

# Licensing Sub-Committee Report

Item No:	
Date:	11 April 2019
Licensing Ref No:	19/00948/LIPN - New Premises Licence
Title of Report:	47 - 49 Charing Cross Road
	London
	WC2H 0AN
Report of:	Director of Public Protection and Licensing
Wards involved:	St James
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Angela Seaward
	Senior Licensing Officer
Contact details	Telephone: 0207 641 8116

Email: aseaward@westminster.gov.uk

# 1. Application

1-A Applicant and premises					
Application Type:	New Premises Licence, Licensing Act 2003				
Application received date:	23 January 2019				
Applicant:	Shaftesbury Chinatown Plc				
Premises address:	47 - 49 Charing Cross Ward: St James				
	Road				
	London Cumulative West End				
	WC2H 0AN Impact Area:				
Premises description:	According to the application form, the premises intends to				
	operate as a restaurant within the cumulative impact area.				
Premises licence history:	This is an application for a new premises licence and therefore				
	has no licence history.	-			

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, o	utdoors 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:	00:00	00:00	00:00	00:00	00:00	00:00	N/A
Seasonal v	variations/ N	Non-	None				
standard t	imings:						
Sale by ref	tail of alcoh	ol		On or off s	sales or bot	h:	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:	00:00	00:00	00:00	00:00	00:00	00:00	23:00
Seasonal variations/ None standard timings:							

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	08:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:00
Seasonal v	/ariations/ N imings:	Non-	None				
Relevant Entertainment:			None				

#### 2. Representations

2-A Responsible Authorities			
Responsible	Licensing Authority		
Authority:			
Representative:	Roxsana Haq		
Received:	20 February 2019		

The application as it stands falls outside of these hours for the supply of alcohol on and off the premises. Therefore, we encourage the applicant to consider reducing the hours for licensable activity in line with the core hours policy.

Furthermore the applicant must also demonstrate that the operation of the premises will not add to cumulative impact in the Cumulative Impact Area. Currently no additional information has been received which addresses this policy concern, and the Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area if this application is granted.

Responsible	Metropolitan Police Service
Authority:	
Representative:	Reaz Guerra PC1614CW
Received:	14 January 2019

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective. The hours for supply of alcohol exceeds westminsters core hours policy.

It is for these reasons that we are objecting to the application

## 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:				
Policy HRS1 applies	(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.  For premises for the supply of alcohol for consumption on the premises:  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  For premises for the provision of other licensable activities:  Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30			
Policy CP1 applies	(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.			
Policy RNT2 applies	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.			

## 4. 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.

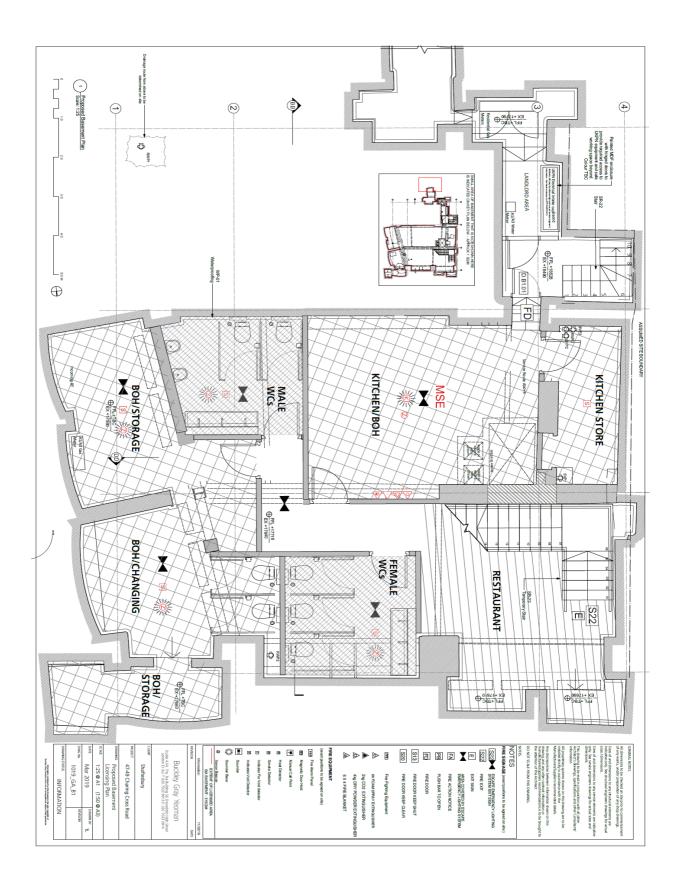
# 5. Appendices

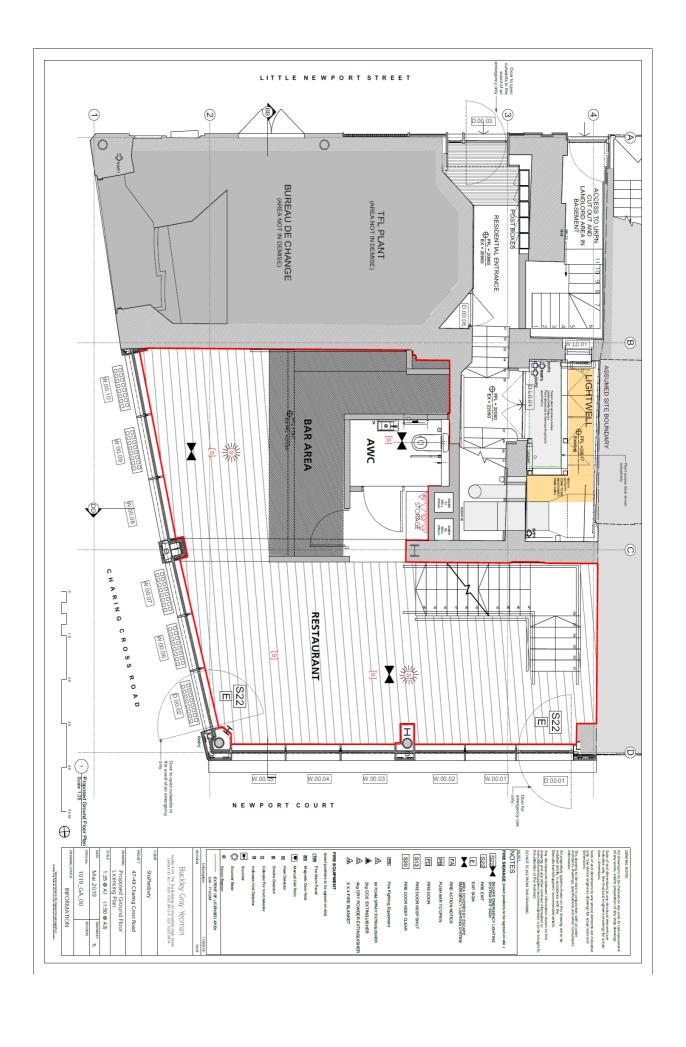
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

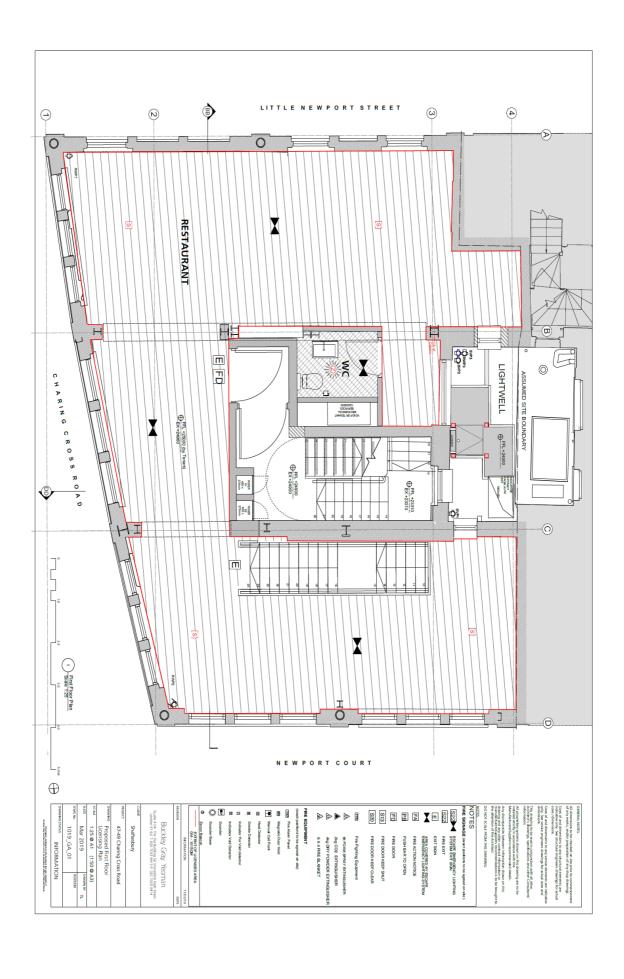
Report author:	Angela Seaward
	Senior Licensing Officer
Contact:	Telephone: 0207 641 8116
	Email: aseaward@westminster.gov.uk

_	If you have any queries about this report or wish to inspect one of the background papers please contact the report author.					
Backgro	Background Documents – Local Government (Access to Information) Act 1972					
1	Licensing Act 2003	N/A				
2	City of Westminster Statement of Licensing Policy	7 January 2016				
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018				
4	Representation Licensing Authority	20 February 2019				
5	Representation Metropolitan Police Service	14 February 2019				

Premises Plans Appendix 1







Applicant Supporting Docume	nts
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Appendix 2

None provided by the applicant.

Proposed Conditions Appendix 3

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

- 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:
    - 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+(DxV)

Where -

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

#### Conditions consistent with the operating schedule

- 9. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
- 10. The supply of alcohol on the premises shall be by waiter or waitress service only.

- 11. In the bar area shown on the plan, alcohol can only be served before during or after a substantial table meal there.
- 12. 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.
- 13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
- 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. 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.
- 16. 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.
- 17. Challenge 21, a 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 or passport.
- 18. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
- 19. 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.
- 20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 21. During the hours of operation of the premises, the licence holder shall ensure Sufficient measures are in place to remove and prevent litter or waste arising or

- accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 22. No waste or 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.
- 23. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
- 24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
- 25. All waste shall be properly presented and placed out for collection no earlier than 30 Minutes before the scheduled collection times.
- 26. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
- 27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 29. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
- 30. 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.



**Resident Count: 368** 

Licence Number	Trading Name	Address	Premises Type	Time Period
13/08732/LIPDPS	Longji	Ground 47 Charing Cross Road London WC2H 0AN	Restaurant	Monday to Sunday; 11:00 - 23:30
19/01085/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
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   Sundays before Bank Holidays; 07:00 - 00:00
15/08719/LIPT	ZheJiang Food	28-29 Newport Court London WC2H 7PQ	Shop	Monday to Sunday; 10:00 - 22:00

18/08104/LIPDPS	Baiwei Restaurant	8 Little Newport Street London WC2H 7JJ	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
13/06515/LIPN	Make Noodle Heaven	51 Charing Cross Road London WC2H 0NE	Restaurant	Monday to Sunday; 11:00 - 00:00
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
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

11/06219/LIPT	Abeno Too Japanese Restaurant	15 - 18 Great Newport Street London WC2H 7JE	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 7JE	Restaurant	Monday to Sunday; 07:00 - 00:30
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
06/12504/WCCMAP	Tokyo Diner	2 Newport Place London WC2H 7JP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/13760/LIPVM	Hippodrome Casino	The Hippodrome 10 - 14 Cranbourn Street London WC2H 7JH	Casino or gambling club	Monday to Sunday; 00:01 - 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
19/01839/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
09/05127/LIPCH	Angus Steak House	Ground Floor 20 Cranbourn Street London WC2H 7AA	Restaurant	Monday to Saturday; 10:00 - 01:00   Sunday; 10:00 - 00:00   Sundays before Bank Holidays; 10:00 - 01:00
18/08266/LIPCHT	Chip'sir	21 Cranbourn Street London WC2H 7AA	Sales kiosk	Monday to Sunday; 23:00 - 05:00

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
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
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

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
18/07854/LIPCHT	Wok To Walk	22 Cranbourn Street London WC2H 7AA	Restaurant	Monday to Thursday; 10:00 - 03:00   Friday to Saturday; 10:00 - 04:00   Sunday; 12:00 - 23:00
18/11995/LIPV	Wok To Walk	22 Cranbourn Street London WC2H 7AA	Restaurant	Monday; 10:00 - 03:00   Tuesday; 10:00 - 03:00   Wednesday; 10:00 - 03:00   Thursday; 10:00 - 04:00   Saturday; 10:00 - 04:00   Sunday; 12:00 - 23:00

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
17/10190/LIPDPS	Spaghetti House	24 Cranbourn Street London	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/13770/LIPRW	Not Recorded	Unit 1 Leicester Square Station Charing Cross Road London WC2H 0AP	Kiosk within another property	Monday to Sunday; 07:00 - 22:00
16/03237/LIPV	The Brewmaster	37 Cranbourn Street London WC2H 7AD	Pub or pub restaurant with lodge	Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
15/03637/LIPDPS	New China Gate (London) Limited	18 Newport Place London WC2H 7PR	Shop	Monday to Sunday; 11:00 - 22:00
18/06273/LIPDPS	Vue Cinemas West End	3 Cranbourn Street London WC2H 7AL	Cinema	Monday to Sunday; 00:00 - 00:00

18/08680/LIPVM	Vue Cinemas West End	3 Cranbourn Street London WC2H 7AL	Cinema	Monday to Sunday; 00:00 - 00:00
06/04526/WCCMAP	Piazza Restaurant	35 Cranbourn Street London WC2H 7AD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00