



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	8 March 2018
Licensing Ref No:	17/14804/LIPV - Premises Licence Variation
Title of Report:	Young Cheng Restaurant 39 Wardour Street London W1D 6PX
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

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

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

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

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

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

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

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

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

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

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

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

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

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

Ground Floor:

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

First Floor:

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

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

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

In this condition, permitted hours means:

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

NOTE - The above restrictions do not prohibit:

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

Proposed variation

To **remove** this condition from the premises licence. The effect of this will be an extension of hours for the sale of alcohol on Christmas Day and Good Friday.

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

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

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

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

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

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

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

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

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

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

2. Representations

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

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

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

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

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

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

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

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

Please accept this formal representation.

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

I wish to make Representations on the following grounds:

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

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

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

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

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

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

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

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(i) Applications for hours within the core hours in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.</p>
Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy MD2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy FFP2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

4. Equality Implications

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

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

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

5. Appendices

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

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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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Application form	15 December 2017
5	Premises licence	15 August 2015
6	Licensing Authority representation	29 January 2018
7	Environmental Health representation	29 December 2017
8	Metropolitan Police representation	12 January 2018

Appendix 3

Licence & Appeal History

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

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Conditions for Sale of Alcohol

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

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

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

In this condition, permitted hours means:

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

NOTE - The above restrictions do not prohibit:

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

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

Note: the applicant has requested to remove this condition.

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

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

Note: the applicant has requested to remove this condition.

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

Annex 2 – Conditions consistent with the operating Schedule

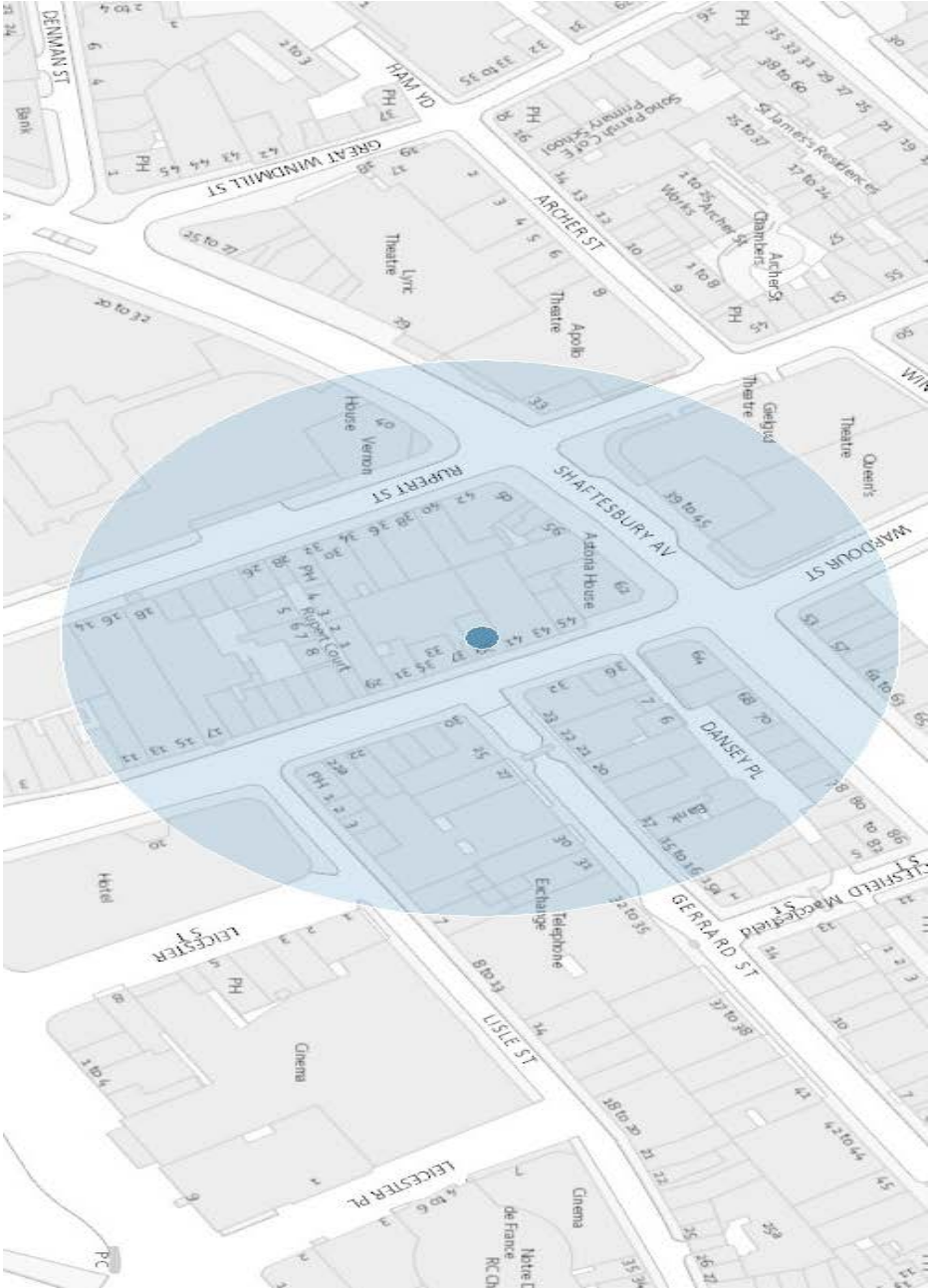
None

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

None

Conditions proposed by Environmental Health and accepted by the applicant:

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



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

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

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

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

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

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

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

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

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