



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 5th August, 2021**, This will be a virtual meeting.

Members Present: Councillors Karen Scarborough (Chairman), Jacqui Wilkinson and Rita Begum

1. MEMBERSHIP

1.1 THERE WERE NO CHANGES TO THE MEMBERSHIP.

2. DECLARATIONS OF INTEREST

2.2 THERE WERE NO DECLARATIONS OF INTEREST.

APPLICATIONS

2. 66-68 BREWER ST, LONDON W1F 9TP – PREMISES LICENCE VARIATION APPLICATION

THE APPLICATION WAS GRANTED UNDER DELEGATED AUTHORITY.

3. ROYAL CHINA RESTAURANT – PREMISES LICENCE VARIATION APPLICATION

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4

Thursday 5 August 2021

Membership: Councillor Karen Scarborough (Chairman), Councillor Jacqui Wilkinson and Councillor Rita Begum

Officer Support: Legal Adviser: Vivienne Walker
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Application for a Variation of Premises Licence – Royal China Restaurant
30 Gerrard Street London W1D 6JS – 21/01866/LIPV

FULL DECISION

Premises

Royal China Restaurant
30 Gerrard Street
London W1D 6JS

Applicant

Superduper Siam Limited

Cumulative Impact Area?

West End

Ward

St. James's

Proposed Licensable Activities and Hours

- To extend the permitted hours for Performance of Live Music on the Ground, First and Second Floors of the Premises: 12:00 to 05:00 Monday to Sunday.

Seasonal Variations: No change

- To extend the permitted hours for Recorded Music on the Ground, First and Second Floors of the Premises: 12:00 to 05:00 Monday to Sunday.

Seasonal Variations: No change

- To extend the permitted hours for Late Night Refreshment on the Ground, First and Second Floors of the Premises: 23:00 to 05:00 Monday to Sunday.

Seasonal Variations: No change

- To extend the permitted hours for Sale by Retail of Alcohol on the Ground, First and Second Floors of the Premises: 12:00 to 05:00 Monday to Sunday.

Seasonal Variations: None

- To extend the permitted hours for Hours Premises are open to the Public on the Ground, First and Second Floors of the Premises: 12:00 to 05:00 Monday to Sunday.

Seasonal Variations: None

- To add 2 additional conditions as specified below and numbered 11 and 12.

Representations Received

- Metropolitan Police Service (Cheryl Boon)
- Environmental Health (Anil Drayan)
- Licensing Authority (Roxsanna Haq)

Summary of Objections

- Environmental Health expressed that the extension in hours for all the licensable activities requested may lead to an increase in Public Nuisance in the area and the hours requested are beyond “core” hours for premises in the CIZ.
- The Metropolitan Police Service advised that the venue is situated within the Cumulative Impact Area and it is their belief that if granted the application would undermine the Licensing Objectives in relation to the Prevention of Crime and Disorder.
- The Licensing Authority had concerns as to how the premises would promote the four licensing objectives.

Summary of Application

This is an application for a Variation of a Premises Licence under the Licensing Act 2003 (“The Act”). The Premises are a Chinese Restaurant with facilities for Karaoke. The Premises are situated in the St. James’s Ward and are within the West End Area of the Cumulative Impact, but not within the Special Consideration Zone. The Premises have had the benefit of a licence (21/01592/LIPDPS) since 2005.

Policy Position

Under Policy CIP1, it is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Area 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. 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 within the Cumulative Impact Zone.

Under Policy HRS1, applications for hours within the Core Hours would generally be granted. Applications for hours outside Core Hours would be considered on their merits, subject to other relevant policies.

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

SUBMISSIONS AND REASONS

Ms Emanuela Meloyan, Presenting Officer, outlined that this was an application for a variation to a Premises Licence for the extension of hours for the ground, first and second floors of the Premises. She explained that representations had been received from the Environmental Health Service, the Metropolitan Police Service and the Licensing Authority. She confirmed that no representations had been received from other parties. She advised that the Premises were located within the St James's Ward and in the West End Cumulative Impact Area.

Mr Ng, on behalf of the Applicant's Company, addressed the Sub-Committee and advised that the name of the Premises had changed several times, although it was still operated by the same owner and the same licence holder. He explained that the Premises were currently being renovated and that once the restaurant was operating again the Applicant would submit a minor variation to the Premises Licence confirming the restaurant's name and the layout of the Premises.

Mr Ng explained the layout of the Premises to the Sub-Committee. He advised that:

- the kitchen, toilet and storage area were in the basement.
- the entrance to the Premises, bar and two open seating areas were located on the ground floor.
- a private function Karaoke room (eight covers) was on the first floor.
- the restaurant on the second floor was split into two private function rooms.

Mr Ng advised that the restaurant only provided table service to its customers as the model condition 66 was attached to the Premises Licence which only allowed alcohol to be ancillary to a table meal. He confirmed that if the application was granted the capacity of the Premises would be 110 patrons (excluding staff) and that there would be approximately three members of staff working on each floor. He advised that the Applicant wished to extend the operation of the restaurant until 05.00 a.m. for all floors as currently the ground floor and second floor operated until midnight whilst the first floor operated until 03.00 a.m. Mr Ng explained that as the restaurant was in the West End Stress Area the Applicant would surrender an equivalent licence for 23 Wardour Road so that the variation to the Premises Licence at 30 Gerrard Street would not add to the Cumulative Impact in Soho.

Mr Anil Drayan, representing the Environmental Health Service, advised the Sub-Committee that it was common practice to give pre-application advice to Applicants. He explained that one of the ways for Applicants to obtain an increase in licensable

activities beyond core hours in cumulative impact areas was to offer up something, such as an equivalent licence, so that over all there would be no increase in the cumulative impact area. Mr Drayan confirmed that the Premises Licence which the Applicant was offering up was similar but not identical to what was being applied for in the variation to the Premises Licence application for 30 Gerrard Street.

Mr Ng advised that there would be at least one security guard if not two security guards stationed at the entrance to the Premises from 11.00 p.m. until the Premises closed and that they would monitor the smoking area where a maximum of five customers would be allowed at any one time. He confirmed that no drinks were allowed to be taken outside of the Premises. He emphasised that the restaurant mainly catered for the Chinese community and for the workers in China Town. He advised that the restaurant belonged to the Royal China Group and that they were well known in the Chinese community.

Mr Ng confirmed that the Applicant had agreed to all the conditions that had been proposed by the Police Service and the Environmental Health Service and emphasised that they would not be adding to the cumulative impact in the area due to the surrender of the Premises Licence for 23 Wardour Street. He added that the last admission to the Premises would be at 01.00 a.m.

In response to the Sub-Committee questions, Mr Drayan advised that 23 Wardour Street had a Premises Licence that allowed them to have Late Night Refreshment until 05.00 a.m. He explained that the new owners of 23 Wardour Street would only be able to apply for a new Premises licence for a restaurant operation up to core hours, unless they too gave up something, so as not to increase cumulative impact in the West End. This was because the Premises would be regarded as having no licence and like any other empty Premises, the new owners would have to apply for a new Premises Licence and comply with the cumulative impact area and core hours Council policies and licensing objectives.

The Sub-Committee discussed having a dispersal policy with Mr Ng who advised that he was happy to have a dispersal condition attached to the Premises Licence. The Sub-Committee noted that there was the potential of noise nuisance to residents if all patrons left the Premises together at 05.00 a.m. Mr Ng advised that there was signage advising patrons to leave the Premises quietly and to respect the local residents.

Mr Anil Drayan, representing the Environmental Health Service, advised that it was for the Licensing Sub-Committee to consider whether the surrender of 23 Wardour Street was sufficient enough to prevent an increase in cumulative impact in the West End Stress Area. He advised that the Premises were operated in a way that did not cause concern however the Applicant was requesting a substantial increase in hours for the sale of alcohol until 05.00 a.m. which gave him an additional five hours of licensable activities on the ground and second floors. Mr Drayan stated that the Premises Licence which the Applicant was surrendering only allowed late night refreshment, not alcohol, until 05.00 am and therefore the Applicant was also offering to limit the overall capacity numbers of the Premises from 150 patrons to 110 patrons. Mr Drayan explained that the application needed to be considered on the current layout of the Premises because that was the application before the Sub-Committee.

Ms Roxsanna Haq, representing the Licensing Authority, advised that their proposed conditions had been accepted by the Applicant, however, they had maintained their representation due to the increase in hours being sought regarding the sale of alcohol. Ms Haq advised that it was for the Sub-Committee to decide whether the Applicant had demonstrated that he would not add to the cumulative impact in the West End.

PC Cheryl Boon, representing the Metropolitan Police Service, advised that the Police were maintaining their representation on the grounds of the prevention of crime and disorder and the extension of hours for licensable activities which could undermine the Council's licensing objectives. She explained that the Premises were in a very busy area of the West End which was already saturated with late night venues and where pre-covid Police resources had been in high demand due to high levels of alcohol related crime and disorder. She advised that the West End was a hotspot for robberies and violence against women in the early hours of the morning as drunk people were often targeted because they were less alert of their surroundings.

PC Boon advised that allowing the Premises to remain open and supply alcohol to 05.00 a.m. would increase the number of intoxicated people in the area in the early hours of the morning. This could lead to an increase in the levels of crime and disorder and increase demand on Police resources. PC Boon advised, on a positive note, that historically this type of venue did not generate a high volume of crime. However, the Police were concerned that their customers could potentially become victims of crime due to the later hours that they were applying for in their application. PC Boon confirmed that the Applicant had agreed to all their proposed conditions and that this went some way in addressing the Police's concerns.

PC Boon advised that neither Premises were problematic to the Police and historically karaoke venues caused very few problems for the Police, especially with the model condition 66 being attached to the licence.

In response to questions from the Sub-Committee, PC Boon advised that the later the opening hours the more vulnerable people become because they had been drinking for a longer period of time. Mr Ng responded by stating that the Applicant would accept an earlier closing time, that they had decided to change the layout during the pandemic and that the renovation was not yet finished. Mr Ng further advised that he was happy for model condition 21, model condition 57 and a condition regarding the security guards supervising the dispersal of patrons and the smoking area to be attached to the Premises Licence.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee had regard to the fact that the Applicant had agreed to the surrender of the Premises Licence at 23 Wardour Street. The Sub-Committee noted the Environmental Health Officer's explanation that the Applicant was offering the

surrender of a licence that allowed late night refreshment until 05:00 a.m. and in return the Applicant wished to increase the hours of regulated entertainment and serve alcohol ancillary with table meals until 05:00 a.m. which was not an identical swap, but this would go some way in reducing the cumulative impact in the West End.

The Sub-Committee noted the Police Service's representations which stated that most crime and disorder took place between 03:00 a.m. and 05:00 a.m. in the West End. The Sub-Committee therefore considered that it would be appropriate to approve to extend the operating hours for the ground, first and second floors of the Premises until 03:00 a.m. instead of 05:00 a.m.

The Sub-Committee were mindful that the Applicant had offered to reduce the capacity from 150 patrons to 110 patrons and this reduction would go some way in not increasing cumulative impact in the West End.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the responsible authorities, that this type of Premises did not cause the responsible authorities concern and that all alcohol would be ancillary to a table meal throughout the Premises. The Sub-Committee concluded that the conditions imposed on the Premises licence were appropriate and would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission to extend the permitted hours for **Performance of Live Music** on the Ground, First and Second Floors of the Premises Monday to Sunday: 12:00 to 03:00.

Seasonal Variations: No change

2. To grant permission to extend the permitted hours for **Recorded Music** on the Ground, First and Second Floors of the Premises Monday to Sunday 12:00 to 03:00.

Seasonal Variations: No change

3. To grant permission to extend the permitted hours for **Late Night Refreshment** on the Ground, First and Second Floors of the Premises Monday to Sunday 23:00 to 03:00.

Seasonal Variations: No change

4. To grant permission to extend the permitted hours for **Sale by Retail of Alcohol** on the Ground, First and Second Floors of the Premises Monday to Sunday 12:00 to 03:00.

Seasonal Variations: None

5. To grant permission to extend the permitted hours for **Hours Premises are open to the Public** on the Ground, First and Second Floors of the Premises Monday to Sunday 12:00 to 03:00.

Seasonal Variations: None

6. To grant permission to add conditions 11 and 12 as specified below.
7. To add conditions in the terms specified below.
8. That the varied licence is subject to any relevant mandatory conditions.
9. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
10. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

11. The premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (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,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

12. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (110) persons.

13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.
18. Patrons temporarily leaving the premises, e.g., to smoke, shall not take any drinks with them outside the premises and shall be limited to a maximum of 5 persons at any one time.
19. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
20. There shall be no admittance or re-admittance to the premises after 01:00 hours except for patrons permitted to temporarily leave the premises (e.g., to smoke, make a phone call).

21. There shall be a minimum of one SIA licensed door supervisor on duty at the premises from 23:00 hours daily. The SIA supervisor shall assist with dispersal from the premises by directing patrons to public transport facilities within the area. The SIA door supervisors must correctly display their SIA licence(s) when on duty.
22. No licensable activities shall take place at the premises until Premises Licence numbers 14/07563/LIPDPS and 19/03860/LIPDPS have been surrendered.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
5 August 2021**