Lane London WC2H 9NY	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
Longji	Ground 47 Charing Cross Road London WC2H 0AN	Rest aurant	Monday to Sunday; 11:00 - 23:30
Starbucks	Orion House 5 Upper St Martin's Lane London WC2H 9EA	Cafe	Monday to Saturday; 06:30 - 23:00   Sunday; 07:30 - 23:00
Tredwell's	4A Upper St Martin's Lane London WC2H 9NY	Rest aurant	Monday to Saturday; 08:00 - 00:30
Westminster Noodle Bar	Ground Floor 33 Cranbourn Street London WC2H 7AD	Rest aurant	Friday to Saturday; 10:00 - 05:00   Sunday to Thursday; 10:00 - 02:00
Steak & Co	Ground Floor 79 St Martin's Lane London WC2N 4AA	Rest aurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
Mianbar	79 Charing Cross Road London WC2H 0NE	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 23:00
Make Noodle Heaven	51 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Sunday; 11:00 - 00:00
Red N Hot Chinese Restaurant	59 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Thursday; 12:00 - 23:00   Friday to Saturday; 12:00 - 00:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:00
Kopi Tiam Malaysian Restaurant	67 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 22:30   Sundays before Bank Holidays; 09:00 - 00:00
Real Beijing	67 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Saturday; 11:00 - 23:30   Sunday; 11:00 - 23:00   Sundays before Bank Holidays; 11:00 - 23:30
Longshots Bar	75 Charing Cross Road London WC2H 0NE	Night clubs and discos	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 22:30   Sundays before Bank Holidays; 09:00 - 00:30
PizzaExpress	43 Charing Cross Road London WC2H 0AP	Rest aurant	Monday to Saturday; 07:00 - 00:30   Sunday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:30
Pizza Express	Ground Floor 80-81 St Martin's Lane London WC2N 4AA	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
Piazza Restaurant	35 Cranbourn Street London WC2N 4AU	Rest aurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00





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

Schedule 12  
Part A

WARD: St James's  
UPRN: 010033547922

Premises licence

Regulation 33, 34

Premises licence number:

17/08952/LIPVM

Original Reference:

16/04563/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

PF Changs  
10-11 Great Newport Street  
London  
WC2H 7JA

Telephone Number: 01923 555161

**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
Sundays before Bank Holidays:	23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 00:00
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	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:**

Diverse Dining Ltd  
Office 124 - 12 Office Meridien House  
69-71 Clarendon Road  
Watford  
WD17 1DS

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

08282915

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

**Name:** Simon Matthew Smith

*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:** PA1140  
**Licensing Authority:** Carlisle City Council

**Date:** 23 August 2017

This licence has been authorised by Mrs Shannon 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.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

None

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

9. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

10. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.
11. Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched red and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.
12. The premises will be laid out with a minimum of 136 covers at all times.
13. 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 entire 31 day period.
14. 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.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency 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 all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
22. All exit doors to the premises will remain closed after 23:00 hours except for entrance and egress.
23. Excluding staff, the number of persons permitted in the premises at any one time shall not exceed 136 persons, with no more than 30 in the basement at any one time.
24. 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.
25. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
26. 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.
27. 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.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. 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.
33. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of



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

34. 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.
35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
37. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.



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

Schedule 12  
Part B

Premises licence  
summary

WARD: St James's  
UPRN: 010033547922

Regulation 33, 34

Premises licence number:

17/08952/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

PF Changs  
10-11 Great Newport Street  
London  
WC2H 7JA

**Telephone Number:** 01923 555161

**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:**

<b>Late Night Refreshment</b>	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 00:00
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	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:**

Diverse Dining Ltd  
Office 124 - 12 Office Meridien House  
69-71 Clarendon Road  
Watford  
WD17 1DS

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

08282915

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

**Name:** Simon Matthew Smith

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

Restricted

**Date:** 23 August 2017

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