



Licensing Sub-Committee Report

Item No:

Date:

4 July 2019

Licensing Ref No:

19/04659/LIPN - New Premises Licence

Title of Report:

1 Gerrard Place
London
W1V 7LL

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:

Kevin Jackaman
Senior Licensing Officer

Contact details

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1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 April 2019		
Applicant:	Shaftesbury Chinatown Plc		
Premises address:	1 Gerrard Place London W1V 7LL	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	According to the application, the premise will trade as a restaurant with ancillary bar.		
Premises licence history:	The premises currently hold a premises licence (licence reference 17/13111/LIPT. The applicant is proposing to split the existing licensed space into two new restaurants. This application relates to part ground and first floor		
Applicant submissions:	A comprehensive list of conditions have been attached to this application, following pre-application advice received from the Environmental Health Consultation Team, including a surrender condition for the existing licence. Following discussions with the Police and Environmental Health, recorded music was restricted to 01:00.		

1-B Proposed licensable activities and hours							
Recorded Music			Indoors, outdoors or both:			Indoors	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

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:	00:00	00:00	00:00	00:00	00:00	00:00	23:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

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	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	16 May 2019

I write in relation to the application submitted for a new premises licence for 1 Gerrard Place, London W1V 7LL.

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 four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

- **Late Night Refreshment Indoors**
Monday to Sunday 23:00 to 01:00

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- **Supply of Alcohol On and Off Premises**

Monday to Saturday 10:00 to 00:00

Sunday 12:00 to 23:30

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- **Opening Hours to Public**

Monday to Saturday 10:00 to 01:00

Sunday 12:00 to 01:00

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB2 and RNT2.

The Licensing Authority note that before redevelopment of the site the premises had the benefit of licence 17/13111/LIPT. As part of the proposed conditions this will be surrendered.

At present, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises and other licensable activities, the Licensing Authority encourage that the applicant reduce the terminal hours to be within Westminster's Core hours;

Supply of Alcohol On the Premises

Monday to Thursday 10:00 to 23:30

Friday to Saturday 10:00 to 00:00

Sunday 12:00 to 22:30

Other Licensable activities

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday: 09:00 to 22:30

The Licensing Authority note that the applicant has proposed on the plans a black hatched area on the ground floor. As part of the application, the applicant proposed the following condition:

Save for the area hatched black, the premises shall only operate as a restaurant

(i) in which customers are shown to their table,

(ii) where the supply of alcohol is by waiter or waitress service only,

(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,

(iv) which do not provide any take away service of food or drink for immediate consumption,

(v) which do not provide any take away service of food or drink after 23.00, and

(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

In paragraph 2.5.3 the policy states 'The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening. The council, however, is not minded to relax conditions for restaurants

where alcohol may only be consumed by persons as an ancillary to their substantial table meal.

The Licensing Authority would like the applicant to provide further submissions as to how the black hatched area is to be operated and controlled, i.e. will the proposed area operate by way of a bar with vertical drinking?

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	16 May 2019

I refer to the application for a new Premises Licence for the above premises. The premises has benefitted from a premises licence in the past 17/13111/LIPT.

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.

The applicant did seek pre-application advice, reference number 18/09782/PREAPM

This representation is based on the Operating Schedule and the submitted plans, for the ground (drawing number L203 rev A3) and first floor (drawing number L204 rev A3) both dated 19/07/18.

The applicant is seeking the following on the **ground and first floors**:

1. To allow the Supply of Alcohol 'on' and 'off' the premises Monday to Saturday 10:00-00:00 hours and Sunday 12:00-23:30 hours.
2. To allow Late Night Refreshment 'indoors' Monday-Sunday 23:00-01:00 hours.
3. To allow the above provisions from the end of New Year's Eve to the start of New Year's Day.
4. To allow the provision of recorded music indoors unrestricted.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The non-standard timings may cause an increase in Public Nuisance in the cumulative impact area.

4. The provision of recorded music may cause an increase in Public Nuisance in the cumulative impact area.

Following pre-application advice the some of conditions discussed have been proposed, however not all.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Persons

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	3 May 2019

I object not to the license but to how late the license runs to. Shaftesbury Plc is attempting to make Chinatown a late night drinking area by stealth. It recently applied for multiple late night licences on Newport Court and was rebuffed. It is now trying again here.

Allowing late night licenses will alter the area substantially. Chinatown is predominately restaurant area and not a late night drinking and eating area. To allow it to become so, one unit at a time would change this heritage area and come at great detriment to local residents.

There is a large residential block on Newport Place - that this property adjoins. Residents have properties directly overlooking the space. The noise from drinkers going to and leaving this establishment will impact them substantially.

I object to the timing of the license and instead request the license run to 11pm. This would put it in alignment with the majority of the rest of Chinatown and protect both Chinatown and its residents from a gradual erosion of the character of the area.

This application allows for far too late a closing time and is an attempt to change the character of Chinatown to being that of a late night drinking and eating area.

I am not objecting to the license per se. Just the lateness of it.

Allowing a late license will erode the character of Chinatown. Doing so will impact local residents very significantly. At the moment it seems the land owners strategy is to ask for each restaurant one by one until it can tip the entire area. This is the thin edge of the wedge and should be stopped now.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	11 May 2019

I wish to object to this late night license.

I feel it isn't appropriate to have a late license in this location. Not many places in Chinatown, or even Compton Street, have late licenses and the former restaurant which operated on this site for decades did quite well without one.

And if granted what's the stop other nearby premises requesting the same late night licenses? There are a lot of residents who live nearby, directly above this premises is Nassau House and opposite is Vale Royal house, both have a large number of residents. The last thing the people living here need is more noise from late night drinkers adding to what is already a problem. I object to the granting of a late license for this premises, it should not be allowed to operate beyond 23:00, the previous restaurant on this site operated for decades without a late license, and very few premises in the area have late night licenses – even on Compton Street.

There are a lot of people who live in and around Chinatown/Newport Place Square e.g. Vale Royal House, Nassau House, and various flats, a lot more people live here than most realise. So this isn't an appropriate location to be operating venues with late night licenses, if they are granted a license, what is to stop other nearby premises asking for the same.

Noise was already an issue for residents before the renovation of Newport Place, now it has only increased with the newly opened restaurants and buskers who are now regularly showing up, the last thing residents need is that noise added to with late night drinking patrons.

3. Policy & Guidance

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

Policy CP1 applies	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
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. <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 <u>For premises for the provision of other licensable activities:</u> 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 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
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.

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	Premises Licence 17/1311/LIPT
Appendix 3	Applicant supporting documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 027 641 8094 Email: kjackaman@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.

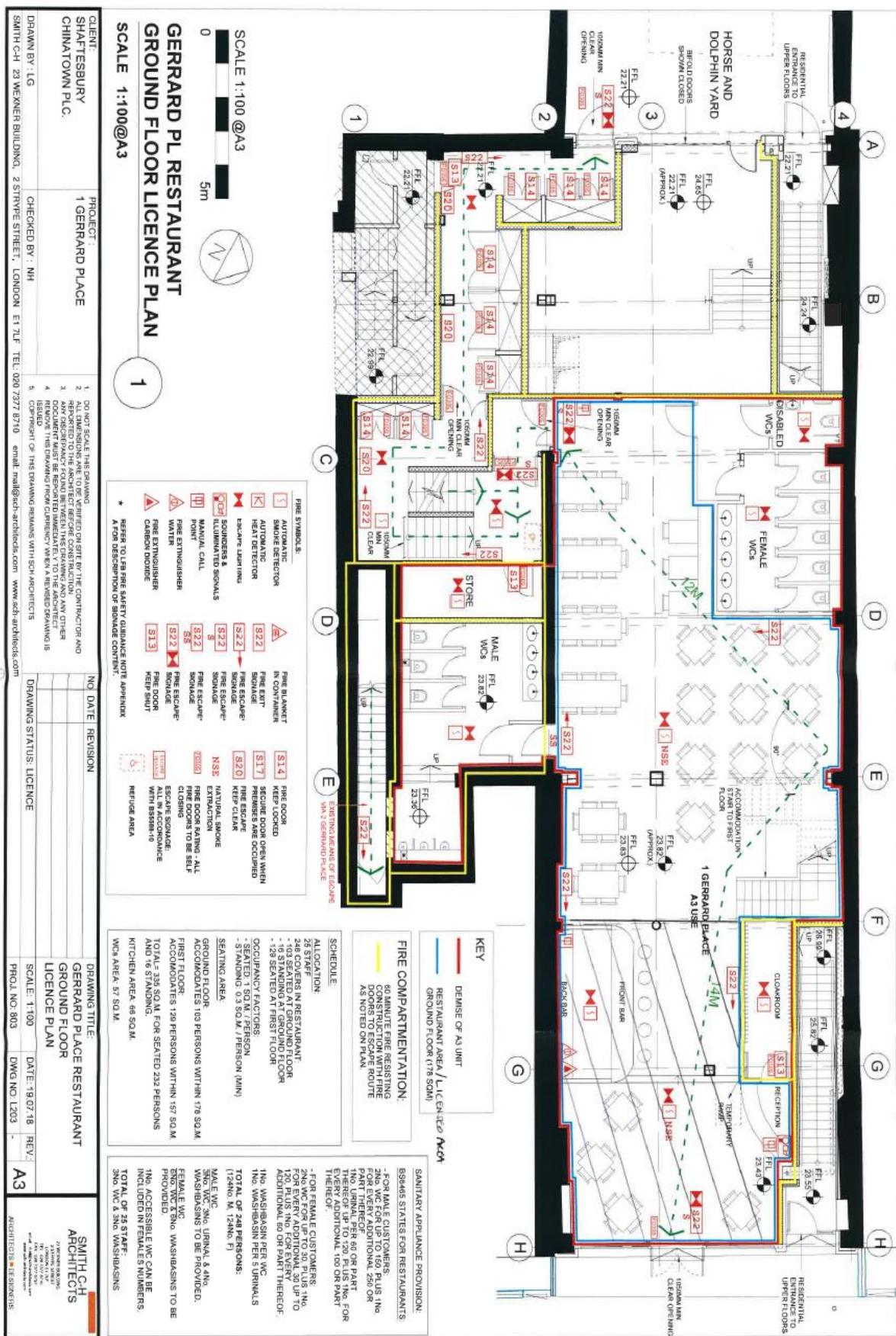
Background Documents – Local Government (Access to Information) Act 1972

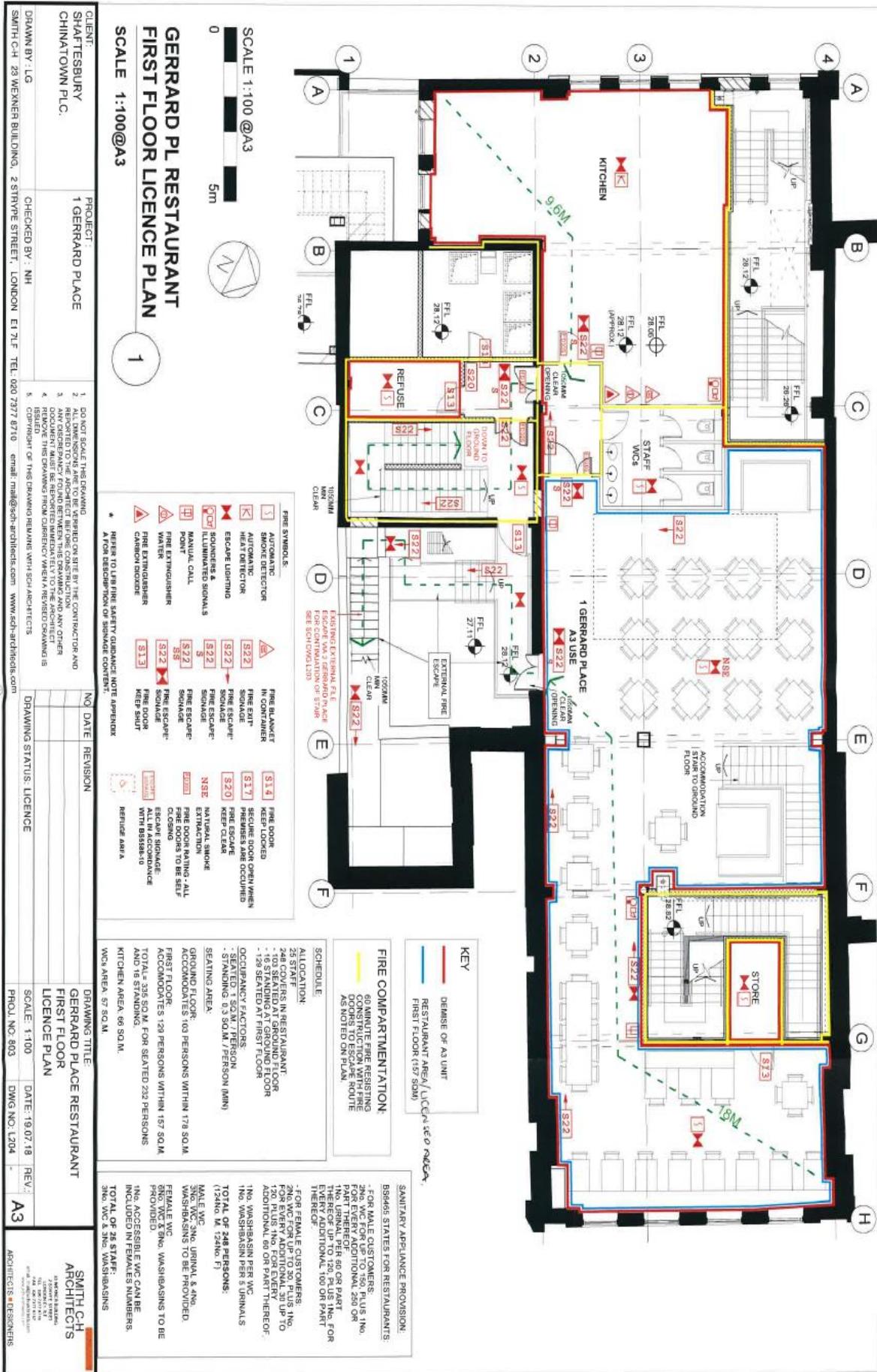
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 January 2016
3	Amended Guidance issued under section 182 of	April 2018

	the Licensing Act 2003	
4	Licensing Authority Representation	16 May 2019
5	Environmental Health Service Representation	16 May 2019
6	Interested Party Representation (1)	3 May 2019
7	Interested Party Representation (2)	11 May 2019

Premises Plans

Appendix 1







Schedule 12 Part A

WARD: St James's
UPRN: 100023472628

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

17/13111/LIPT

Original Reference:

05/05948/LIPC

Part 1 – Premises details

Postal address of premises:

New World Restaurant
Basement To Third Floor And Fourth Floor Rear
1 Gerrard Place
London
W1D 5PA

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licisable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment Monday to Sunday: 23:00 to 01:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Shaftesbury Chinatown Plc
22 Ganton Street
Carnaby
London
W1F 7FD

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

02213147

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

Name: Mr Cho Shun Ng

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 00087/Lambeth
Licensing Authority: London Borough of Lambeth

Date: 3 January 2018

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

Annex 1 – Mandatory conditions

1. 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.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
 - (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(7)
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

8. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
9. The responsible person shall ensure that no alcohol is dispensed 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
12. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

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

Conditions for Sale of Alcohol

13. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
14. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions for Late Night Refreshment

15. This licence is subject to all the former regulations made by Westminster City Council prescribing standard conditions for annual night café licences, effective from 1 October 2001.
16. The premises may be kept open for the purposes of this licence from 12.30am on every day of the week to 1.00am.
17. To ensure that Horse Dolphin Yard is debris free at all times especially at the close of business each evening.
18. The person who is responsible for the day to day management and operation of the premises shall be familiar with all licence conditions.
19. All public entertainment conducted at the premises is prohibited unless a public entertainment licence is obtained.
20. All windows of the premises to be kept closed during working hours. Council Officers to ensure that there is adequate ventilation.
21. Refuse to be stored in the approved storage area only. That area to be confirmed by a Council Officer.
22. The number of persons accommodated at any one time (excluding staff) shall not exceed 480.

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

23. Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00

- (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30
- (c) On Christmas Day: 12.00 to 22.30
- (d) On New Year's Eve, except on a Sunday, 11.00 to 23.00
- (e) On New Year's Eve on a Sunday, 12.00 to 22.30
- (f) 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).

The above restrictions do not prohibit:

- (a) 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;
- (b) 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;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

24. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
25. 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

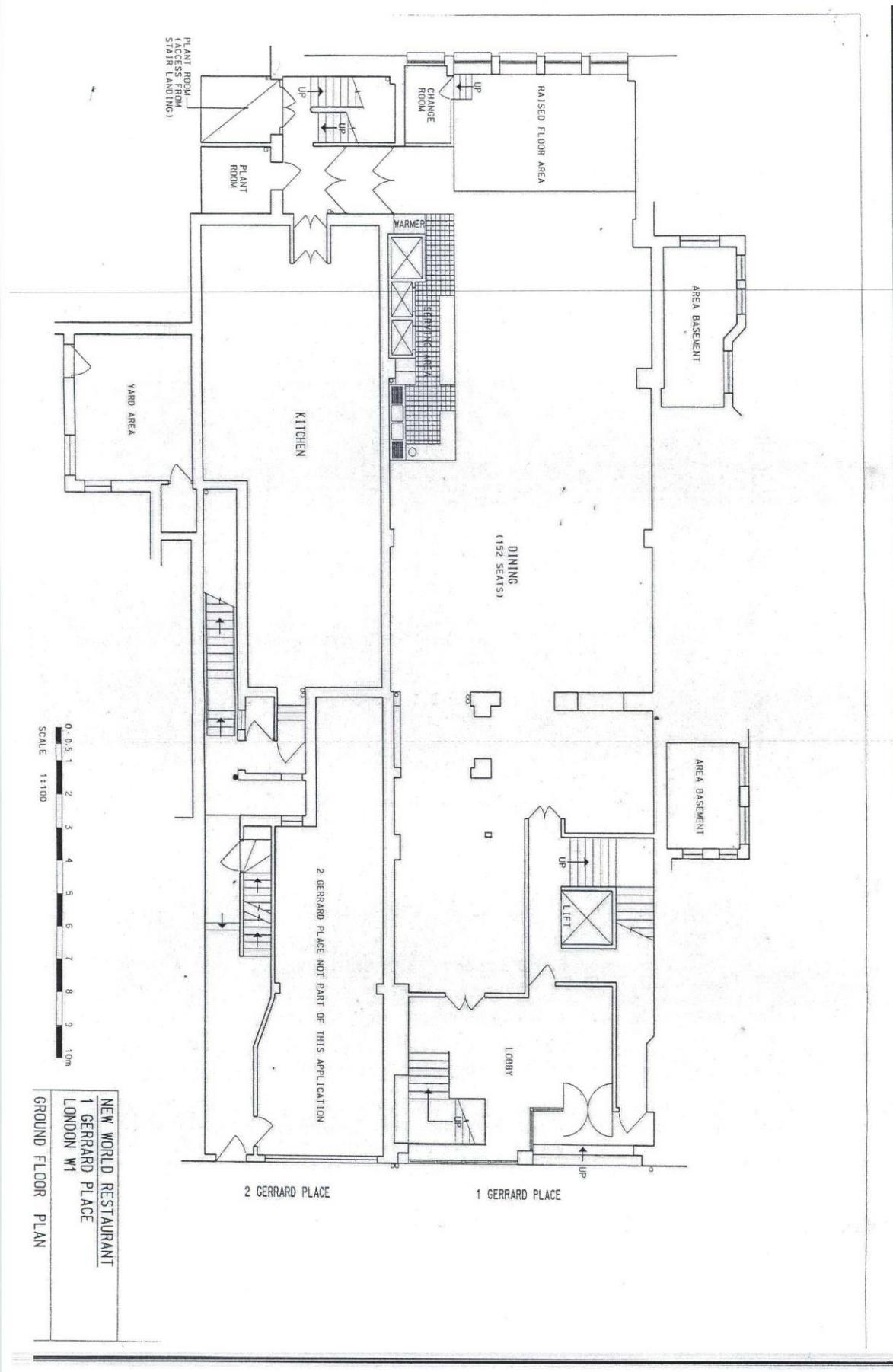
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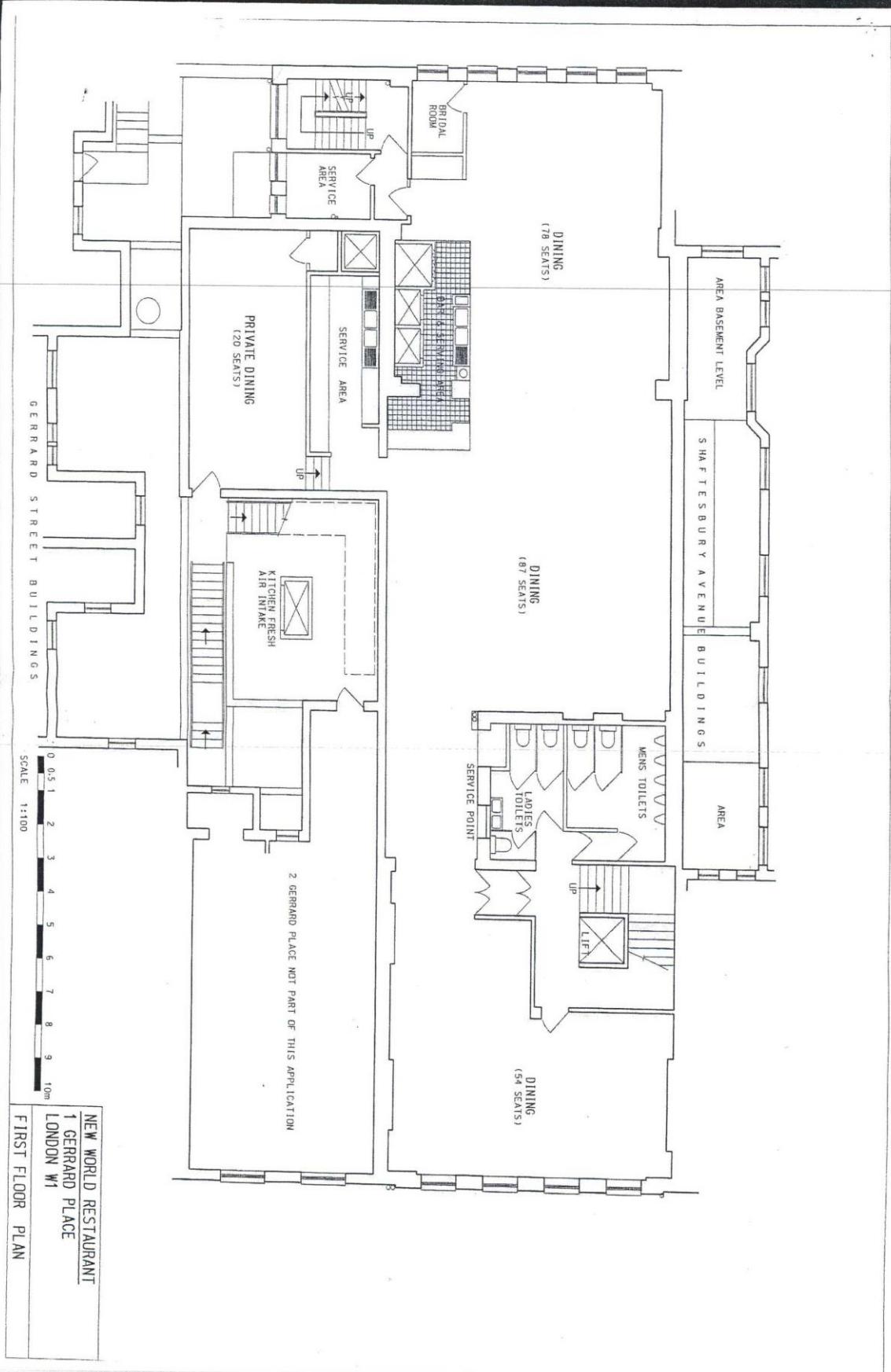
Annex 3 – Conditions attached after a hearing by the licensing authority

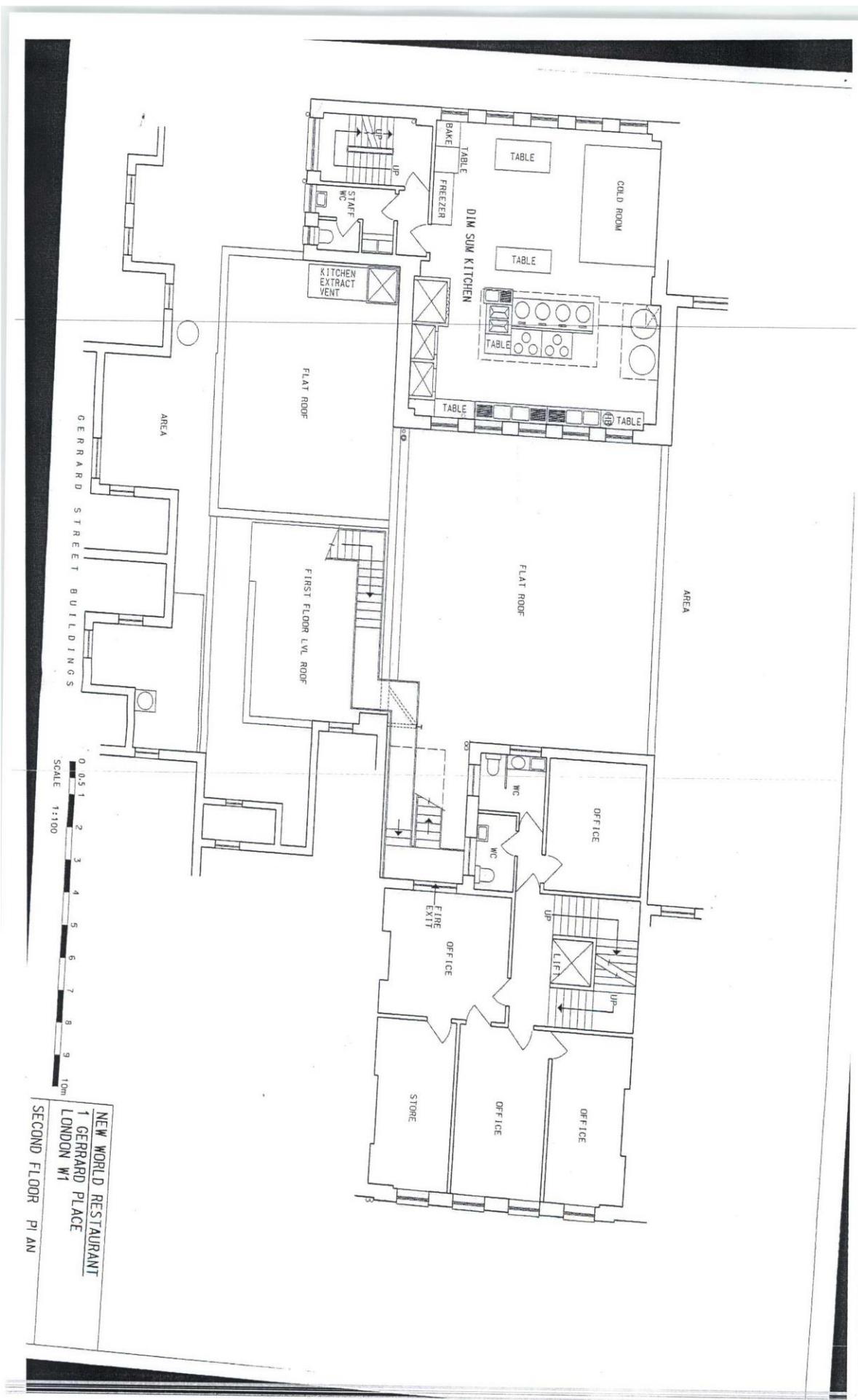
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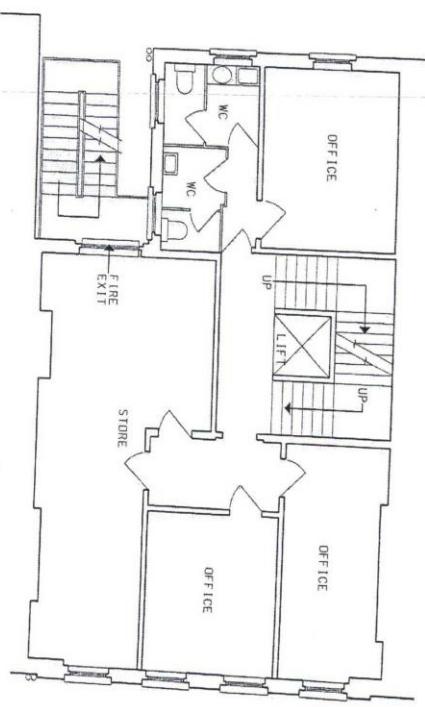
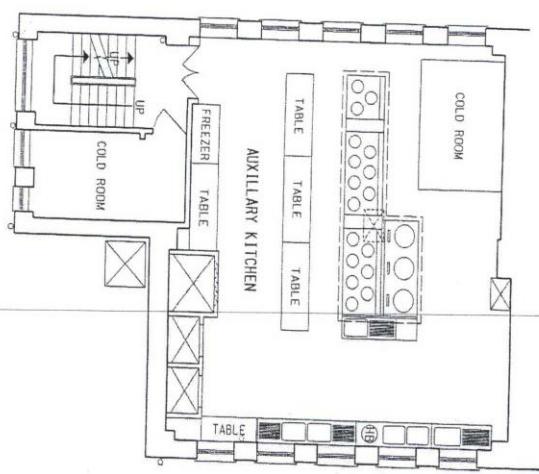
Annex 4 – Plans

Attached









NEW WORLD RESTAURANT
1 GERRARD PLACE
LONDON W1

THIRD FLOOR PLAN







Schedule 12
Part B

WARD: St James's
UPRN: 100023472628

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

Premises licence
summary

Regulation 33, 34

Premises licence number:

17/13111/LIPT

Part 1 – Premises details

Postal address of premises:

New World Restaurant
Basement To Third Floor And Fourth Floor Rear
1 Gerrard Place
London
W1D 5PA

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Sunday: 23:00 to 01:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 23:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Shaftesbury Chinatown Plc
22 Ganton Street
Carnaby
London
W1F 7FD

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

02213147

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

Name: Mr Cho Shun Ng

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

Restricted

Date: 3 January 2018

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

Pre Application Report

**City of Westminster**

Office Name: Sally Fabbricatore
Designation: EHO – Senior Practitioner
Date: 26/10/18
Contact number: 020 7641 2788
Email: sfabbricatore@westminster.gov.uk
Signed: Sally Fabbricatore
WCC Uniform Ref Number: 18/09782/PREAPM

Trading name of business and Address:

Basement To Third Floor And Fourth Floor Rear, 1 Gerrard Place, London, W1D 5PA

Licence:	Applicant/solicitor:	Cumulative Impact Area:
17/13111/LIPT	Alun Thomas	Yes – West End

Type of Business: Restaurant use on ground and first floor, with back of house on second, third and fourth floors.

Current Licensed Areas: Ground and first floor.

Current Activities:

- Supply of Alcohol by Retail (on the premises): Monday to Saturday 10:00 – 00:00 hours and Sunday 12:00-23:30 hours.
- Late Night Refreshment: Monday to Sunday 23:00 to 01:00 hours.
- Playing of recorded music and private entertainment: unrestricted.

Pre application advice purpose: To assess the proposal of splitting the premises into two restaurants on the basement, ground and first floor, with possible use of the external area.

Background to application:

The proposal is to split the space into two new restaurants and utilise the basement, ground and first floor. The capacity for each has not yet been confirmed. Premises A will operate on part ground and all of the first floor, access via Gerrard Place. Premises B will access on the ground floor and operate on the basement and the external area, access via Horse and Dolphin Yard.

An external area is part of the proposed development. The landowner of Horse and Dolphin Yard is to be confirmed, however the current licence does not use this area for licensable activity or for main access to the premises currently. The proposal would be for premises B to use this area and the main access to the restaurant would be using this Yard.

The current licence restricts the capacity to 480 people excluding staff when late night refreshment is taking place. Alcohol may only be supplied to a person consuming a table meal. The proposal would not involve increasing the current hours. However it would involve adding off sales of alcohol (for both premises, for part open bottles of wine and for service in the external area) and the provision for regulated entertainment for karaoke in premises B.

Residential units have been given planning permission for floors two, three and four above the licensed premises (these floors were used as back of house for the restaurant).

The main Environmental Health considerations to the proposal as submitted are the following:

1. Cumulative Impact Area

The premises are in the West End Cumulative Impact Area as defined in Westminster's Statement of Licensing policy. The policy can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

These applications may be assisted by surrendering the existing licence. A new restaurant application would fall within policy RNT2 which states, applications will be granted subject to other policies CIP1 and HRS1, and subject to relevant criteria in policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the CIA. If two restaurants are being formed under the same terms then it could be argued there will be no additional impact within the cumulative impact area.

No bar areas are proposed.

There is no increase in the proposed hours. However if there is an increase of capacity the proposal of the terminal hour beyond core hours for all licensable activities would be against Policy **HRS1**. However policy **RNT2** recognises that appropriately conditioned restaurants have little association with crime and disorder or public nuisance up until 0100 hours.

The current licence stipulates a capacity when Late Night Refreshment takes place, this 480 people excluding staff. So if there is an increase of 480 people when late night refreshment is taking place this would be deemed an increase in the CIA.

The take away of late night refreshment was also proposed, the policy states the following:

2.5.16 It is recognised that late night refreshment premises play an important role by providing food and drink for visitors and workers and for some residents late at night. However because of the late hours that they operate, public nuisance can arise from these premises that affects residents and businesses. This is particularly from premises selling hot food or hot drink for consumption off the

premises. Therefore, the Licensing Authority will give separate consideration to those late night refreshment premises offering the sale of hot food or drink for consumption off the premises. Where it is proposed to sell hot food and hot drink to standing customers or at fast food premises or for consumption off the premises (take-away), the application will be considered under policies FFP1 and FFP2.

'Premises supplying fast food inside the Cumulative Impact Areas - Policy FFP2 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.'

2. Sanitary accommodation

One of the reasons for an area being designated as a Cumulative Impact Area is due to the lack of adequate facilities leading to Public Nuisance concerns in the area. Environmental Health therefore requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.*

Premises A: For 300 people there should be a minimum of 6 female WCs, 2 male WCs and 3 urinals. For 240 people there should be a minimum of 5 female WCs, 2 male WCs and 2 urinals.

Premises B: For 240 people there should be a minimum of 5 female WCs, 2 male WCs and 2 urinals. For 200 people there should be a minimum 5 female WCs, 2 male WCs and 2 urinals. The external capacity should also be included in the provision, therefore more WCs may be required.

If major building works are taking place the provision of accessible WCs should be encouraged. Accessible WCs can be included in the female numbers only if separate staff WCs are provided.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

All toilets in food business premises should be separated by a lobby from food eating or preparation areas.

The WCs should either be shown on the plan, however if the provision is not yet known then the capacity can be determined on completion of the build in line with table 10.

3. Noise breakout and use of external area

Premises B has indicated that karaoke may take place therefore, doors and windows should be kept closed after 23.00 hours and at all times if regulated entertainment is taking place. An acoustic lobby should also be considered depending on layout of the premises. A sound limiter may also be necessary. If individual karaoke rooms are proposed and are suitably insulated a sound limiter may not be necessary.

External use has been proposed in Horse and Dolphin Yard. Planning permission has granted for residential units above the licensed premises, which will overlook this external area. Consideration needs to be given so this area does not cause a nuisance to the occupiers surrounding it. It is advised that the area is not used after 21.00 hours. The access and egress to Premises B is proposed to be through the Yard and the noise of the gate late at night needs to also be managed.

Part of the external space has a structure with a roof, if any of the structure is to be enclosed then use of this as a smoking area would need to be assessed in line with the Health Act 2006.

4. Food Hygiene

No detailed kitchen layout plans have been provided therefore the layout has not been assessed for food hygiene requirements. Dumb waiters have been proposed to assist with the movement of food and plates, etc. This would be encouraged to reduce staff traffic on the public stairs.

The planning use hours of the plant should be checked to ensure the operation hours match those permitted.

5. Types of application

The two restaurant applications should be new applications. A surrender condition should be added to each licence. Specific conditions for each premises have been detailed below to uphold the Licensing Objectives.

6. Conditions

Applicable to Premises A and B:

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

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

2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
3. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
4. 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.
5. All entrance doors and windows to be kept closed after 23:00hours or when regulated entertainment is taking place except for immediate access and egress of persons.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
10. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
11. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
12. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
13. 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.

14. 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.
15. 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
17. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
18. 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.
19. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
20. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
21. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
22. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
23. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

24. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
25. 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 unless seated in an authorised external area.
26. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
27. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
28. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
29. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
31. No licensable activities shall take place at the premises until the premises has 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.
32. No licensable activities shall take place at the premises until premises licence 17/13111/LIPT has been surrendered [and is incapable of resurrection].

Specific to premises A

33. All sales of alcohol for consumption off the premises shall be in sealed containers and shall not be consumed on the premises.
34. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor TBC persons; First Floor TBC persons.

Specific to premises B

35. All sales of alcohol for consumption off the premises shall be in sealed containers or for consumption to seated customers in Horse and Dolphin Yard only.
36. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor TBC persons; Basement TBC persons and External Area TBC persons.
37. The use of Horse and Dolphin Yard shall not be used beyond 21:00 hours (except for access and egress), at which time tables and chairs shall be rendered unusable.
38. There shall be no regulated entertainment or amplification of music in the external area.
39. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Please note this report does not include comments by the District Surveyor.

Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.

Sally Fabbricatore

Environmental Health Officer – Senior Practitioner

EH Consultation Team

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Premises History**Appendix 4**

A premises licence is currently in existence for the premises under reference 17/13111/LIPT. A copy of this licence is attached at Appendix 2 and the history for this licence is set out below.

Application	Details of Application	Date Determined	Decision
05/05948/LIPC	Conversion of the premises licence	11 September 2005	Granted under delegated authority
06/09052/WCCMAP	Master licence	11 September 2005	Granted under delegated authority
14/03541/LIPT	Transfer of premises licence – New World Chinese Restaurant Ltd to Reigo (UK) Ltd	9 June 2014	Granted under delegated authority
17/13111/LIPT	Transfer of premises licence – Reigo (UK) Ltd to Shaftesbury Chinatown Plc	3 January 2018	Granted under delegated authority

There is no appeal history

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

When determining an application for a 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. Save for the area hatched black, the premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
10. 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.
11. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
12. 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.
13. All entrance doors and windows to be kept closed after 23:00hours or when regulated entertainment is taking place except for immediate access and egress of persons.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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.
17. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.
19. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
20. 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.

21. 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.
22. 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.
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. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
24. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
25. 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.
26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
32. 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 unless seated in an authorised external area.
33. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.

34. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
35. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
36. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
37. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
38. No licensable activities shall take place at the premises until the works 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.
39. No licensable activities shall take place at the premises until premises licence 17/13111/LIPT has been surrendered [and is incapable of resurrection].
40. All sales of alcohol for consumption off the premises shall be in sealed containers and shall not be consumed on the premises.
41. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor TBC persons; First Floor TBC persons.

Environmental Health have proposed the following amended condition

41. **The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor TBC persons; Hatched area TBC persons; First Floor TBC persons.**

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

42. In the hatched area the supply of alcohol shall be to seated customers only.

Conditions proposed by the Police

None

Residential Map and List of Premises in the Vicinity

Appendix 6



Resident Count: 94

Premises within a 75 meters of 1 Gerrard Place

Licence Number	Trading Name	Address	Premises Type	Time Period
17/13111/LIPT	New World Restaurant	Basement To Third Floor And Fourth Floor Rear 1 Gerrard Place London W1D 5PA	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 01:00
18/07054/LIPN	Not Recorded	Basement And Ground Floor 118-120 Shaftesbury Avenue London W1D 5EP	Restaurant	Monday to Thursday; 11:30 - 23:30 Friday to Saturday; 11:30 - 00:00 Sunday; 11:30 - 23:30

18/02226/LIPDPS	Feng Shui Inn	4-5 Gerrard Street London W1D 5PF	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/09979/LIPDPS	Wan Chai Corner Chinese Restaurant	Tang House 3 Gerrard Street London W1D 5PD	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/07709/LIPT	Oversea	Ground Floor 7 Gerrard Street London W1D 5PH	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/00966/LIPDPS	Haozhan Restaurant	Basement To First Floor 8 Gerrard Street London W1D 5PJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/00203/LIPCH	Shibuya Soho	110 Shaftesbury Avenue London W1D 5EJ	Restaurant	Monday to Sunday; 10:00 - 23:00
11/03693/LIPN	New Loon Moon	9 Gerrard Street London W1D 5PL	Shop	Monday to Sunday; 10:30 - 20:00
17/14544/LIPVM	New Fook Lam Moon	Basement And Ground Floor 10 Gerrard Street London W1D 5PW	Restaurant	Monday to Sunday; 10:00 - 01:00
15/04836/LIPN	(Shadow Licence)	Basement To First Floor 47 Gerrard Street London W1D 5QJ	Restaurant	Friday to Saturday; 10:00 - 02:00 Sunday to Thursday; 10:00 - 01:00
15/06095/LIPDPS	Joy Luck	Basement To First Floor 47 Gerrard Street London W1D 5QJ	Restaurant	Friday to Saturday; 10:00 - 02:00 Sunday to Thursday; 10:00 - 01:00

				Monday to Wednesday; 10:00 - 00:00 Thursday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 23:00 Good Friday; 12:00 - 01:00 Good Friday; 10:00 - 01:00 Christmas Day; 10:00 - 01:00 Christmas Day; 12:00 - 01:00 New Year's Day; 12:00 - 01:00 New Year's Day; 10:00 - 01:00
17/09229/LIPT	New China	48 Gerrard Street London W1D 5QL	Restaurant	Monday to Wednesday; 10:00 - 00:00 Thursday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 23:00 Good Friday; 12:00 - 01:00 Good Friday; 10:00 - 01:00 Christmas Day; 10:00 - 01:00 Christmas Day; 12:00 - 01:00 New Year's Day; 12:00 - 01:00 New Year's Day; 10:00 - 01:00
17/14772/LIPN	The Shan State	100 - 102 Shaftesbury Avenue London W1D 5EE	Restaurant	Monday to Sunday; 12:00 - 23:30
16/08131/LIPV	Real Beijing Restaurant	46 Gerrard Street London W1D 5QH	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/07793/LIPDPS	Little Four Seasons	Basement To First Floor 11 Gerrard Street London W1D 5PP	Restaurant	Monday to Saturday; 11:00 - 00:00 Sunday; 11:00 - 01:00
13/03887/LIPDPS	New Loon Fung Chinese Restaurant	Above Floor 42- 44 Gerrard Street London W1D 5QG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/09159/LIPDPS	Loon Fung Supermarket	Ground Floor 42- 44 Gerrard Street London W1D 5QG	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

18/15049/LIPV	Curzon Soho Cinema	93-107 Shaftesbury Avenue London W1D 5DY	Cinema	Monday; 09:00 - 02:30 Tuesday; 09:00 - 02:30 Wednesday; 09:00 - 02:30 Thursday; 09:00 - 02:30 Friday; 09:00 - 02:30 Saturday; 09:00 - 02:30 Sunday; 09:00 - 00:00
13/06021/LIPDPS	Genting Casino London China Town	First Floor Wingate House 93 - 107 Shaftesbury Avenue London W1D 5DY	Casino or gambling club	Monday to Sunday; 00:00 - 23:59
12/00183/LIPDPS	The Canton Chinese Restaurant	11 Newport Place London WC2H 7JR	Restaurant	Monday to Thursday; 10:00 - 01:00 Friday to Saturday; 10:00 - 02:00 Sunday; 12:00 - 01:00
16/12748/LIPT	Lido Chinese Restaurant	41 Gerrard Street London W1D 5QF	Restaurant	Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 02:00 Sunday; 12:00 - 00:00
18/04964/LIPDPS	Four Seasons	12 Gerrard Street London W1D 5PR	Restaurant	Monday to Sunday; 09:00 - 03:30
16/09657/LIPVM	Suki	39 Gerrard Street London W1D 5QD	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/04912/LIPDPS	De Hems Public House	11 Macclesfield Street London W1D 5BW	Pub or pub restaurant with lodge	Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00
19/04050/LIPDPS	Bar Shu	28 Frith Street London W1D 5LF	Restaurant	Monday to Saturday; 11:00 - 00:30 Sunday; 11:00 - 00:00

18/09739/LIPCH	Maotai Kitchen	Basement And Ground Floor 12 Macclesfield Street London W1D 5BP	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 01:00
18/12768/LIPDPS	Experimental Cocktail Club	First Floor And Second Floor 13 Gerrard Street London W1D 5PS	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 02:00 Sundays before Bank Holidays; 09:00 - 02:30
06/08810/WCCMAP	Far East Restaurant	Ground Floor 13 Gerrard Street London W1D 5PS	Restaurant	Monday to Sunday; 23:00 - 05:00
19/02952/LIPDPS	Ikkyu	Ground Floor 7-9 Newport Place London WC2H 7JR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/07153/WCCMAP	Crispin's Food & Wine	90 - 92 Shaftesbury Avenue London W1D 5EA	Shop	Monday to Sunday; 08:00 - 05:00
06/08111/WCCMAP	Imperial China	Wheeler House 25A Lisle Street London WC2H 7BA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/06830/LIPT	Oriental Delight	14 Gerrard Street London W1D 5PT	Shop	Monday to Saturday; 11:00 - 23:00 Sunday; 11:00 - 22:30
14/03303/LIPV	Golden Phoenix	37-38 Gerrard Street London W1D 5QB	Restaurant	Monday to Saturday; 10:00 - 02:00 Sunday; 12:00 - 01:00
15/03637/LIPDPS	New China Gate (London) Limited	18 Newport Place London WC2H 7PR	Shop	Monday to Sunday; 11:00 - 22:00
08/10074/LIPV	Young Cheng Restaurant	22 Lisle Street London WC2H 7BA	Restaurant	Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 00:00

06/06018/WCCMAP	Y Ming	35 - 36 Greek Street London W1D 5DL	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10173/LIPDPS	Pepper Lime	Basement To First Floor 25 Lisle Street London WC2H 7BA	Restaurant	Monday to Thursday; 11:30 - 23:30 Friday to Saturday; 11:30 - 00:00 Sunday; 11:30 - 22:30
08/11517/LIPD	Gerry's Club	Basement 52-53 Dean Street London W1D 5BJ	Club or institution	Monday to Saturday; 10:00 - 03:30 Sunday; 12:00 - 23:00