

Licensing Sub-Committee Report

Item No:	
Date:	20 September 2018
Licensing Ref No:	18/08730/LIPN - New Premises Licence
Title of Report:	Ole & Steen 51 Charing Cross Road London WC2H 0NE
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:	Mrs Shannon Pring Senior Practitioner for Street Trading and Enforcement
	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	26 July 2018		
Applicant:	Danish Bake UK Limited		
Premises:	Ole & Steen		
Premises address:	51 Charing Cross Road London WC2H 0NE	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The applicant proposes to operate the premises as a cafe/bakery operating on the basement, ground and mezzanine floors.		
Premises licence history:	This is a new premises licence application; however, the premises has previously benefitted under a premises licence (11/00033/LIPDPS). The full premises history can be found in Appendix 3.		
Applicant submissions:	The applicant submissions can be found at Appendix 2.		

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

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:30	06:30	06:30	06:30	06:30	06:30	06:30
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Ms Daisy Gadd
Received:	31 July 2018

I write in relation to the application submitted for a New Premises Licence for 51 Charing Cross Road.

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

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

This application seeks to permit the following licensable activities:

- Late Night Refreshment:
 - Monday to Thursday: 23:00 to 23:30
 - Friday to Saturday: 23:00 to 00:00
- Supply of Alcohol (both):
 - Monday to Thursday: 10:00 to 23:30
 - Friday to Saturday: 10:00 to 00:00
 - Sunday: 12:00 to 22:30

The premises is situated within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely RNT2 and CIP1.

According to the application form, the premises intends to operate as a café/bakery. The applicant has offered a condition whereby the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their, and shall be by way of waiter/waitress or bar counter staff service.

Subsequently, this application falls within, but is not fully compliant with, policy RNT2, as defined in the Council's Statement of Licensing Policy 2016. Policy RNT2 states that "Applications will be granted subject to other policies... provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas". No additional information has been received which addresses this policy concern, and the Licensing Authority looks forward to the applicant providing further submissions in this regard.

Furthermore, the Licensing Authority notes that the application seeks to permit both on and off sales of alcohol. The applicant has offered a condition whereby sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal. It would be useful if the applicant could provide further information as to the types of alcohol that the applicant is looking to provide, as well as what the premises will define as a 'take-away meal'.

Further discussions will be held with the applicant prior to the hearing and any further documentation will be forwarded on for Members information.

Responsible Authority: Environmental Health Service

Representative: Mr Maxwell Owusu Koduah

Received: 08 August 2018

I refer to the application for a new Premises Licence for the above mentioned premises. The premises is located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking the following licensable activities:

1. Late Night Refreshment “Indoors” at the following times

Monday to Thursday: 23:00 to 23:30 hours
Friday – Saturday 23:00 to 00:00 hours

2. Sale by Retail of Alcohol for consumption “On” & “Off” the premises at the following times

Monday to Thursday: 10:00 to 23:30 hours
Friday to Saturday: 10:00 to 00:00 hours
Sunday: 12:00 to 22:30 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:

1. The provision of late night refreshment and the hours requested to provide would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
2. The supply of alcohol and the hours requested to supply alcohol would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

Plans by LAGKAGEHUSET dated June 2018 submitted in support of the application have identified the basement floor as an area where licensable activities will happen. However at site meeting on 2nd August, Mr Alastair Gordon confirmed that no licensable activities will take place in the basement. Please send plans that correctly demarcates the licenced areas at the premises.

The applicant has provided conditions in support of the application. These are being considered but they do not fully address the concerns of Environmental Health. Additional conditions may be proposed.

It is my view that the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

Further correspondence received from the Applicant to EH dated 13 August 2018

I can also confirm that conditions 2 and 4 to 9 can all be agreed.

Condition 1 was submitted as part of the application in any event.

Can I just mention proposed condition 3? The occupancy limits of 40 on the ground floor and 20 on the first floor are on the basis of fire exits or toilet accommodation, or other factors please?

My client was hoping for a greater figure than that, particularly on the ground floor.

2-B Other Persons

Resident representation 1

Received: 23 August 2018

As a resident and past representative of Vale Royal House Residents, I would like to object to this licensing application on the grounds that there has been no consultation with the residents who live above and that there have been serious problems previously with noise and disturbance to Vale Royal Residents from licensed premises.

Resident representation 2

Address and/or Residents Association: Covent Garden Community Association (CGCA)

Received: 21 August 2018

This representation is being made on behalf of the CGCA.

This application is for a cafe/bakery to operate during Core Hours (until 00:00 on Friday and Saturday) and allow LNR and the sale of alcohol. The operator already has other operations within Westminster, although they are not in the heart of the CIA and they cease operations earlier (22:30 being the latest time).

The CGCA is concerned that the grant of this licence on the current hours and conditions may give rise to public nuisance because of the noise and disturbance of people arriving and leaving in the late evening and from the potential for issues with delivery services. This is especially because this building is under and across the road from large residential buildings.

Whilst the style of operation of Ole & Steen is such that we believe that on-sales of alcohol ancillary to food are unlikely to give rise to a problem we are concerned that this might not be the case for another operator of the premises using the same Licence. We therefore ask that for an additional condition.

A full representation has been submitted via email to licence-reps@westminster.gov.uk. This version is being submitted to ensure that there are no administrative errors.

Full representation received 21 August 2018:

This representation is being made by the Covent Garden Community Association (CGCA). The CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area.

The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have

an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 5th December 2017.

This application is for a café/bakery trading as Ole & Steen in a new unit located on the ground floor of a large residential building. There is also a significant amount of housing on the opposite side of Charing Cross Road. The application is to allow LNR (for consumption on the premises only) and the sale of alcohol for consumption on and off the premises. The hours requested are WCC's framework hours. The full MC66 condition for a restaurant is not being offered, presumably because of the style of operation of Ole & Steen.

The CGCA's concern is about the possible impact on the Licensing Objective of the Prevention of Public Nuisance, especially in the later part of the evening. The licence being applied for is to a later hour than that to which other Ole & Steen outlets operate (22:30 is the latest time given) and we are concerned that people arriving and leaving will cause a disturbance to people living above. Although the area is still busy at this time our concern is that additional people will add to the nuisance already being caused. This is the reason that this area is a CIA. We are also concerned about the impact of delivery services being offered, as this could generate additional noise and nuisance as well as the risk of noise from the premises.

Our other concern is that of "future proofing" the licence. The set of conditions offered include a "watered down" version of MCC66. However the hours of the application are for the full period of Core Hours. If another operator were to take over the licence they would be able to operate a high intensity casual dining restaurant under the same licence. This would have a much larger negative impact than that of Ole & Steen.

We would therefore ask that the Licensing Committee add the following conditions to the Licence Proposed Condition	Reason
The sale of alcohol and Late Night refreshment authorised by the this licence will at all times be ancillary to the use of the premises as a Scandinavian style Café Bakery with a majority of its service to seated customers.	To "future-proof" the Licence
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. (MC12)	To reduce risk of nuisance to residents in the vicinity
All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons. (MC14)	To reduce risk of nuisance to residents in the vicinity
No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day. (MC35)	To reduce risk of nuisance to residents in the vicinity. Whilst we are sure that there will be internal waste arrangements the movement of waste, especially glass, to these can cause significant levels of noise inside the building.
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	Needed because of the style of operation including takeaway

accordance with the approved refuse storage arrangements by close of business. (MC42)	
Where the supply of alcohol includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near to the premises.	To put a responsibility on the premises to manage delivery services provided by them.

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 set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</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 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
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Shannon Pring Senior Practitioner for Street Trading and Enforcement
Contact:	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

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 2018
4	Licensing Authority representation	31 July 2018
5	Environmental Health Service representation	08 August 2018
6	Resident 1 representation	23 August 2018
7	Resident 2 representation	21 August 2018

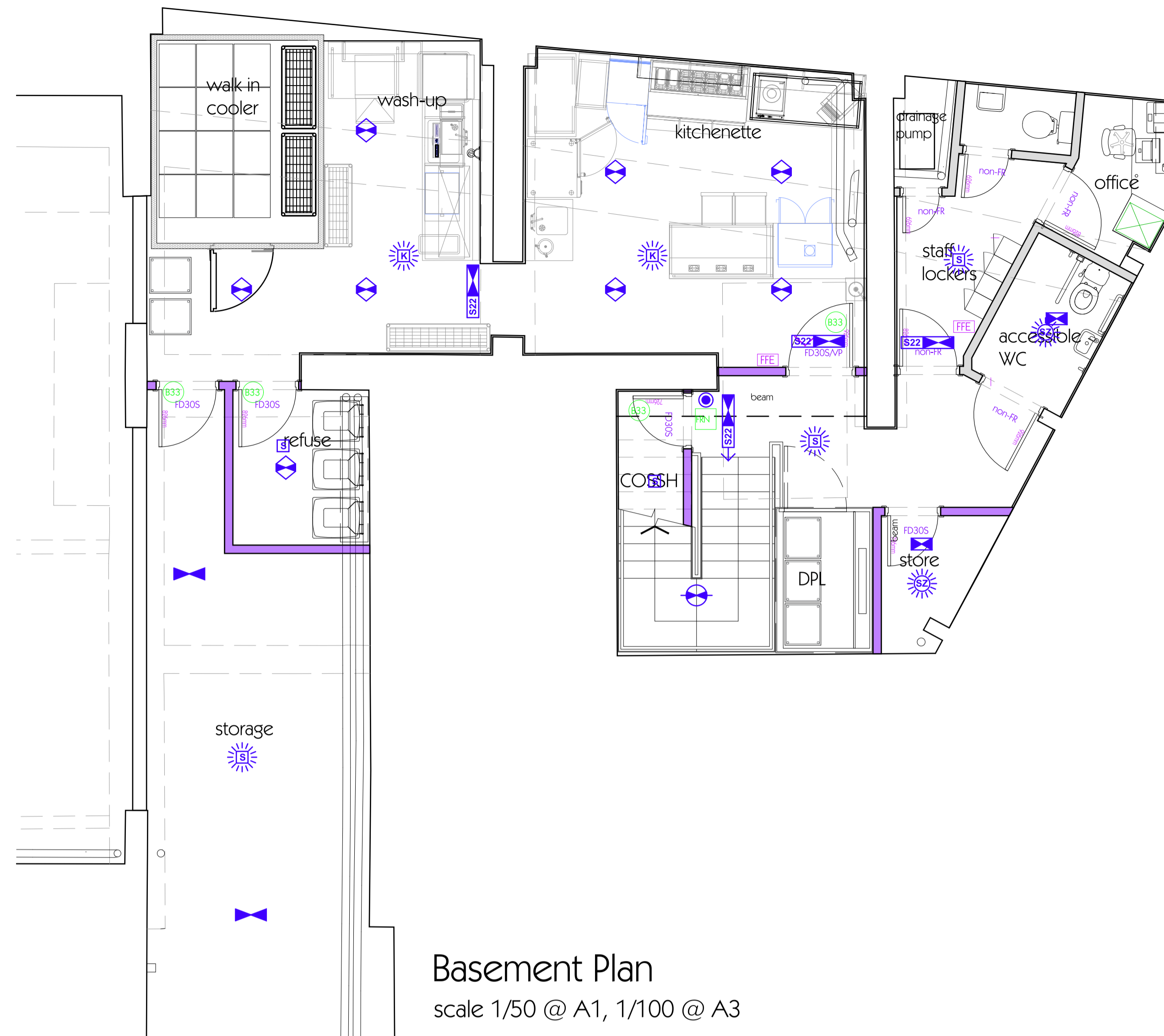
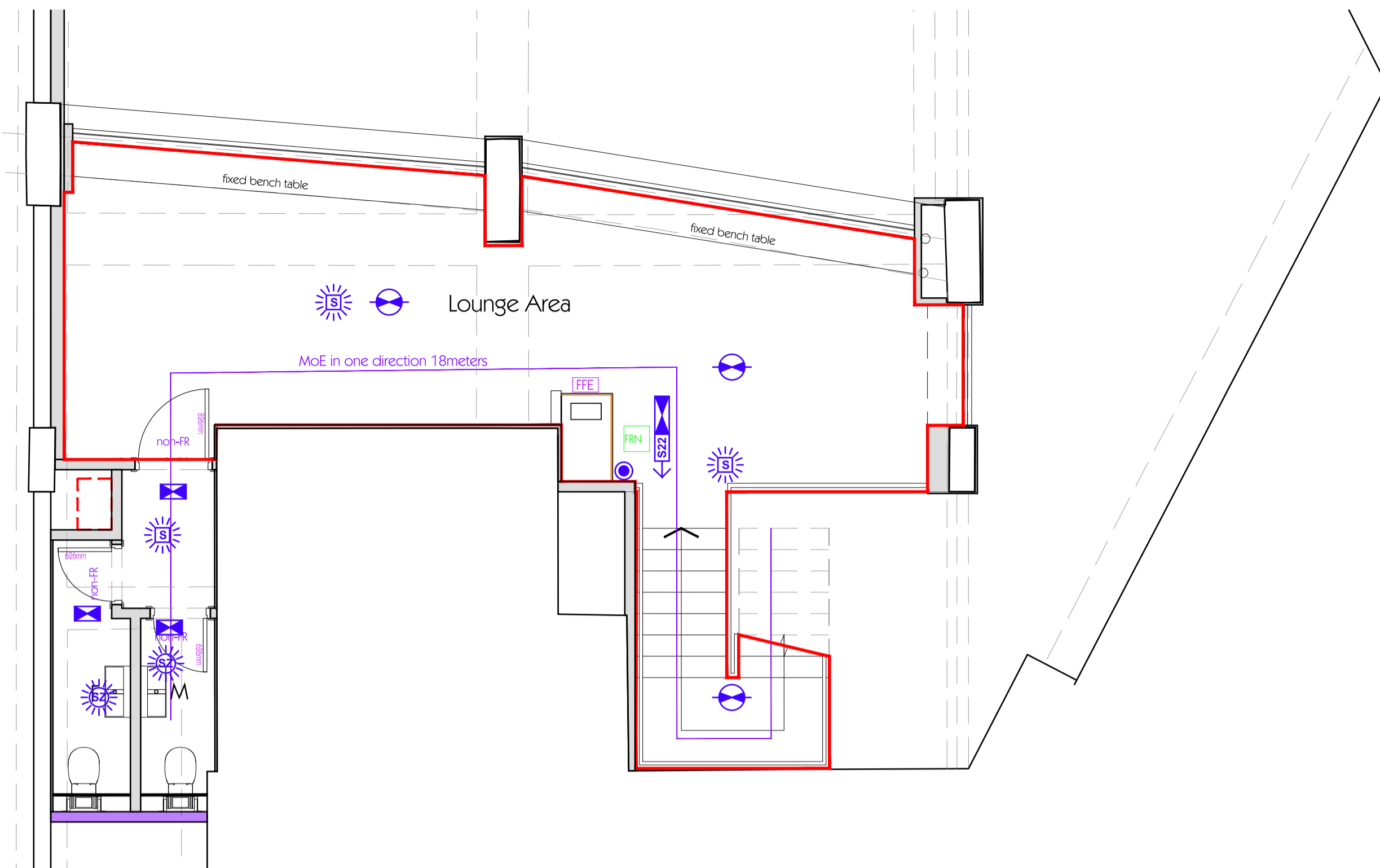
Premises Plans

Appendix 1

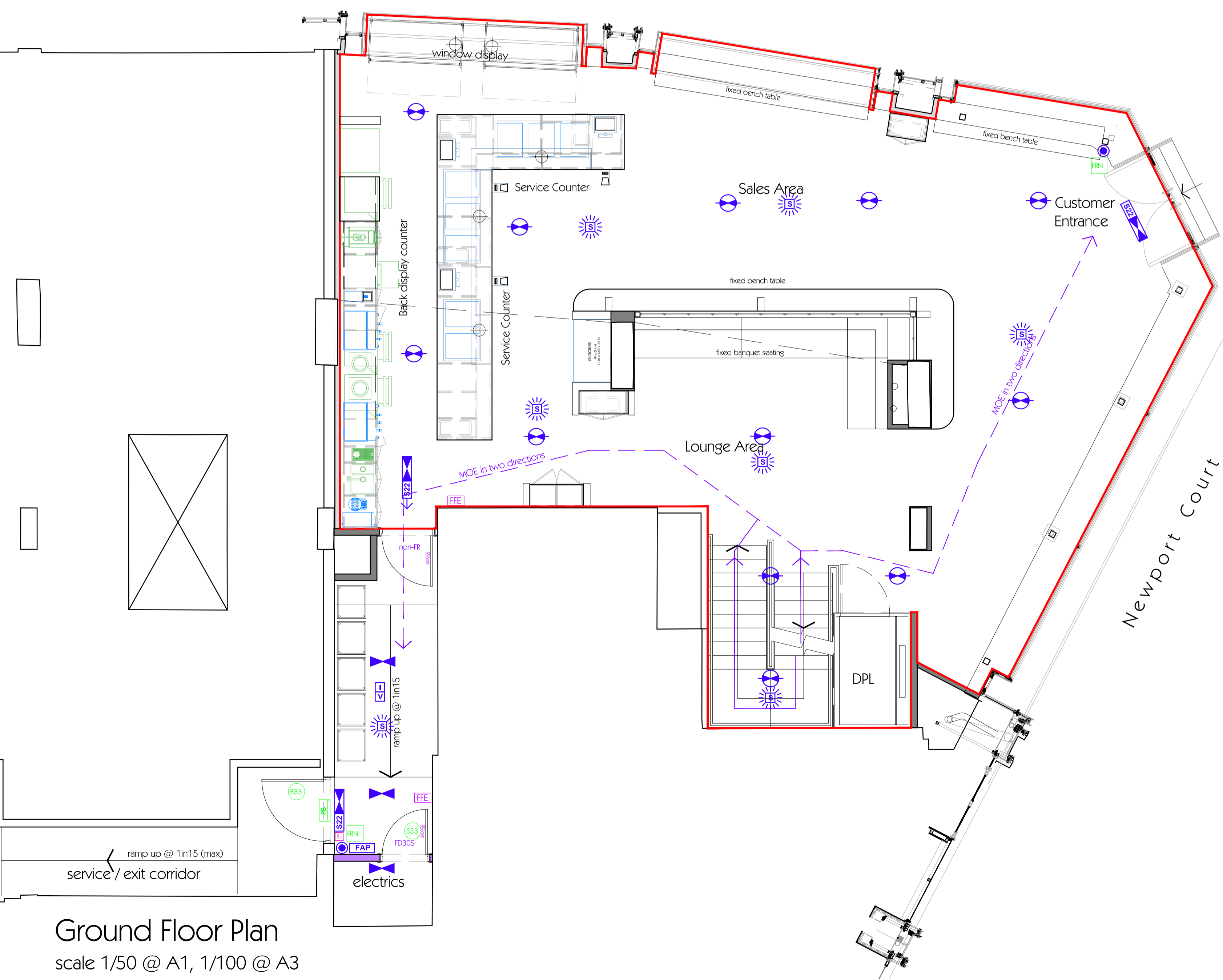
The premises plans are enclosed.

This drawing is to be read in conjunction with all related drawings. Do not scale from this drawing. All dimensions must be checked and verified on site before commencing any work or producing shop drawings. The originator should be notified immediately of any discrepancy.

Mezzanine Plan
scale 1/50 @ A1, 1/100 @ A3



Basement Plan
scale 1/50 @ A1, 1/100 @ A3



Ground Floor Plan
scale 1/50 @ A1, 1/100 @ A3

- EMERGENCY LIGHTING**
EMERGENCY LIGHTING SYSTEM
An independent self-contained non-maintained system, type XOA190, will be installed in accordance with BS 5266-1:2016, Emergency Lighting - Part 1: Code of Practice for Emergency Lighting of premises other than cinemas and certain other specified premises for entertainment, and BS EN 50173: 2004, BS 5266-8: 2004 Lighting Applications - Emergency Lighting. Luminaires will be located in the approximate positions indicated on this drawing. All signs and notices will comply with BS 5499: Part 1 - Fire Safety Notices and Graphic.
- 3 hr maintained exit legend FoH - Channel 'Razor' BoH - Channel 'Alpine'
 - 3 hr non-maintained Channel 'Meteor' Surface Bulkhead
 - 3 hr non-maintained Channel 'Ceilo' 4W Recessed
 - 3 hr non-maintained Channel 'Glade' 1W Recessed
 - 3hr non-maintained Channel 'SoHo' LED luminaire with PIR - E/SOHO/M3M/W
 - 3 hr maintained external Channel 'Brooke' Surface Bulkhead
 - 3 hr non-maintained flood Channel 'Grove'
- FIRE ALARM SYSTEM**
FIRE ALARM SYSTEM
A Fire Alarm system will be installed to BS 5839: Part 1, 2017 Code of Practice for system design, installation, commissioning and maintenance, comprising of devices as indicated.
The system category to be a L1 system.
The system shall be compatible with and interfaced with the central fire alarm system. The system shall be designed, installed and certified by the electrical contractor with equipment located in the approximate positions indicated on this drawing.
- Fire Alarm Panel
 - Magnetic Door Hold
 - Manual Call Point
 - Heat Detector
 - Smoke Detector
 - Indicator For Void detector
 - Indicates Void Detector
 - Combined Smoke Detector & Zenon Beacon
 - Zenon Beacon
 - Sounder/Sounder Base
 - Fire Alarm Interface

- KEY TO FIRE SAFETY REQUIREMENTS**
- STRUCTURE**
- 1HR FIRE RESISTING STUD PARTITION OR WALL Partition to extend full height and be fire stopped to u/s of structural soffit
 - 1/2 HR FIRE RESISTING STUD PARTITION OR WALL Partition to extend full height and be fire stopped to u/s of structural soffit
 - Non fire rated partition or wall
 - 1HR FIRE RESISTING SELF-CLOSING DOOR with intumescent strips and smoke seals
 - 1/2HR FIRE RESISTING SELF-CLOSING DOOR with intumescent strips and smoke seals
 - VISION PANEL IN DOOR. Fire resistance as noted.
 - CEILING VOID CAVITY BARRIER: 60 / 30 FR
- FIRE FIGHTING EQUIPMENT**
Portable fire appliances to be sited and installed in accordance with BS 5306-8: 2000 by specialist supplier.
FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS EN3, BS 7863: 1996, BS 5306-3: 2000 and BS 5306-8: 2000
- Preferred Equipment Locations
- FIRE SAFETY SIGNAGE IN ACCORDANCE WITH B.S.5499 pt 1: 2002**
- FIRE DOOR KEEP SHUT NOTICE; Ref B.3.3 FITTED TO BOTH SIDES OF FIRE DOOR
 - FIRE DOOR KEEP LOCKED NOTICE; Ref B.3.4
 - 'AUTOMATIC FIRE DOOR KEEP CLEAR
 - FIRE ESCAPE KEEP CLEAR SIGN; Ref B.3.10
 - FIRE ROUTINE NOTICE
 - NON-ILLUMINATED 'FIRE EXIT' SIGN
 - PUSH BAR DEVICE OR SIMILAR EMERGENCY OPENING DEVICE WITH NOTICE PUSH BAR; Ref B.4.4
 - WHEELCHAIR REFUGE POINT SIGN
- LPH/HS/STY**
ALL UPHOLSTERY TO SATISFY CIGARETTE AND MATCH IGNITABILITY TEST AND IGNITION SOURCE 5 TESTS AS SPECIFIED IN B.S.5852: 1990 (1998)

LICENSING KEY
 All licensable activities

B	Red line boundary omitted from basement	08/08/18	SDJ
A	Red line boundary amended	04/07/18	SDJ
O	First issue	05/02/18	SDJ
revision			

PROJECT
UNIT 8, CENTRAL CROSS

DRAWING TITLE
GENERAL ARRANGEMENT PLANS

DRAWN BY: SDJ
SCALE: 1:50@A1, 1:100@A3
DWG #: LIC01

CHECKED BY: NBR
DATE: JUNE 18
REV.: B

LAGKAGEHUSET
AMERIKAVEJ 21, 1756
KØBENHAVN, DENMARK
t: +45 72 14 47 00
e: info@lagkagehuset.dk
w: www.lagkagehuset.dk

The premises will trade as Ole & Steen a Danish Bakery Business with existing premises in Westminster.

The premises will open early for breakfast and then trade all day into the evening. They will provide artisan bread, pastries and cakes to the best quality and the products will range from snacks to more substantial food.

The atmosphere will be informal and relaxed with a combination of self-service "grab and go" and the provision of seating for customers who wish to dine in the premises.

Premises History

Appendix 3

Application	Details of Application	Date Determined	Decision
06/04790/LIPN	Application for a new premises licence	20/07/2006	Granted by Licensing Sub-Committee
07/00960/LIPV	Application for a variation of the premises licence	22/03/2007	Granted under delegated authority
07/09221/LIPDPS	Application to vary the designated premises supervisor	01/10/2007	Granted under delegated authority
06/09581/WCCMAP	Master Licence	10/10/2007	Granted under delegated authority
10/01347/LIPDPS	Application to vary the designated premises supervisor	15/03/2010	Granted under delegated authority
10/01862/LIDPSR	Application to remove the designated premises supervisor	10/03/2010	Granted under delegated authority
11/00033/LIPDPS	Application to vary the designated premises supervisor	18/01/2011	Granted under delegated authority (Licence revoked)
13/01406/LIREVP	Review of a premises licence	25/04/2013	Licence Revoked

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

Where -

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. 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.
10. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
13. The supply of alcohol at the premises shall only be to a person seated taking a table meal there for consumption by such a person as ancillary to their meal, and shall be by way of waiter/waitress or bar counter staff service.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. 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, 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.
16. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. 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.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
19. 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 are 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.

20. 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.
21. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
22. There shall be no self service of alcohol.
23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Conditions proposed by Environmental Health and agreed by the applicant to form part of their operating schedule

24. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
25. Clearly legible notices shall be displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
26. 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.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. 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.
29. 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.
30. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Condition proposed by Environmental Health (Not accepted by the applicant)

31. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed
Ground Floor – 40
First Floor - 20.

Conditions proposed by the Covent Garden Community Association

32. The Sale of alcohol and Late Night refreshment authorised by the this licence will at all times be ancillary to the use of the premises as a Scandinavian style Café Bakery with a majority of its service to seated customers.
33. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.
34. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day.
35. Where the supply of alcohol includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause a nuisance at or near to the premises.

Residential Map and List of Premises in the Vicinity

Appendix 5

The residential map is enclosed.

Resident count: 351

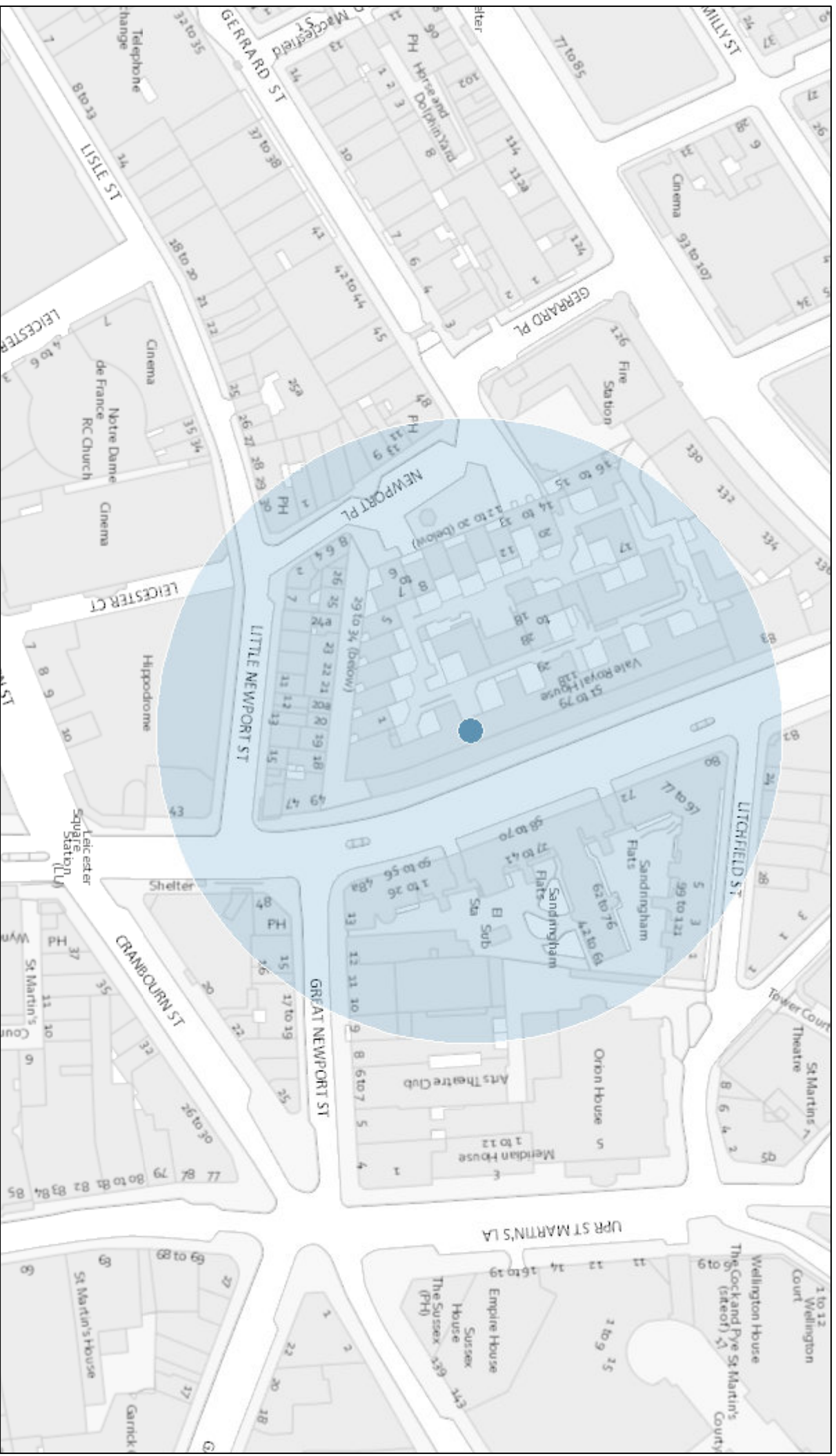
Licence Number	Trading Name	Address	Premises Type	Time Period
14/08040/LIPDPS	Red N Hot Chinese Restaurant	59 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Thursday; 12:00 - 23:00 Friday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
15/08795/LIPT	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
13/06515/LIPN	Make Noodle Heaven	51 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Sunday; 11:00 - 00:00
13/02532/LIPN	Real Beijing	67 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Saturday; 11:00 - 23:30 Sunday; 11:00 - 23:00 Sundays before Bank Holidays; 11:00 - 23:30
14/02839/LIPT	Kopi Tiam Malaysian Restaurant	67 Charing Cross Road London WC2H 0NE	Restaurant	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
15/00346/LIPT	Manbar	79 Charing Cross Road London WC2H 0NE	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
15/08719/LIPT	ZheJiang Food	28-29 Newport Court London WC2H 7PQ	Shop	Monday to Sunday; 10:00 - 22:00

17/05384/LIPN	Unit 13	Development Site Bounded By 10 To 18 Newport Place 28 To 35 Newport Court And 51-79 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00
17/05382/LIPN	Unit 14	Development Site Bounded By 10 To 18 Newport Place 28 To 35 Newport Court And 51-79 Charing Cross Road London WC2H 0NE	Not Recorded	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00
18/08235/LIPDPS	Unit 15	Development Site Bounded By 10 To 18 Newport Place 28 To 35 Newport Court And 51-79 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00
18/03099/LIPCH	Unit 13	Development Site Bounded By 10 To 18 Newport Place 28 To 35 Newport Court And 51-79 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00
13/08732/LIPDPS	Longji	Ground 47 Charing Cross Road London WC2H 0AN	Restaurant	Monday to Sunday; 11:00 - 23:30
15/03637/LIPDPS	New China Gate (London) Limited	18 Newport Place London WC2H 7PR	Shop	Monday to Sunday; 11:00 - 22:00
16/01283/LIPDPS	Baozi Inn	25-26 Newport Court London WC2H 7JS	Restaurant	Monday to Friday; 10:00 - 23:30 Saturday; 10:00 - 00:30 Sunday; 10:00 - 23:00
17/05193/LIPT	Baiwei Restaurant	8 Little Newport Street London WC2H 7JJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/12504/WCCMAP	Tokyo Diner	2 Newport Place London WC2H 7JP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

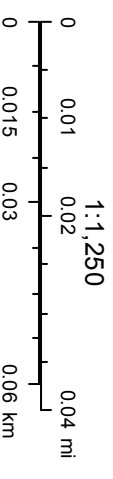
18/00721/LIPDPS	PF Changs	10-11 Great Newport Street London WC2H 7JA	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
16/11140/LIPN	Aviva (Shadow)	10-11 Great Newport Street London WC2H 7JA	Office	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
16/10053/LIPDPS	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
11/06219/LIPT	Abeno Too Japanese Restaurant	15-18 Great Newport Street London WC2H 7JG	Restaurant	Monday to Wednesday; 12:00 - 23:00 Wednesday to Saturday; 12:00 - 23:30 Sunday; 12:00 - 22:30
10/08059/LIPDPS	Pizza Rico	15-18 Great Newport Street London WC2H 7JG	Restaurant	Monday to Sunday; 07:00 - 00:30
18/01938/LIPDPS	Hawker Street	Ground Floor 7-9 Newport Place London WC2H 7JR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/07203/LIPVM	Mitsuryu	Ground Floor 7-9 Newport Place London WC2H 7JR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/14176/LIPDPS	PizzaExpress	43 Charing Cross Road London WC2H 0AP	Restaurant	Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:30

18/07992/LIPDPS	Salvador & Amanda	8 Great Newport Street London WC2H 7JA	Restaurant	Monday; 09:00 - 01:30 Tuesday to Thursday; 09:00 - 02:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
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Ole & Steen, 51 Charing Cross Road



September 13, 2018



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