



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	12 November 2015
Licensing Ref No:	15/07336/LIPV - Premises Licence Variation
Title of Report:	Caviar House Restaurant Ground Floor 161 Piccadilly London
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:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	28 August 2015		
<b>Applicant:</b>	Caviar House Ltd		
<b>Premises:</b>	Caviar House Restaurant		
<b>Premises address:</b>	Ground Floor 161 Piccadilly London W1J 9EA	<b>Ward:</b>	St James's
		<b>Stress Area:</b>	None
<b>Premises description:</b>	This premises operates as a restaurant with a bar area and a separate retail area.		
<b>Variation description:</b>	To vary the area authorised to include the external area on Piccadilly as indicated on the attached plan to permit the sale and consumption of alcohol on the public highway. Planning permission granted ref: 15/03612/FULL to use an area measuring 8.3m x 1.2m for the placing of 4 tables and 8 chairs. Application for a tables and chairs licence submitted on 17th August and is pending determination. There No changes to hours or licensable activities proposed.		
<b>Premises licence history:</b>	This premises is licensed under 12/09555/LIPDPS. Please refer to Appendix 3 for full licence history.		
<b>Applicant submissions:</b>	None		

1-B Current and proposed licensable activities, areas and hours						
<b>Regulated Entertainment</b>						
<b>Recorded Music and Private Entertainment</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted		Unrestricted		Internal Areas Only	Additional External Area
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No variation applied for	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No variation applied for		Internal Areas Only	Additional External Area
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	23:30				
Saturday	23:00	23:30				
Sunday	N/A	N/A				
Seasonal variations:		Current:			Proposed:	
		N/A			N/A	
Non-standard timings:		Current:			Proposed:	
		N/A			N/A	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			One and Off		No variation applied for	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No variation applied for		Internal Areas Only	Additional External Area
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:00				
Saturday	10:00	23:00				
Sunday	12:00	22:30				
Seasonal variations:		Current:			Proposed:	
		N/A			N/A	
Non-standard timings:		Current:			Proposed:	
		N/A			N/A	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No variation applied for		Internal Areas Only	Additional External Area
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	23:30				
Saturday	10:00	23:30				
Sunday	12:00	23:00				
Seasonal variations:		Current:			Proposed:	
		N/A			N/A	
Non-standard timings:		Current:			Proposed:	
		N/A			N/A	

<b>1-C</b>	<b>Layout alteration</b>
N/A	

<b>1-D</b>			<b>Conditions being varied, added or removed</b>		
<b>Condition</b>		<b>Proposed variation</b>			
N/A					
<b>Adult entertainment:</b>		<b>Current position:</b>		<b>Proposed position:</b>	

## 2. Representations

<b>2-A</b>		<b>Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health		
<b>Representative:</b>	Ian Watson		
<b>Received:</b>	22 <sup>nd</sup> September 2015		

I refer to the application for variation of the Premises Licence.

This representation is based on the plan of the premises dated 23.7.2015 and operating schedule submitted.

The applicant is seeking the following

1. To vary the area authorised for the sale of alcohol to include an external area for the supply and consumption of alcohol.

I wish to make the following representation

1. The use of the external area for the supply and consumption of alcohol will have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has not provided any conditions within the operating schedule in support of the application or addressed how this variation will not impact on the prevention of public nuisance objective within the area.

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

***Please note: following a discussion with the applicant, Environmental Health did not propose any further conditions and have withdrawn their representation.***

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	3 <sup>rd</sup> September 2015

Dear David,

Caviar House Restaurant, Ground Floor, 161 Piccadilly, W1 - 15/07336/LIPV

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to the prevention of Crime and Disorder, as there are insufficient conditions contained within the operating schedule.

The following conditions listed below are those that Police would like you to attach to your premises licence, as I believe they will address Police concerns in relation to Crime and Disorder:

- 1) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
- 4) Alcohol which is consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

I look forward to your prompt response.

Many thanks,

PC Adam Deweltz

***Please note: further to a discussion with the applicant and the applicant's agreement to a set of amended conditions (attached at Appendix 4), the Police have withdrawn their representation.***

2-B Other Persons			
<b>Name:</b>		Mr Andrew Love	
<b>Address and/or Residents Association:</b>		Deputy Chairman The Ritz London 150 Piccadilly London W1J 9BR	
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	21 <sup>st</sup> September 2015		

I am objecting to the above license application on behalf of The: Ritz London.

The hotel has been increasingly concerned at the increase in refreshment and entertainment uses associated with levels of street activity and intensity and antisocial consequences, across St. James's.

This site, with proximity to the dormant but still licensed site of the notorious Aura nightclub in the basement of the top end of St. James's Street, should not have been granted planning consent, in any case (based on City Council's own criteria for space/capacity and pedestrian movement priorities on Piccadilly, now and in the future), on this cramped and busy footway as part of Piccadilly's public highway frontage.

It seems inevitable, that the seating, away from the only staff service access, shared with the retail public doorway, on the corner will present staff management problems. This will result in an operation that will be inefficient and therefore inadequate, in all aspects of tidy management, table clearing, control on numbers and smoking etc. activities.

The hours of external consumption of alcohol at this site will establish a new risk of West End and Mayfair clubbing visitors, identifying this as a new place for early evening drinking, as part of their regular patterns of circuiting of late night establishments.

License holder record- (The hotel have no formal evidence of the operator/s to assess their license track record in the management of outdoor tables and chairs areas).

The operational proposed hours for licensed "...sale and consumption of alcohol on the public highway ..." - (no change proposed to existing operation licensed hours) - are presumably consistent only with the planning consented use: "10 am-22.00 hours, Sundays and Bank holidays (only noon to 1800 h hrs)". If more extended hours now or in the future, this too is a major concern and would prompt further hotel objections.

If consented, which the The Ritz London continues to oppose the management of the space by operators, needs very firm conditions on e.g. table/chair management/rearrangement etc, smoking and cleaning etc.

The Ritz Hotel reminds the City Council that the area is a designated "Special Policy Area", a "Conservation Area" and has one the highest density of heritage assets and Listed Buildings in the country, which have added to its restoration, via a policy supported, expanding residential community, together with the international reputation and dignity of: "The Court of St. James's", at the Grade I St. James's Palace.

For all these reasons, increases in licensed outdoor tables and chairs areas, where no strategy of containment or appropriate sitting has been responsibly agreed, should be resisted.

Yours sincerely,

Andrew M Love  
Deputy Chairman

<b>Name:</b>	Mr Peter Heath		
<b>Address and/or Residents Association:</b>	Atkins Ltd. Euston Tower 30th Floor 286 Euston Road London NW1 3AT		
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	17 <sup>th</sup> September 2015		

I am objecting to the above license application in my capacity as architect/town planner advisor and administrator, on behalf of the St. James's Conservation Trust.

The Trust has been increasingly concerned since its establishment in 1999 at the increase in refreshment and entertainment uses growth with negative associated levels of street activity and intensity and antisocial consequences, across St. James's.

This site, with proximity to the dormant but still licensed site of the notorious Aura nightclub in the basement of the top end of St. James's Street, should not have been granted planning consent, in any case (based on City Council's own criteria for space/capacity and pedestrian movement priorities on Piccadilly, now and in the future), on this cramped and busy footway as part of Piccadilly's public highway frontage.

It seems inevitable, that the seating, away from the only staff service access, shared with the retail public doorway, on the corner will present staff management problems. This will result in operation that will be inefficient and therefore inadequate, in all aspects of tidy management, table clearing, control on numbers and smoking etc. activities.

The hours of external consumption of alcohol at this site, will in the Trust's view, set up a new risk of West End and Mayfair clubbing visitors, identifying this as a new place to for early evening drinking, as part of their regular patterns of circuiting of late night establishments.

- License holder record - (I/the Trust have no formal evidence of the operator/s to assess their license track record in the management of outdoor tables and chairs areas).
- The operational proposed hours for licensed "...sale and consumption of alcohol on the public highway..." - (no change proposed to existing operation licensed hours) - are presumably consistent only with the planning consented use : "10 am - 22.00 hours, Sundays and Bank holidays (only noon to 1800 h hrs)". If more extended hours now or in the future, this too is a major concern and would prompt further Trust objections.
- If consented, which the Trust continues to oppose : the management of the space by operators, needs very firm conditions on eg table/chair management/rearrangement etc/smoking and cleaning etc.

The St. James's Conservation Trust reminds the City Council that the area is a designated "Special Policy Area", a "Conservation Area" and has one the highest density of heritage assets and Listed Buildings in the country, which have added to its restoration, via a policy supported, expanding residential community, together with the international reputation and dignity of : "The Court of St. James's", at the Grade I St. James's Palace.

For all these reasons, increases in licensed outdoor tables and chairs areas, where no strategy of containment or appropriate sitting has been responsibly agreed, should be resisted.

Yours sincerely,

Peter Heath RIBA MRTPI - St. James's Conservation Trust : architect/town planner advisor and administrator  
Design Director, Atkins Public Realm

***Note: since Mr Heath's representation, the applicant has been in contact however no resolution has been obtained. Mr Heath is unable to attend the hearing and sent in an email outlining on 2<sup>nd</sup> November the trusts' concerns:***

I am unable to attend the hearing to speak as originally intended, on behalf of the St. James's Conservation Trust, as I am out of the country.

I have discussed with the Chairman of the Trust – and local, resident Trustees, whether the Trust is able to be represented at the revised hearing date of 12/11/15. It seems that this will not now be possible.

The premises applicants have contacted the Trust by emails, seeking to address the issues raised by the Trust in the objection, originally submitted. Although the Trust recognises some of the matters by the applicants in answer to the points made by the Trust objection, I remain instructed, not to withdraw the Trust's objection.

For the Licensing Committee Hearing Members attention – the paragraphs below do reflect what the Trust would have presented as a statement in support of the original objection :

"...Concerning the previous consents granted to the Caviar House, (planning and licensing for outside tables and chairs, to serve alcohol), the Trust now regrets it did not/could not (object at the time) and felt the applications would be turned down in any case, if the City Council applied, as it has in other local cases, its own criteria for public highway/footway uses, on this part of St. James's (a very busy, congested part of Piccadilly on a route to and from Green Park underground).

That the applications were not refused by the City Council based on officer assessments, and have now proceeded to this, last formal application, has maintained the Trust's continuing alarm, that increases in on-street activity, at licensed premises, are out of control, with more and more precedents, for future applicants to identify and use for other premises.

St. James's is not Leicester Square, Soho, Covent Garden or Mayfair in character where tables and chairs outside sandwich shops, cafes, pubs, wine bars and increasingly, licensed premises for sale of beers or other alcoholic refreshments are now almost everywhere.

For these reasons, the Trust sustains its original objection, and wishes that the Licensing Committee at the hearing, note again the points of the written objection : it is past time to recognise that daytime and early evening drinking on the public highway, develops into a part of the expanding night-time and late night patterns of West End uses, with over-intensification, associated noise and disturbance, which in the historic, dignified, St. James's Special Policy Area and Conservation Area, are all matters that undermine residential amenity."

Yours sincerely,

Peter Heath RIBA MRTPI  
Design Director, Atkins Public Realm

### 3. Policy & Guidance

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

<b>Policy HRS1 applies:</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.



#### 4. Appendices

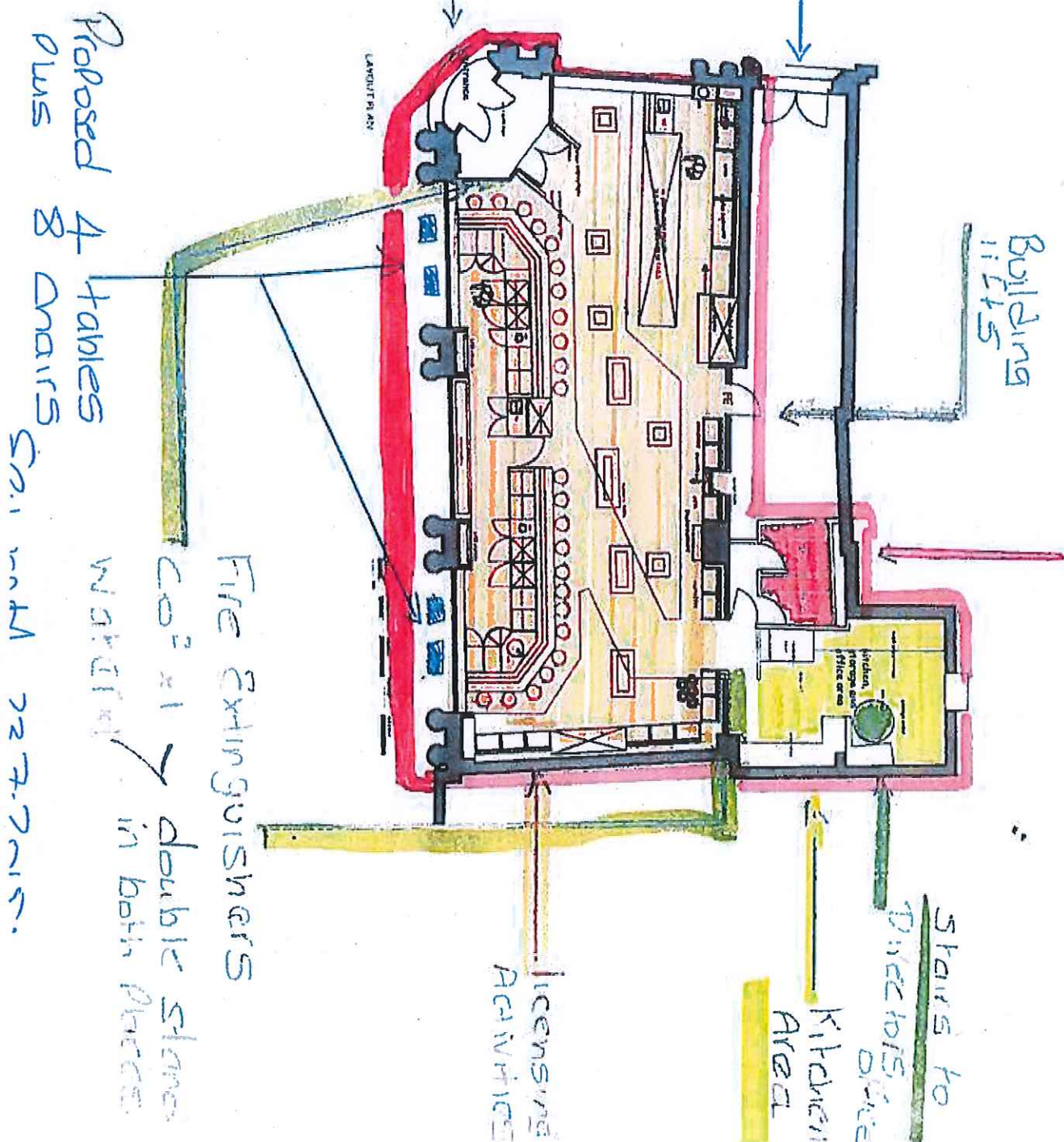
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	None
<b>Appendix 3</b>	Premises history and existing licence
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Photos of the premises

<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

Eltham  
16.10.15.

# APPENDIX 1

License plan  
Caviar House and Prunier  
161 Piccadilly London



WC Facilities

Building  
11.15

Entrance Side access  
to building

Main entrance  
Public

Fire Extinguishers

CO<sub>2</sub> x1

Water

Proposed 4 tables  
plus 8 chairs

Sai mah 227.2ms

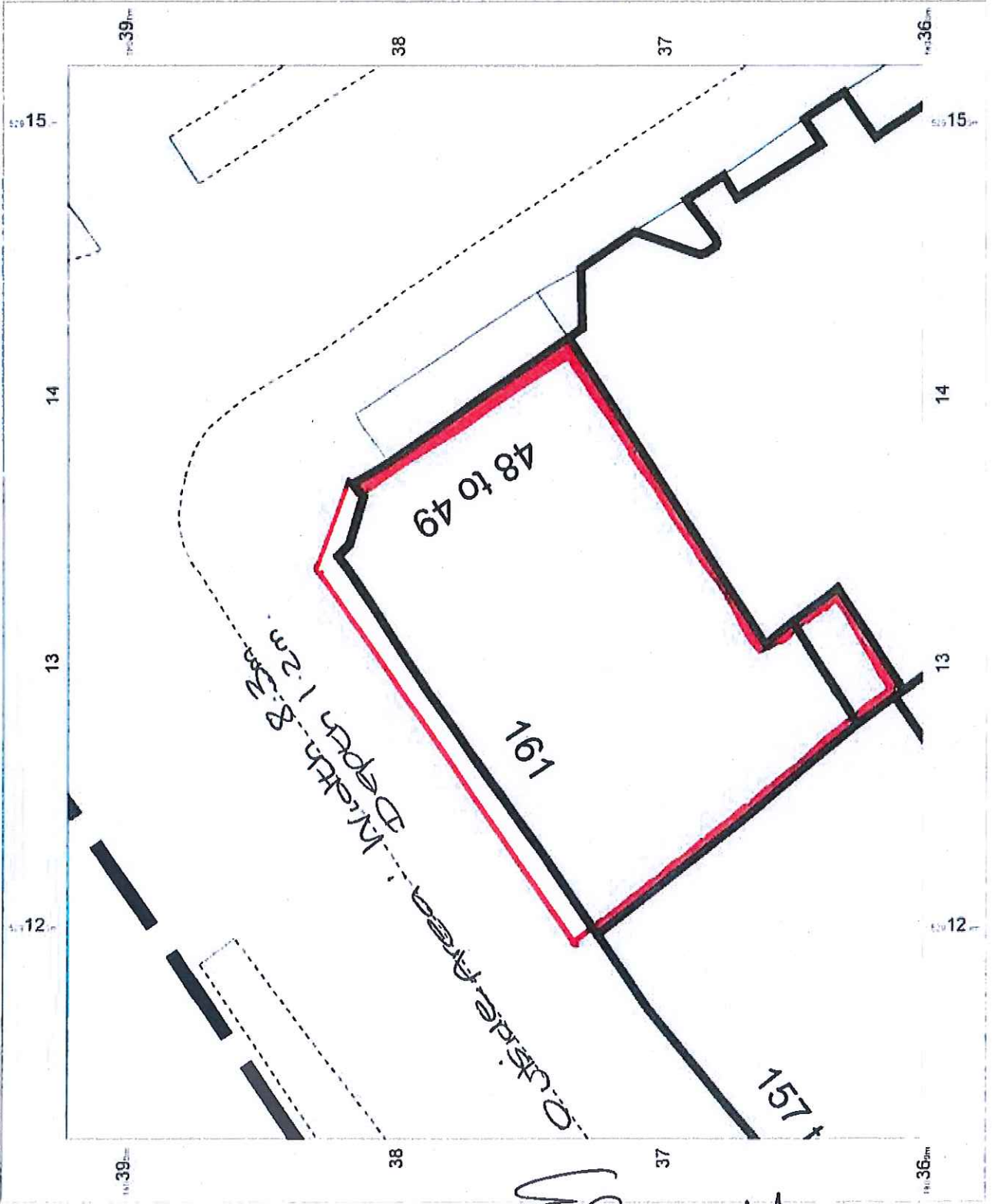
Licensing  
Advice

Kitchen  
Area

Dish to be  
done

Shans to

161 Piccadilly



*Handwritten:* E. Atwood 16/10/15.

OS MasterMap 1250/2500/10000  
 scale  
 05 March 2015 ID  
 BLJ1-00407677  
 E www.planningapplications.co.uk

1:200  
 scale  
 print  
 at  
 A4  
 Centre  
 529132 E  
 180376 N

© Crown  
 Copyright  
 Ordnance  
 Survey  
 Licence  
 no  
 100051661



## Licence &amp; Appeal History

Application	Details of Application	Date Determined	Decision
<b>Conversion Variation</b> 05/07371/LIPCV	<b>Application to convert and vary a Justices' On Licence</b>	22.09.2005	Granted under delegated authority
<b>Minor Variation</b> 11/03103/LIPVM	Application for minor changes to internal layout	26.04.2011	Granted under delegated authority
<b>DPS Variation</b> 12/09555/LIPDPS	Application to vary the designated premises supervisor	15.11.2012	Granted under delegated authority
<b>Minor Variation</b> 15/05899/LIPVM	Application to include the outside area within the licensed area	12.08.2015	Granted under delegated authority
<b>Variation</b> 15/07336/LIPV	Current Application	Pending	

There is no appeal history



Schedule 12  
Part A

WARD: St James's  
UPRN: 010033554124

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

**Premises licence**

Regulation 33, 34

**Premises licence number:**

12/09555/LIPDPS

**Original Reference:**

05/07371/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

Caviar House Restaurant  
Ground Floor  
161 Piccadilly  
London  
W1J 9EA

**Telephone Number:** 020 7409 0445

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**  
Monday to Saturday: 23:00 to 23:30

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

**Sale by Retail of Alcohol**  
Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

*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 23:30  
Sunday: 10:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

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

Caviar House Ltd  
161 Piccadilly  
London  
W1V 9DF  
*Telephone Number : 020 8754 8497*

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

1787390

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

**Name:** Ms Selina Sharma

*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:** SBC 1017  
**Licensing Authority:** Stevenage Borough Council

**Date:** 15 November 2012

**Signed:** pp



**Operational Director - Premises Management**

## 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: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

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

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

**Conditions for Sale of Alcohol**

9. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
10. There shall be no sale or supply of draught beer.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

11. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) 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 consumption of the alcohol on the premises;
- (b) 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;
- (c) 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;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) 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;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) 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. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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**

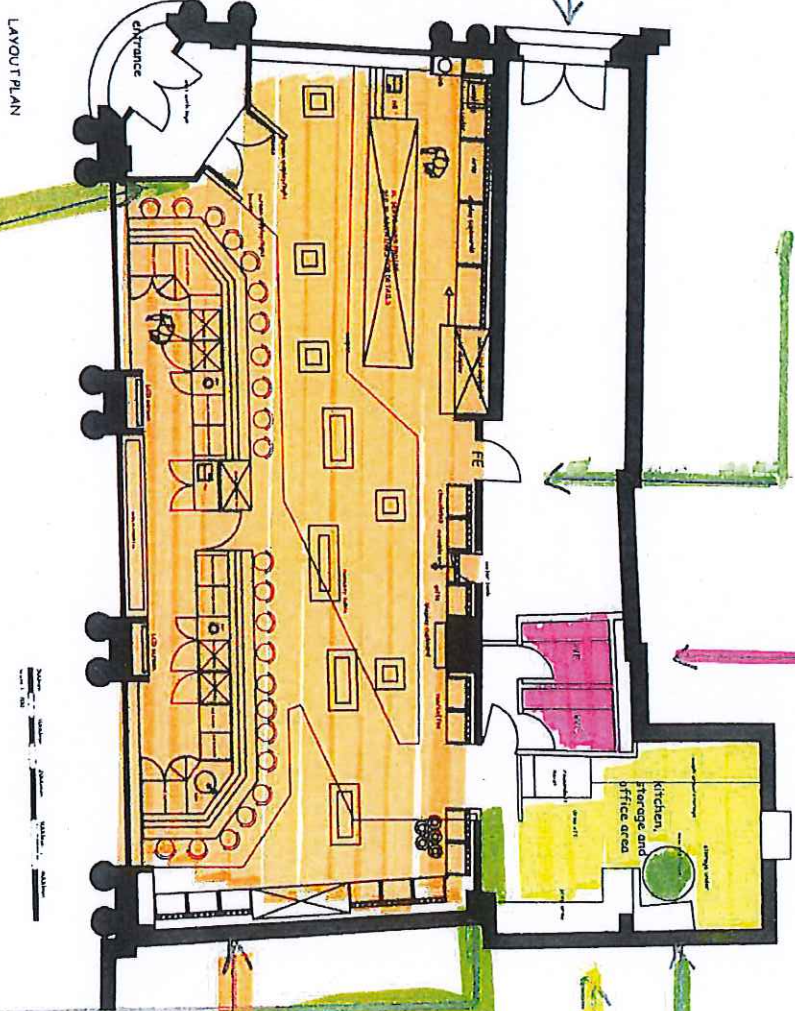
Attached

WC Facilities

Building  
11/15

Entrance Side access  
to building

Main entrance  
Public



Stairs to  
Directors  
Office

Kitchen  
Area

Licensing  
Activities

Five Extinguishers

CO<sub>2</sub> x 1  
Water x 1  
double stand  
in both places

License plan  
Caviar House and Prunier  
161 Piccadilly London



Schedule 12  
Part B

WARD: St James's  
UPRN: 010033554124

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

Premises licence  
summary

Regulation 33, 34

Premises licence number:

12/09555/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Caviar House Restaurant  
Ground Floor  
161 Piccadilly  
London  
W1J 9EA

**Telephone Number:** 020 7409 0445

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**  
Monday to Saturday: 23:00 to 23:30

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

**Sale by Retail of Alcohol**  
Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

*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 23:30  
Sunday: 10:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Caviar House Ltd  
161 Piccadilly  
London  
W1V 9DF

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

1787390

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

**Name:** Ms Selina Sharma

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

Restricted

**Date:** 15<sup>th</sup> November 2012

**Signed:** pp



**Operational Director - Premises Management**

**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 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: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

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

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

**Conditions for Sale of Alcohol**

9. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
10. There shall be no sale or supply of draught beer.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

11. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) 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 consumption of the alcohol on the premises;
- (b) 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;
- (c) 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;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) 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;
- (h) the taking of alcohol from the premises by a person residing there;

- (i) 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;
- (j) 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. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

#### **Conditions proposed by the Police and agreed with the applicant**

14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

16. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
17. The outside seating area will close at 10pm each day and after 6pm, the supply and consumption of alcohol in the outside area (consisting of 4 tables and 8 chairs) shall be to a person seated and for consumption by such a person as ancillary to food.

***Note: conditions 1 to 8 shall be replaced by the following new set of mandatory conditions upon determination of this application***

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 -

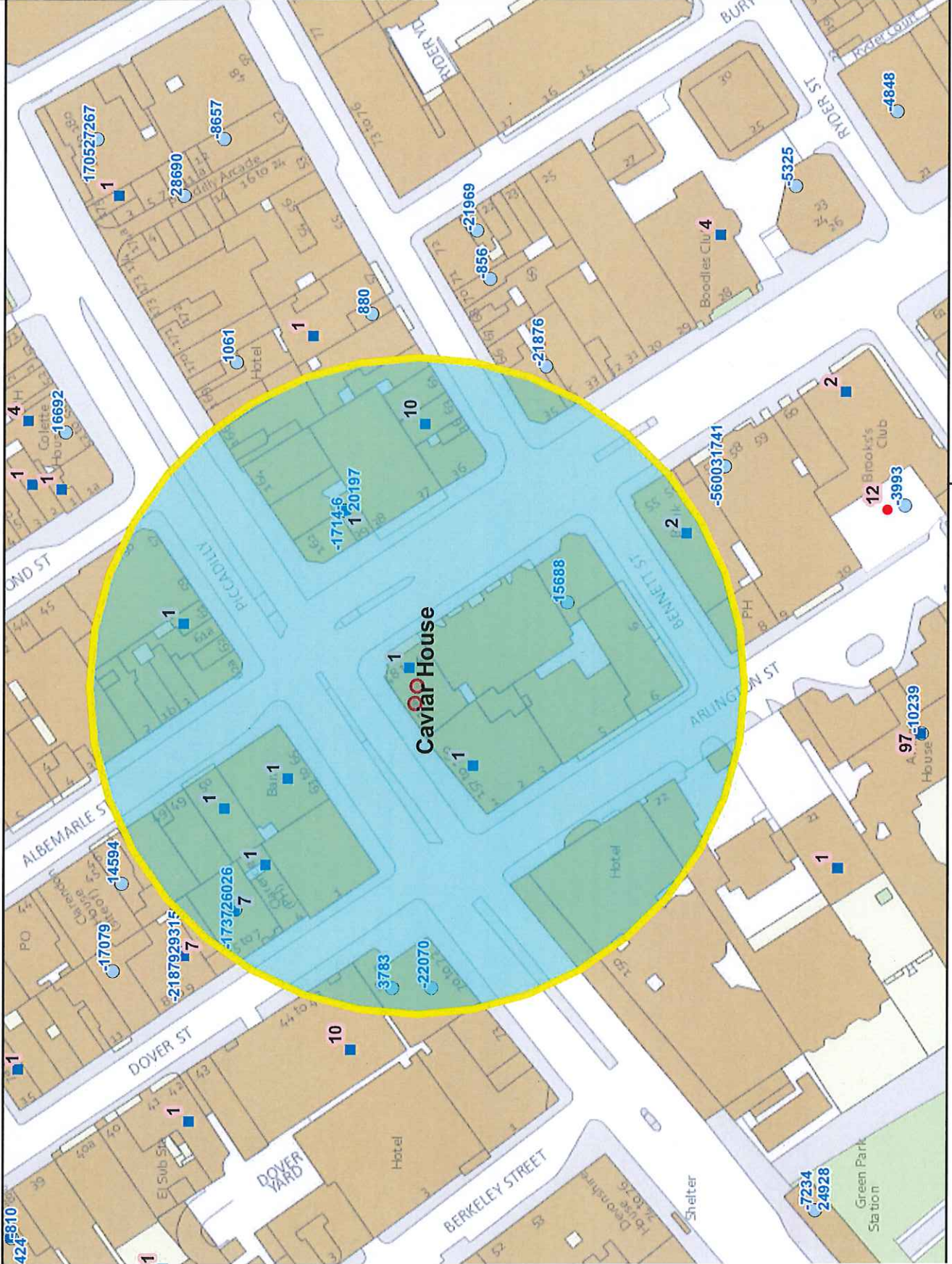
- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged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





City of Westminster

# Caviar House, 161 Piccadilly, London W1J 9EA



Residential / Proposed Residential	10
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100010507

Data Source: Uniform Database  
Date: 02/11/2015

10 Meters

**Premises within 75 metres of: Caviar House, 161 Piccadilly, London W1J 9EA**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
-22070	Cafe De Pierre	Ground Floor West 69-71 Piccadilly London W1J 8HP	Monday to Sunday 07:00 - 23:30
15688	Fifty St James	54 St James's Street London SW1A 1JT	Monday to Sunday 00:00 - 00:00
20197	Boodle's	Ground Floor 39-41 St James's Street London SW1A 1HD	Monday to Sunday 07:00 - 01:00
-6	White's Club	Third Floor Front 39 St James's Street London SW1A 1JD	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
26026	Dover Street Wine Bar	Flat 4 5 - 7 Dover Street London W1S 4LD	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
-1714	HSBC	Third Floor And Fourth Floor 39 - 41 St James's Street London SW1A 1HD	Monday to Sunday 00:00 - 00:00
-1737	The Clarence Public House	Flat 7 Fifth Floor 5 - 7 Dover Street London W1S 4LD	Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:30
3783	Novikov	49-50 Dover Street London W1J 8DJ	Monday to Sunday 07:00 - 02:00









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 <sup>th</sup> January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		