



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

18 January 2024

23/07105/LIPN - New Premises Licence

Cozy Noodle  
145 Cleveland Street  
London  
W1T 6QH

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

Roxsana Haq  
Senior Licensing Officer

Telephone: 020 7641 6500  
Email: rhaq@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 October 2023		
<b>Applicant:</b>	Tian Ying Ltd		
<b>Premises:</b>	Cozy Noodle		
<b>Premises address:</b>	145 Cleveland Street London W1T 6QH	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None.
		<b>Special Consideration Zone:</b>	None.
<b>Premises description:</b>	According to the applicant the premises operates as a Chinese noodle restaurant.		
<b>Premises licence history:</b>	There has been a premises licence for the premises since at least 2005. The most recent premises licence (reference 19/02724/LIPT) lapsed on 11 February 2020. A copy of this lapsed licence can be seen at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	None.		
<b>Applicant amendments:</b>	None.		

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

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

Hours premises are open to the public:							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:00
<b>Seasonal variations/ Non-standard timings:</b>				None			
<b>Adult Entertainment:</b>				None			

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Service
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	09 November 2023
<p><b>Cozy Noodle/Chinese restaurant, 145 Cleveland Street, London, W1T 6QH</b></p> <p>I refer to the new application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"><li>1. Provision of late-night refreshment Indoors &amp; outdoors Monday to Saturday 23:00 – 00:30 hours and Sunday 23:00 – 00:00 hours</li><li>2. Supply of alcohol for consumption on &amp; off the premises Monday to Saturday 10:00 – 00:00 hours and Sunday 10:00 – 23:30 hours</li></ol> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <ol style="list-style-type: none"><li>1. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</li><li>2. The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</li></ol> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.</p> <p>Conditions have been proposed to replace those contained with the operating schedule. Applicant is advised to study these conditions and they may be discussed further during a site visit.</p> <p>Proposed Environmental Health conditions to replace those contained within the operating schedule.</p> <ol style="list-style-type: none"><li>1. 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</li><li>2. 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</li><li>3. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to</li></ol>	

residents and businesses in the vicinity.

4. 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
5. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
6. 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) 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.

7. There shall be no sales of alcohol for consumption off the premises after 23.00 hours
8. All sales of alcohol for consumption off the premises shall be in sealed containers only
9. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption
10. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours
11. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
12. 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
13. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
14. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
16. 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

17. 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
18. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
19. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
20. 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
21. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined

Maxwell Owusu Koduah  
Environmental Health Officer

**Further representation from the Environmental Health Service was sent to the applicant on 27 November 2023.**

Dera Christopher Montanez

Following a site visit and telephone conversation in respect of the above application, please find attached amended EH conditions for your consideration.

**(A full set of conditions can be seen at Appendix 5 of this report).**

Please be advised that if the police have not made a representation to the application, I may have to amend my conditions to include additional conditions that the police would usually propose.

I have also attached for your consideration, complaint history going back 2 years. Our records show that residents had reasons to make complaints regarding intrusive and disturbing plant noise from the premises. These complaints culminated into the serving of a section 80 notice against the premises on 19.09.2022. Even beyond 19.09.2022, complaints continued to be received.

For the above reason, I need a written response from yourself regarding measures already taken or proposed to be taken in response to the complaints.

I have taken note of the revised plans submitted in support of the application.

Kevin – it is my understanding that Chris is not aware of any representations made against the application. Please share the representations made by residents with him to facilitate the process of mediation.

Kind regards  
Maxwell

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	19 November 2023		
<p>I do not object to alcohol being served on the premises. However, the times proposed for closing are not in keeping with the other restaurants and bars on the street - many of which are on the Camden side of the street.</p> <p>So, I object on that basis i.e. the proposed late closing, and suggest they should fall in line with the rest of this highly residential street.</p> <p>Otherwise the knock on effect of taxis, smoking outside, saying goodbye after a late night and the music that spills out will inevitably cause distress to the residents that no other business does that late.</p> <p>On a different but related matter, this restaurant has refused to repair its noisy and damaged extractor fan for a number of years to the detriment of their neighbours - since this issue began it has been unpleasant to have windows open due to the noise. They have been spoken to and are aware and agree its a problem, but have not fixed it.</p> <p>Therefore, they have proven a lack of care for their neighbours and so any grant of licence should have clear boundaries.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 October 2023		
<p>This is a residential area with a narrow road where the noise bounces around. It would be completely wrong for a late alcohol license to be permitted.</p> <p>In addition, this restaurant has been complained about for a long time because they have a faulty fan that is disturbingly noisy. They keep reassuring neighbours that it is in the process of being fixed but again and again nothing has happened. Which might imply that they cannot be trusted to be considerate or reliable.</p>			

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<p><b>Restaurant Policy RNT1 applies</b></p>	<p><b>A.</b> Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p><b>C. For the purposes of this policy a restaurant is defined as:</b></p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>
<p><b>Hours Policy HRS1 applies</b></p>	<p><b>A.</b> Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p><b>B.</b> Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> </ol>

5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

**C.** For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

**8. Restaurants**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

**D.** Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

**E.** For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

**Note:** The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.



#### 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

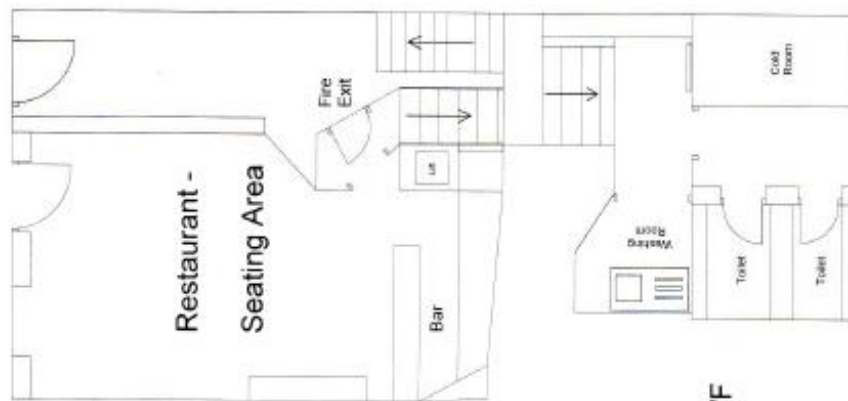
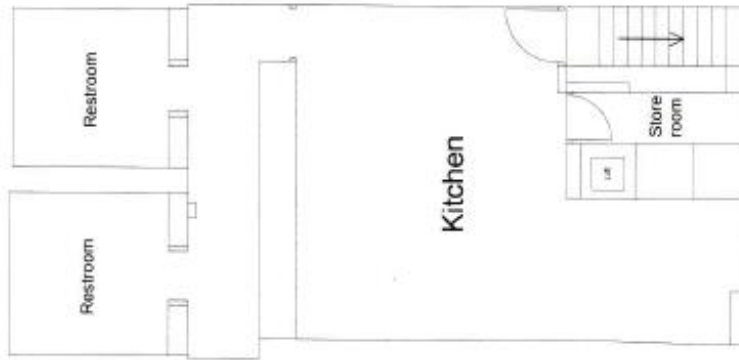
<b>Appendix 1</b>	Premises Plans
<b>Appendix 2</b>	Applicant Supporting Documents
<b>Appendix 3</b>	Premises History
<b>Appendix 4</b>	Responsible Authority Additional Submissions
<b>Appendix 5</b>	Proposed Conditions
<b>Appendix 6</b>	Residential Map and List of Premises in the Vicinity

<b>Report author:</b>	Miss Roxsana Haq Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Environmental Health Representation	9 <sup>th</sup> November 2023
<b>5</b>	Interested Party 1	19 <sup>th</sup> November 2023
<b>6</b>	Interested Party 2	25 <sup>th</sup> October 2023



Cleveland Street

G/F

Lower G/F

Basement

1m 5m

*Romson Catering Equipment Services Ltd*  
Site Address : Noodle & Snack  
145 Cleveland Street,  
Londogn W11 6QH  
Drg & Design : Jonathan Kwok  
Scale : 1 : 100  
Date : 31/10/2023  
Ref : FL\_01

## **Applicant Supporting Documents**

## **Appendix 2**

There are no applicant submissions.



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:

Mei Li Jia Limited  
Tian Fu Bu Yi  
145 Cleveland Street  
London  
W1T 6QH

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

11595881

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

Name: Yuchuan Fu

*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: 2012/00427/LAPER  
Licensing Authority: London Borough of Hammersmith & Fulham

Date: 4<sup>th</sup> June 2019

Signed:

pp



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

## Annex 1 – 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 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.
5. 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (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.
8. 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: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml; 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 related to the Sale of Alcohol**

9. 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.
10. 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 which reproduce the effect of any restriction imposed on these of the premises by specified enactments**

#### **Conditions related to the Sale of Alcohol**

11. 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, 10:00 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).

NOTE - 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.

- 12. 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.
- 13. 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**

None

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

None

## **Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

WARD: Marylebone High  
Street  
UPRN: 100023468051

Premises licence  
summary

Regulation 33, 34

Premises licence number:

19/02724/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

TianFu Restaurant  
145 Cleveland Street  
London  
W1T 6QH

**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:**

<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	Unrestricted
<b>Sale by Retail of Alcohol</b>	
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 00:30  
Sunday: 12:00 to 00:00

**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:**

Mei Li Jia Limited  
Tian Fu Bu Yi  
145 Cleveland Street  
London  
W1T 6QH

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

11595881

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

Name: Yuchuan Fu

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

Restricted

Date: 4<sup>th</sup> June 2019

Signed:

pp



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

**Complaint History Provided by Environmental Health Services.**

Complaint history associated with 145 Cleveland Street. There is a lapsed licence ref. 19/02724/LIPT.

Date & time	Complaint	Action/comments for officers
14.05.2023 @19:11	Noisy AC system from Noodle & Snack	14 May 19:48 PKG Looked at history S80 Served. TC and noisy has been getting worse. Visit agreed. 14 May 20:30 PKG and RXT. Could hear whirring noise but lots of plant noise but not a nuisance at that time. Customer says it switches off when not in use which implies a kitchen extract system but I said it was not a nuisance but would inform Gordon.
15.01.2023 @ 13:30	Noise from fan system behind the restaurant (from the restaurant called Noodle & Snack)	Called customer's number; automated message said "incorrect number"; NFA. (Previous ref: 22/37176/ENC45 of 19/09/2022)
26.09.2022 @	Out the back of the restaurant Noodle & Snack but echoing around the street and up to flats at the back. 145 Cleveland St, London W1T 6QH Notes: I have spoken to the restaurant twice and they tell me the council is coming to review their extractor fan as they are waiting for permission to replace it. They say the council are coming soon but haven't given a date. When I last reported this I was told there had been no planning application, so I'm not sure who to believe. The restaurant seem very open to changing the extractor fan and are ready to do the work once permission is granted. It's a constant background hum during opening hours and really needs sorting out - could this be 'fast-tracked'?	
19.09.2022 @ 17:56	Noise everyday from 9/10am until 10pm - super noisy fan / AC from outside (comes from the back of the building)	Noise audible and a nuisance in customer flat from worn out fan/extraction system of Noodle and Snack. Owned by Noodle

<p>They acknowledge the noise but do not want to deal with it until the council force them to do it</p>	<p>Ninja Ltd . Director is 'Tim' ie Mr Liao Guangze 07888259633  guangzlia07171@gmail.com.  Says he has parts ordered and will repair. Pass to area team to follow up.  Email sent:  Good Evening Mr Guangze,</p> <p>Nice to meet you this evening. I can confirm that the noise from the fan is a statutory nuisance and must receive prompt remedial action. Please confirm to Mr Keegan and Mr McRae within 7 days your plans to remedy the noise. If we do not hear from your formal abatement notice will be served and this carries a fine on summary conviction for non compliance.</p> <p>Hi Gordon,</p> <p>Just wondering if you managed to visit them and if anything will be done.</p> <p>I did not notice any differences from the flat sadly ...</p> <p>Kind regards,  Adrien</p> <p>On 16 Jan 2023, at 16:29, Corbet, Gordon: WCC  &lt;gcorbet@westminster.gov.uk&gt; wrote:</p> <p>Hi Adrien</p> <p>I will be visiting the restaurant tomorrow with a licensing colleague. I will let you know the outcome.</p> <p>Regards</p>
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	<p>Gordon</p> <p><b>An email received from a resident</b></p> <p>Hi Gordon,</p> <p>Happy new year!</p> <p>I am emailing because the restaurant is again very noisy all day - during the working hour.</p> <p>I think they never replaced the system and are back as it was before, can you please help here?</p> <p>Kind regards, Adrien</p> <p>On 18 Oct 2022, at 08:06, Corbet, Gordon: WCC &lt;<a href="mailto:gcorbet@westminster.gov.uk">gcorbet@westminster.gov.uk</a>&gt; wrote:</p> <p>Hi Adrien</p> <p>Can you advise at what time the unit has been super noisy...? it would be helpful for me to visit at that time to get an idea of how bad it actually is. Note the proprietor is intending to replace the entire system and stated he has reduced the fan speed as an interim measure.</p> <p>Regards</p> <p>Gordon</p> <p><b>An email sent by an officer</b></p>
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Hello,

I wanted to check on the next steps regarding the noise nuisance from the restaurant ? It is still super noisy, nothing has changed which is very annoying, especially when working from home.

Wishing you a great weekend.

Kind regards,  
Adrien

On 28 Sep 2022, at 13:56, Corbet, Gordon: WCC  
<gcorbet@westminster.gov.uk> wrote:

I can make 4 o'clock tomorrow.

**An email from a resident**

Hi Gordon,

Nobody will be in the flat at lunch time, I can do later from 4 o'clock and onward.

Kind regards,  
Adrien

On 28 Sep 2022, at 12:39, Corbet, Gordon: WCC  
<gcorbet@westminster.gov.uk> wrote:

Hi Adrien

Would it be possible to visit your home tomorrow at around lunchtime?

Regards

		<p>Gordon</p> <p>Visit made to customers (penthouse flat) dwelling on 29/09/22 at 1600 Noise from air handling unit audible outside dwelling and at low level if patio door/window open. Customer stated she was at home all day and had to have windows open. I explained level of noise was not a SN at that time of day however S80 served (by hand) on the basis of likelihood. Spoke to proprietor of restaurant who was aware of noise issue and advised me he had submitted plans for significant remedial works. Requested that details of application be sent to me.</p> <p>Follow up visit with Rob McRae carried out on 17/01/23 at 1700 regarding extraction and LA03. Proprietor not present. Spoke with manager and stated that the proprietor needed to provide evidence he is dealing with issue asap.</p>
<p>05.09.2022 @ 15:38</p>	<p>The noise is coming from a fan that needs modifying. I have spoken to the owners who say they are aware of it and agree it's unpleasant, but they are waiting for planning permission from the council. It is a constant mechanical noise that makes it unpleasant to be outdoors or have windows open, especially as the noise bounces around the buildings. There doesn't seem to be any dispute about the noise, where it's coming from or what needs to be done. It just needs Westminster council to give planning permission.</p>	<p>Customer advised evidence of planning application not seen on our database. Offered to visit to assess noise, but customer opted to go back to restaurant and speak to them, then come back to us again, if necessary. NFA.</p>

20.05.2022 @ 13:57	The flue at the back of the restaurant is making lots of noise again, she did report it yesterday CAS-396753	voicemail message left
13.04.2022 @ 09:31	I live in xxxx Street on the ground and lower ground floor flat and there has been a persistent clicking noise for the past two months. I believe it may be an extractor fan based at the Chinese restaurant next door at 145 Cleveland Street. It is affecting me and my wife's quality of life as the noise comes and goes throughout the day. Notes: The Chinese Restaurant is called "Noodle & Snack" and as mentioned the noise comes and goes from early morning and into the night.	would like a visit but call first before visit, is at home and noise from extractor ongoing. Visit made waited 10 minutes in the complainants flat no noise at the time of visit. Customer advised to keep a diary to see if there is a pattern to when the noise occurs.
12.04.2022 @ 10:13	The subject of the noise complain is a ground-floor Chinese restaurant named "Noodle and Snack" Notes: The common wall from Noodle and Snack Chinese restaurant is shared with my flat at xxx Cleveland Street (ground floor). I believe the sound is an extractor fan constantly turning off and on; a continuous clicking noise. The noise occurs daily, from early AM until evening. The noise is intermittent and has caused my wife and I distress as it is audible and interferes with our quality of life. The noise problem began occurring about two months ago.	Phone call customer has carpet fitters currently in co cannot currently hear the noise. Advised that officers would need to visit him to hear the noise. Customer will recall another time when there are no tradesmen.

## Appendix 5

### **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. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
  - a) The police and, where appropriate, the London Ambulance Service, are called immediately;
  - b) As far as is safe and reasonable practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police;
  - c) As far as is safe and reasonable practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police;
  - d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.
  
10. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record:
  - a) Any and all allegations of crime or disorder reported at the venue
  - b) Any and all complaints related to licensable activities received by any party
  - c) Any faults in the CCTV system
  - d) Any visit by a relevant authority or emergency service
  - e) Any and all ejections of patrons
  - f) Any refusal of the sale of alcohol.
  
11. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:
  - a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
  - b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
  - c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;
  - d) One camera will show a close-up of the entrance to the premises, to capture a clear, full-length image of anyone entering;
  - e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
  - f) The system will record in real time and recordings will be date and time stamped;
  - g) At all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.
  - h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act 2018) within 24 hours of any request.
  - i) Signage stating that CCTV is in operation will be clearly and prominently displayed at the premises.
  
12. The premises will operate the 'Challenge 21' proof of age scheme
  - a) All staff will be fully trained in its operation.
  - b) Only physical production of suitable forms of photographic identification, such as passport or UK driving licence, or a holographically marked PASS scheme cards, will be accepted. A screenshot or digital document copy will not be sufficient.
  
13. The supply of alcohol for consumption off the premises shall be limited to alcohol supplied in sealed containers for takeaway as part of a meal or delivery at a customer's home or business address and for consumption there.

14. The supply of alcohol on the premises shall only be ancillary to patrons having a table meal.
15. A notice shall be placed in prominent position within the venue requesting that patrons leave quietly and have respect for local residents.
16. In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.

**Conditions proposed by the Environmental Health Service.**

17. 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
18. 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
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
20. 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
21. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
22. 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) 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.

23. There shall be no sales of alcohol for consumption off the premises after 23.00 hours
24. All sales of alcohol for consumption off the premises shall be in sealed containers only
25. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption
26. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours



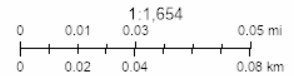
27. All tables and chairs shall be removed from the outside area by 23.00 hours each day
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
29. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
30. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
31. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
32. 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
33. 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
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
35. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
36. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 30 persons

145 Cleveland Street London W1T 6QH



02/01/2024, 18:23:38

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



**Resident Count: 229**

<b>Licenced premises within 75 metres of 145 Cleveland Street, London, W1T 6QH</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
19/13103/LIPDPS	The George & Dragon Public House	151 Cleveland Street London W1T 6QN	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
20/03068/LIPDPS	Holiday Inn Regents Park Hotel	Holiday Inn Regent's Park Hotel Carburton Street London W1W 5EE	Hotel, 4+ star or major chain	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30   Monday to Sunday; 00:00 - 00:00