

Licensing Sub-Committee Report

Item No:	
Date:	22 October 2015
Licensing Ref No:	15/07179/LIPN - New Premises Licence
Title of Report:	China Exchange Gerrard Building 32-35 Gerrard Street London W1D 6JA
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

Seasonal variations:		N/A					
Non-standard timings:		N/A					
Performance of Dance				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	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Anything of similar description to Live Music, recorded Music or Performance of dance				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	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					

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	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Adult Entertainment:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Rebecca St. Rose
Received:	21 st September 2015
The Licensing Act 2003	

China Exchange, Gerrard Building, 32-35 Gerrard Street, W1D 6JA

I refer to the application for a New Premises Licence for the above premises.

This representation is based on the plans and the operating schedule submitted.

The premises are located within the West End Stress Area.

1. To permit the following Regulated Entertainment (Indoors) on Monday to Sunday from 10:00 to 22:00
 - Performance of Plays
 - Exhibition of films
 - Performance of Live Music
 - Playing of Recorded music
 - Performance of Dance
 - Anything of a similar description to Live Music, recorded Music or Performance of dance

2. To permit the Supply of Alcohol (On Sales) on Monday to Saturday from 10:00 to 22:00 and on Sunday from 12:00 to 22:00.

I wish to make Representations on the following grounds:

1. The activities and hours requested for the Regulated Entertainment will have the likely effect of causing an increase in public nuisance within the West End Stress Area.

2. The activity and hours requested for the Supply of alcohol will have the likely effect of causing an increase in Public Nuisance within the area.

The applicant has provided conditions within the Operating Schedule, **(Appendix 2)** these will be looked at but further conditions may be provided by Environmental Health to satisfy the Licensing Objectives due to the range of activities proposed

Proposed conditions has been recommended by Environmental Health to support the licensing objectives **(see Appendix 4)**

Responsible Authority:	The Metropolitan Police
Representative:	PC Reaz Guerra
Received:	16 th September 2015

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

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

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area. It is for these reasons that we are objecting to the application.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy STR1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas. Policy HRS1 applies:</p>
Policy COMB1	<p>i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 STR1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what</p>

	<p>weight is to be given to the relevant uses and policies.</p> <p>It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&PB2, FFP1 & FFP2, MD1 & MD2.</p>
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4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

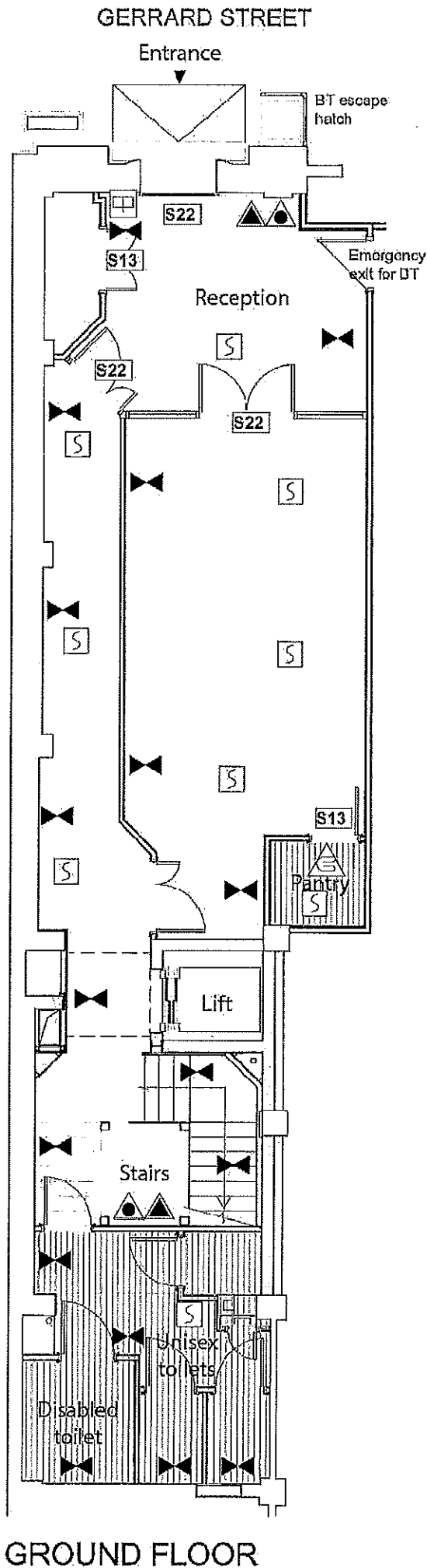
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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

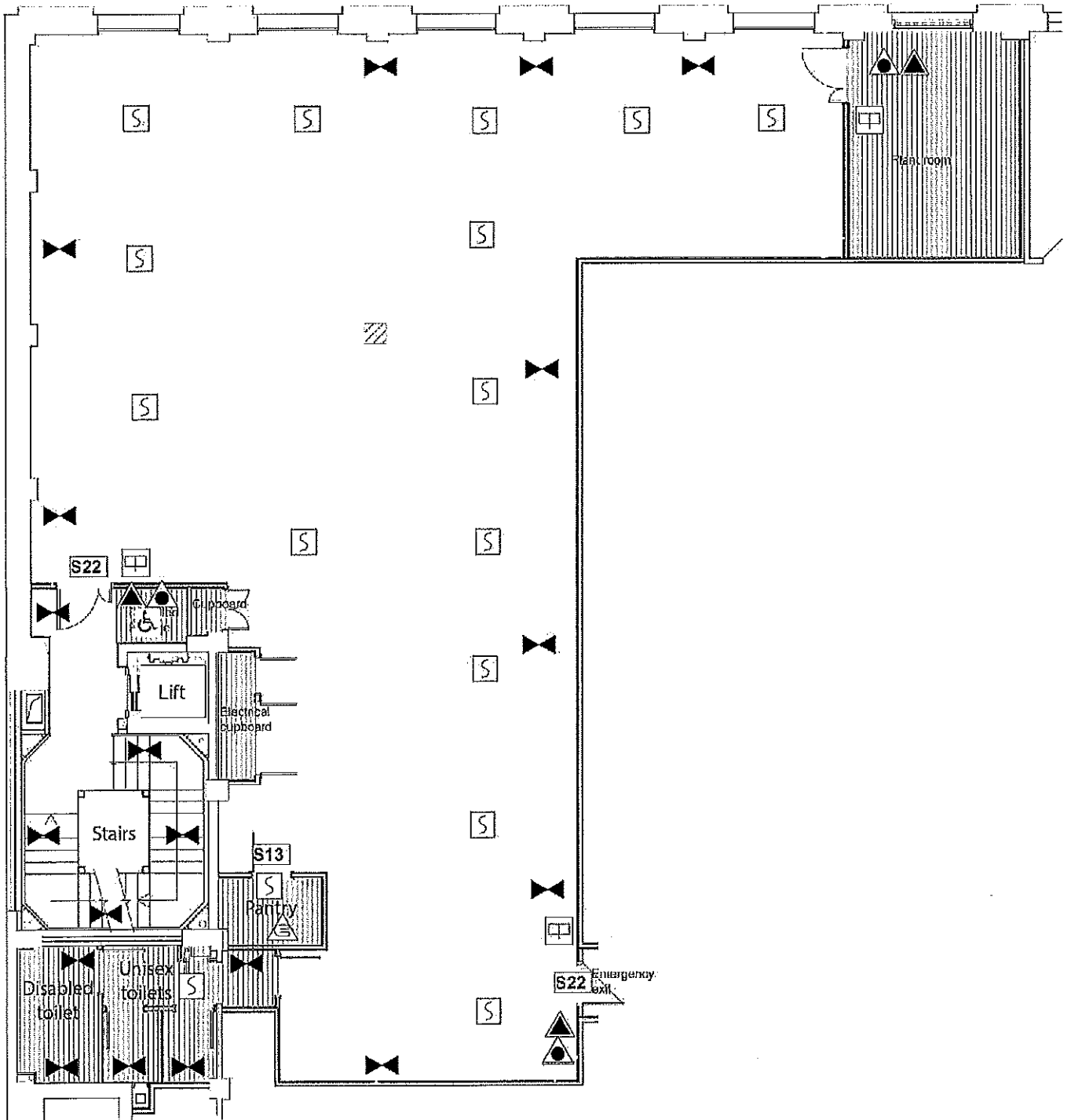
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

APPENDIX 1

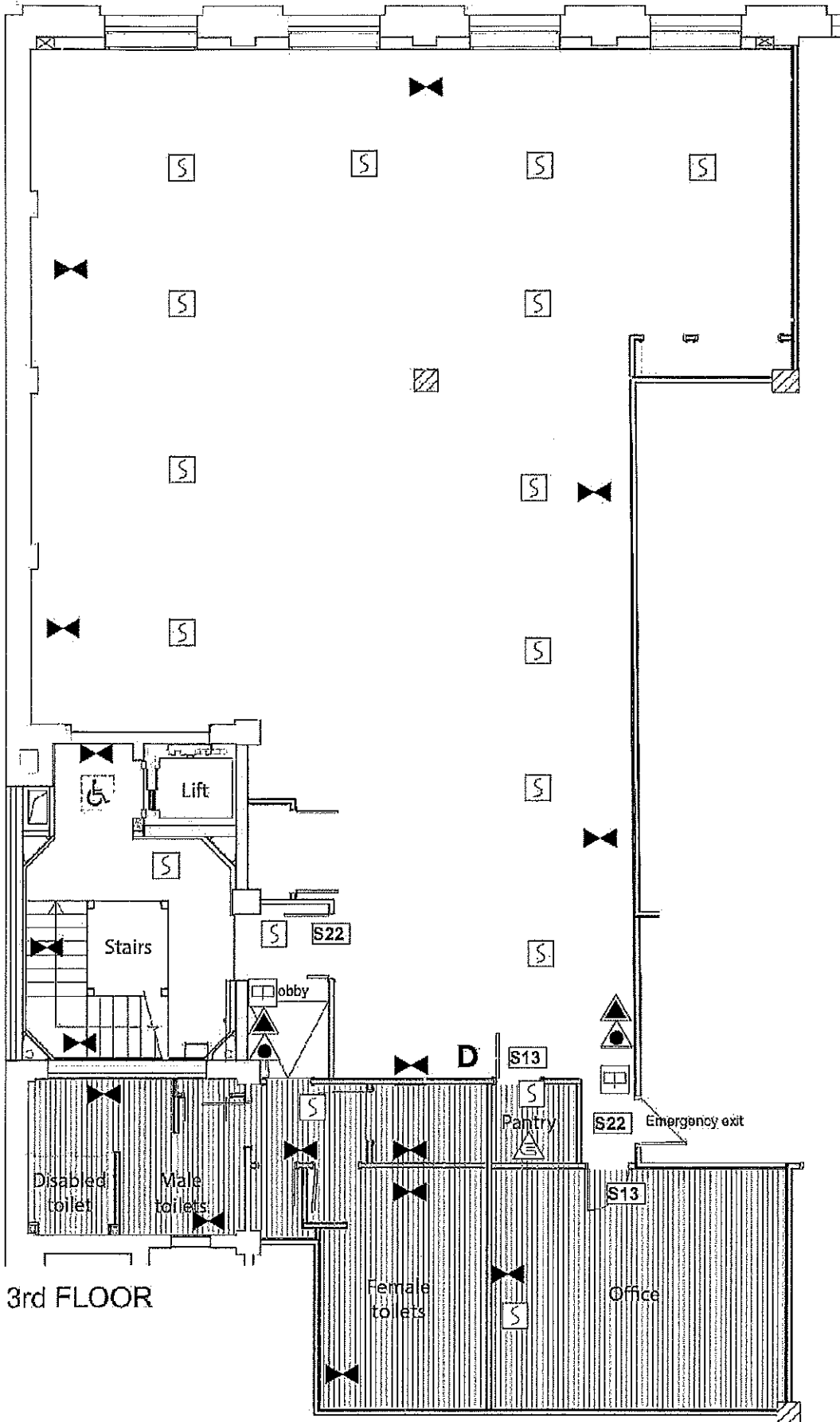


GROUND FLOOR



2nd FLOOR

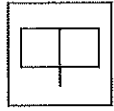
GERRARD STREET



3rd FLOOR

China Exchange Plans – Key

Scale – 1:100 at A4



Fire Alarm Call Point with Fire Action Sign adjacent, the contents of which should be based on the Fire Safety and Evacuation Plan for the premises.



Fire Blanket in container



Carbon Dioxide Fire Extinguisher



Foam Fire Extinguisher



Area covered with a system of Escape Lighting.



Area covered by Automatic Smoke Detectors

S22

Fire exit, exit or emergency exit notice graphic symbol.

S13

Fire door keep shut.

5mm

CHINA EXCHANGE
32-35 Gerrard Street

APPLICATION FOR A NEW PREMISES LICENCE

Proposed operating schedule and conditions following pre-application advice with the City Council's Environmental Health Consultation Team to address

- (1) The licensing objectives**
(2) The City of Westminster's Licensing Policy

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Cultural Centre.
2. Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
3. 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.
4. There shall be a personal licence holder on duty on the premises at all times when the premises are open to patrons for licensable activities.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
9. The number of persons in the premises at any one time (excluding staff) shall not exceed Ground floor (tic), second floor (tbc) and third floor (tbc).

10. There shall be no self-service of alcohol.
11. 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.
12. 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 driving licence, passport or proof of age card with the PASS Hologram.
13. 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 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.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and businesses and use the area quietly.

Thomas and Thomas Partners LLP

4 August 2015

Licence & Appeal History

There is no licence and appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Proposed Conditions from the Environmental Health Service

11. There shall be no cinema style showing of films.
12. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting
13. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced

sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952

14. 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.
15. 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.
16. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
19. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
20. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

The certificates listed below shall be submitted to the Licensing Authority upon written request.

- a. Any permanent or temporary emergency lighting battery or system
- b. Any permanent or temporary electrical installation
- c. Any permanent or temporary emergency warning system



City of Westminster

China Exchange 32-35 Gerrard Street



7

Meters

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Data Source: Uniform Database
Date: 09/10/2015

APPENDIX 5

Residential /
Proposed
Residential

100

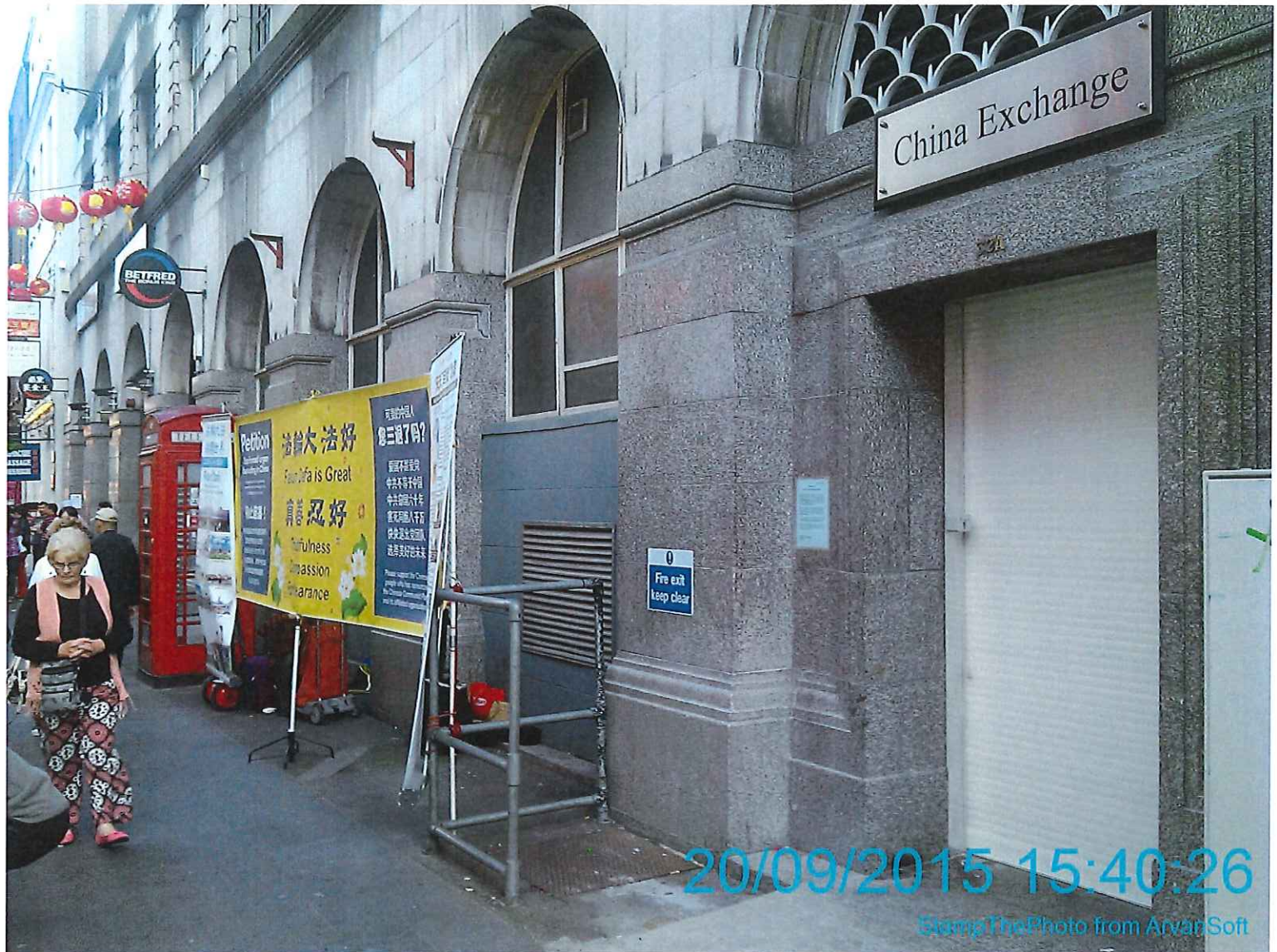
Under
Construction

Other
Uses

Proportion
Residential
of all Uses

Premises within 75 metres of: China Exchange 32-35 Gerrard Street

p / n	Name of Premises	Premises Address	Licensed Hours
10011	Experimental Cocktail Club	First Floor And Second Floor 13 Gerrard Street London W1D 5PS	Sunday 09:00 - 02:00 Sundays before Bank Holidays 09:00 - 02:30 Monday to Saturday 09:00 - 03:30
10082	Kowloon Restaurant	Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10458	Suki	39 Gerrard Street London W1D 5QD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10612	Loon Fung Supermarket	Ground Floor 42-44 Gerrard Street London W1D 5QG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30





Fire exit
keep clear

China Export

20/09/2015 15:39:29

StampThePhoto.com ArvanSoft