

# Licensing Sub-Committee Report

Item No:	
Date:	21 <sup>st</sup> January 2016
Licensing Ref No:	15/10762/LIPN - New Premises Licence
Title of Report:	Godo 90 Piccadilly London W1J 7NE
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@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>	23 November 2015		
<b>Applicant:</b>	Edesia Ltd (Trading As Godo)		
<b>Premises:</b>	Godo		
<b>Premises address:</b>	90 Piccadilly London W1J 7NE	<b>Ward:</b>	West End
		<b>Cumulative Impact Zone</b>	No
<b>Premises description:</b>	Restaurant		
<b>Premises licence history:</b>	This is an application for a New Premises and therefore has no history.		
<b>Applicant submissions:</b>			

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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	
<b>End:</b>					00:00	00:00	
<b>Seasonal variations:</b>			None				
<b>Non-standard timings:</b>			None				

Sale by retail of alcohol				On or off sales or both:			On Sales
<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>	11:30	11:30	11:30	11:30	11:30	11:30	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:30
<b>Seasonal variations:</b>			None				
<b>Non-standard timings:</b>			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	00:00	00:00	00:00	00:00	05:00	05:00	00:00
<b>Seasonal variations:</b>							
<b>Non-standard timings:</b>							
<b>Adult Entertainment:</b>							

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr David Nevitt
<b>Received:</b>	1 <sup>st</sup> December 2015

### APPLICATION FOR A PREMISES LICENCE

**GODO, 90 PICCADILLY, W1**

I refer to the above application which seeks a Premises Licence to include the following Licensable activities:

**Regulated Entertainment, Recorded Music,** 0900hrs-2400hrs Monday to Thursday, 0900hrs-0100hrs Friday and Saturday, and 0900hrs – 2400hrs on Sunday;

**Late Night Refreshment** 'Indoors' until 2400hrs Monday to Thursday, until 0500hrs on Friday and Saturday, and until 2400hrs on Sunday;

**The Supply of Alcohol** for consumption 'On' the premises 1200hrs-2300hrs, 7 Days a Week.

The applicant has proposed conditions which are under consideration.

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

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

**Additional Comments from Environmental Health :**

Further to my site meeting at the above I make the following comments:

There are Representations from local residents. In order for the application to be less controversial I recommend that the application is amended in the following way:

Withdraw the application for Recorded Music – it was said at the site meeting that only 'background' music is required.

Amend the hours for Licensable Activities to match the 'Core Hours' as defined by the Council's Licensing Policy –

**Supply of Alcohol:  
Monday-Thursday 1000hrs-2330hrs,  
Friday-Saturday 1000hrs-midnight, Sunday 1200hrs-2230hrs;**

Late Night refreshment: to match the above, and no take-away of hot food after 2300hrs.

You can apply for Temporary Event Notices to cover the 'special events' and promotional evenings you may wish to host.

You need to show that customer toilets are available. In view of the fact that you intend to trade only until March I suggest that the Licence includes a Condition that shows it to be time limited. If the Licence is only valid until March I will accept that the customer toilets are located in the next door premises for the free and exclusive use of Godo customers. I will need to inspect the toilets to make sure that they are suitable and may seek further conditions in respect of the toilets.

You will need to provide public safety equipment at the premises: Emergency Lighting, fire detection, escape signage, fire alarm etc.

You have only applied for Alcohol to be supplied for Consumption 'On' the premises. If the Licence is granted you will not be authorised to supply alcohol for consumption 'Off' the premises – i.e. you cannot allow customers to purchase alcohol to take away from the premises.

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	Mr Richard Bunch
<b>Received:</b>	21 <sup>st</sup> December 2015

Dear Manager,

In my role as licensing officer for the Metropolitan Police Licensing team in Westminster

which is a 'Responsible Authority' under the Licensing Act 2003 I have been asked to give due consideration for your premises license application.

The location is 90 Piccadilly, London, W1 and you have applied for the below to be granted.

**Regulated Entertainment, Recorded Music**, 0900hrs-2400hrs Monday to Thursday, 0900hrs-0100hrs Friday and Saturday, and 0900hrs – 2400hrs on Sunday;

**Late Night Refreshment** 'Indoors' until 2400hrs Monday to Thursday, until 0500hrs on Friday and Saturday, and until 2400hrs on Sunday;

**The Supply of Alcohol** for consumption 'On' the premises 1200hrs-2300hrs, 7 Days a Week.

As a result of viewing the application and supporting documents I must make representations against the licence being granted on the following grounds:

1. **There will be a likelihood of increased crime and disorder as a result of this licence.**
2. **There will be a likelihood of public nuisance being created as a result of this licence.**
3. **There will be an increased risk against public safety as a result of this licence.**

I was unable to attend the site visit with the EHO Mr Dave Nevitt last Thursday but would welcome the opportunity to visit the location myself and discuss the application with you.

2-B Other Persons	
<b>Name:</b>	Cllr Glenys Roberts
<b>Address and/or Residents Association:</b>	Westminster City Council 64 Victoria Street London
<b>Received:</b>	15 <sup>th</sup> December 2015
As ward councillor I write to support local residents in their objections to the above application on the grounds of public nuisance, Please note I may wish to speak at the hearing	
<b>Name:</b>	Huw Jones
<b>Address and/or Residents Association:</b>	On Behalf Of 89 Picadilly Management Limited 89 Picadilly London W1J 7NE
<b>Received:</b>	17 <sup>th</sup> December 2015

## Introduction

89 Piccadilly Management Limited holds the management lease for the 16 residential apartments at 89 Piccadilly ("89"). We write on behalf of the residents and owners of the 16 flats, and we confirm that we are authorised to do so. The views expressed in this letter constitute the corporate views of the residents/owners

89 is on the north eastern corner of Piccadilly and Half Moon Street. The premises in respect of which the licence is sought is immediately opposite 89, on the other side of Half Moon Street on the corner of Half Moon Street and Piccadilly. Therefore the activities at no 90 could potentially impact greatly on the residential amenity at 89, and other neighbouring residential blocks.

### The application

It is therefore with alarm that we note that an application has been made for a licence to sell alcohol, provide late night refreshment throughout the night at weekends, and play music.

We object to this application on the grounds that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. The application for another new premises licence in the area has greatly concerned residents, particularly to the hours set out in the application.

It should be noted that the writer, Huw Jones, only became aware of this application when alerted to it by a resident of a neighbouring block. We were not notified by the City Council, despite living approximately 10 yards or less away from the premises. Further, and more importantly, having been alerted to the application we have seen that the blue notice which the applicant is required to display at the premises advertising the application is located not at eye level but at ankle level (please see attached *photograph 1* showing notices). It is therefore unlikely that residents will notice it. We are advised that Regulation 25 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 requires the notice to be displayed 'prominently...where it can be conveniently read from the exterior of the premises...' (Regulation 25(a)(ii)). We make the point purely to inform the licensing authority that many residents may not have been aware of the application and so would not have had the opportunity to make representations.

### Prevention of public nuisance

There are several aspects of the application which concern us.

- The entrance of 89 is on Half Moon directly across from 90 and 11 of the 16 flats at 89 have bedrooms (including schoolchildren's bedrooms) looking over 90. See attached *photographs 2 & 3* for proximity of 89 to 90.
- It is proposed that alcohol will be sold until 11pm. This is a late hour for residents who are trying to relax and sleep, particularly given the proximity of the premises to 89. There is significant residential accommodation in the area - around 32 flats in the block immediately next door as well as numerous others along the front of Piccadilly (including under construction) . This is very much the residential end of Piccadilly. Customers leaving the premises will therefore be walking past residents' homes. Having been drinking, *it* is likely that they will be less restrained than they might otherwise be, and cause noise nuisance. We are not suggesting that the patrons will be excessively rowdy – but even high spirits, shouting etc can, at that time of night, be disturbing.
- Although the application clearly implies that food would be available, there is no requirement for sale of alcohol to only accompany a table meal. We are therefore concerned that the premises would be drink-led. This reinforces the concerns raised above re: noise.
- The hours for late night refreshment and opening throughout the week are far too late. At the weekend, they wish to provide late night refreshment until 3am. These hours are guaranteed to result in nuisance from the customers throughout the night. Although sale of alcohol would cease many hours before late night refreshment at weekends, we are concerned that customers could 'stockpile' alcohol before the terminal hour for sale of alcohol, and consume it over the next few hours.
- The late terminal hour will cause noise from customers arriving and leaving the premises. The late hours requested mean that this is inevitable.
- How does the applicant propose to ensure that there is no noise escape from the proposed premises to the nearby flats? We note that although recorded music is applied for, the application form states that it will be low-level background music. Given the definition of 'regulated entertainment' in Licensing Act 2003 and the provisions for music which is 'incidental' to another activity which is not in itself regulated entertainment, we would question whether the application for recorded is appropriate.

In addition to the above, we are concerned that this part of Piccadilly/Mayfair is becoming a destination area. Residents have experienced untold problems in the past from a nightclub, Vendome, whose licence was revoked. The area occupied by the nightclub is part of a larger area for which an application for a premises licence is anticipated in the near future. A licence for the outside area of the former 'In and Out Club' was granted earlier this year. Residents do not wish to be hemmed in by late night licensed premises, particularly after the problems we have experienced in the past. A premises licence for this venue could set an unwelcome precedent.

It is noted that Godo have already taken to parking their branded cars and scooters on the pavement on Half Moon Street (see *photographs 4-6*). This has happened on repeated occasions within a short period and indicates a colonising disregard for public space and community concerns, which does not bode well for the future should they be granted alcohol, entertainment and late night licences.

#### S182 Guidance

We note from the Guidance issued under s182 Licensing Act 2003 that an Applicant is expected to 'obtain sufficient information to enable them to demonstrate ...that they understand:

- The layout of the local area and physical environment including...proximity to residential accommodation...
- Any risk posed to the local area by the applicants' proposed licensable activities;' (para 8.34).

'It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impact (sic) upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective.' (para 8.36).

It is not clear whether such considerations have informed the applicant's submission. Given the hours applied for, we would respectfully suggest that they have not.

#### WCC's Statement of Licensing Policy (SLP)



The application as it stands is contrary to Policy HRS1 and PB1.

The Council's SLP has a policy on public nuisance, PN1. In particular, with reference to hours, para 2.2.12 states that 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities ...Late night noise is particularly unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults, but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

#### Conclusion

The licensing authority is charged with determining the application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, we are opposed to the application being granted. We look forward to being kept informed of any developments, and would like to attend the hearing in due course.













<b>Name:</b>	Tabbah Taymore
<b>Address and/or Residents Association:</b>	On Behalf Of 89 Piccadilly Management Limited & On Behalf Of The Owner Of Flat 15, 89 Piccadilly London

**Received:** 15<sup>th</sup> December 2015

#### Introduction

89 Piccadilly Management Limited holds the management lease for the 16 residential apartments at 89 Piccadilly ("89"). We write on behalf of the residents and owners of the 16 flats, and we confirm that we are authorised to do so. The views expressed in this letter constitute the corporate views of the residents/owners.

89 is on the north eastern corner of Piccadilly and Half Moon Street. The premises in respect of which the licence is sought is immediately opposite 89, on the other side of Half Moon Street on the corner of Half Moon Street and Piccadilly. Therefore the activities at no90 could potentially impact greatly on the residential amenity at 89, and other neighbouring residential blocks.

#### The application

It is therefore with alarm that we note that an application has been made for a licence to sell alcohol, provide late night refreshment throughout the night at weekends, and play music.

We object to this application on the grounds that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. The application for another new premises licence in the area has greatly concerned residents, particularly to the hours set out in the application.

It should be noted that we only became aware of this application when alerted to it by a resident of a neighbouring block. We were not notified by the City Council, despite living approximately 10 yards away from the premises. Further, and more importantly, having been alerted to the application we have seen that the blue notice which the applicant is required to display at the premises advertising the application is located not at eye level but at ankle level (please see attached photograph). It is therefore unlikely that residents will notice it. We are advised that Regulation 25 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 requires the notice to be displayed 'prominently...where it can be conveniently read from the exterior of the premises...' (Regulation 25(a)(ii)). We make the point purely to inform the licensing authority that many residents may not have been aware of the application and so would not have had the opportunity to make representations.

#### Prevention of public nuisance

There are several aspects of the application which concern us.

- The entrance of 89 is on Half Moon directly across from 90 and 11 of the 16 flats at 89 have bedrooms (including schoolchildren's bedrooms) looking over 90.
- It is proposed that alcohol will be sold until 11pm. This is a late hour for residents who are trying to relax and sleep, particularly given the proximity of the premises



to 89. There is significant residential accommodation in the area - around 32 flats in the block immediately next door as well as numerous others along the front of Piccadilly (including under construction). This is very much the residential end of Piccadilly. Customers leaving the premises will therefore be walking past residents' homes. Having been drinking, it is likely that they will be less restrained than they might otherwise be, and cause noise nuisance. We are not suggesting that the patrons will be excessively rowdy - but even high spirits, shouting etc can, at that time of night, be disturbing

- Although the application clearly implies that food would be available, there is no requirement for sale of alcohol to only accompany a table meal. We are therefore concerned that the premises would be drink-led. This reinforces the concerns raised above re: noise.
- The hours for late night refreshment and opening throughout the week are far too late. At the weekend, they wish to provide late night refreshment until 5am. These hours are guaranteed to result in nuisance from the customers throughout the night. Although sale of alcohol would cease many hours before late night refreshment at weekends, we are concerned that customers could 'stockpile' alcohol before the terminal hour for sale of alcohol, and consume it over the next few hours.
- The late terminal hour will cause noise from customers arriving and leaving the premises. The late hours requested mean that this is inevitable.
- oHow does the applicant propose to ensure that there is no noise escape from the proposed premises to the nearby flats? We note that although recorded music is applied for, the application form states that it will be low-level background music. Given the definition of 'regulated entertainment' in Licensing Act 2003 and the provisions for music which is 'incidental' to another activity which is not in itself regulated entertainment, we would question whether the application for recorded is appropriate.
- In addition to the above, we are concerned that this part of Piccadilly/Mayfair is becoming a destination area. Residents have experienced untold problems in the past from a nightclub, Vendome, whose licence was revoked. The area occupied by the nightclub is part of a larger area for which an application for a premises licence is anticipated in the near future. A licence for the outside area of the former 'In and Out Club' was granted earlier this year. Residents do not wish to be hemmed in by late night licensed premises, particularly after the problems we have experienced in the past. A premises licence for this venue would set an unwelcome precedent.

It is noted that Godo have already taken to parking their branded cars and scooters on the pavement on Half Moon Street.

<b>Name:</b>	Jonathan Goodman
<b>Address and/or Residents Association:</b>	85 Piccadilly / 47 Clarges Street
<b>Received:</b>	21 <sup>st</sup> December 2015

I am writing on behalf of the residents' association of the building comprising the 16 flats situated at 85 Piccadilly, on the block immediately next to the proposed new premises.

The premises in respect of which the licence is sought are on the other side of Half Moon Street from our block, on the corner of Piccadilly. Therefore the activities at 90 Piccadilly could potentially impact greatly on the residential amenity at 85, and other neighbouring residential blocks such as 89 Piccadilly.

It is with great concern that we note that an application has been made for a licence to sell alcohol, provide late night refreshment throughout the night at weekends, and play music.

We object to this application on the grounds that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. The application for yet another new premises licence in the area has greatly concerned residents, particularly to the hours set out in the application.

It is with great concern that we note that an application has been made for a licence to sell alcohol, provide late night refreshment throughout the night at weekends, and play music.

We object to this application on the grounds that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. The application for yet another new premises licence in the area has greatly concerned residents, particularly to the hours set out in the application.

#### Prevention of public nuisance

There are several aspects of the application which concern us.

- The entrance of 85 is on Half Moon directly across from our block and 9 of the 16 flats at 85 have bedrooms looking over Piccadilly on the adjacent block to the premises in question.
- It is proposed that alcohol will be sold until 11pm. This is a late hour for residents who are trying to relax and sleep, particularly given the proximity of the premises to 85. There is significant residential accommodation in the area - around 32 flats in the block immediately next door as well as numerous others along the front of Piccadilly (including under construction). This is very much the residential end of Piccadilly. Customers leaving the premises will therefore be walking past residents' homes (including to the nearest tube station, Green Park). Having been drinking, it is likely that they will be less restrained than they might otherwise be, and cause noise nuisance. We are not suggesting that the patrons will be excessively rowdy - but even high spirits, shouting etc can, at that time of night, be disturbing.
- Although the application clearly implies that food would be available, there is no requirement for sale of alcohol to only accompany a table meal. We are therefore concerned that the premises would be drink-led. This reinforces the concerns raised above re: noise.
- The hours for late night refreshment and opening throughout the week are far too

late. At the weekend, the applicant wishes to provide late night refreshment until 5am. These hours are guaranteed to result in nuisance from the customers throughout the night. Although sale of alcohol would cease many hours before late night refreshment at weekends, we are concerned that customers could 'stockpile' alcohol before the terminal hour for sale of alcohol, and consume it over the next few hours.

- The late terminal hour will cause noise from customers arriving and leaving the premises. The late hours requested mean that this is inevitable.
- How does the applicant propose to ensure that there is no noise escape from the proposed premises to the nearby flats? We note that although recorded music is applied for, the application form states that it will be low-level background music. Given the definition of 'regulated entertainment' in Licensing Act 2003 and the provisions for music which is 'incidental' to another activity which is not in itself regulated entertainment, we would question whether the application for recorded is appropriate.

In addition to the above, we are concerned that this part of Piccadilly/Mayfair is becoming a destination area. Residents have experienced untold problems in the past from a nightclub, Vendome, whose licence was revoked. The area occupied by the nightclub is part of a larger area for which an application for a premises licence is anticipated in the near future. A licence for the outside area of the former 'In and Out Club' was granted earlier this year. Residents do not wish to be hemmed in by late night licensed premises, particularly after the problems we have experienced in the past. A premises licence for this venue would set an unwelcome precedent.

#### S182 Guidance

We note from the Guidance issued under s182 Licensing Act 2003 that an Applicant is expected to 'obtain sufficient information to enable them to demonstrate...that they understand:

- The layout of the local area and physical environment including...proximity to residential accommodation...
- Any risk posed to the local area by the applicants' proposed licensable activities;' (para 8.34).

'It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impact (sic) upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective.' (para 8.36).

It is not clear whether such considerations have informed the applicant's submission. Given the hours applied for, we would respectfully suggest that they have not.

#### WCC's Statement of Licensing Policy (SLP)

The application as it stands is contrary to Policy HRS1 and PB1.

The Council's SLP has a policy on public nuisance, PN1. In particular, with reference to

hours, para 2.2.12 states that 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities...Late night noise is particularly unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults, but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

**Conclusion**

The licensing authority is charged with determining the application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, we are opposed to the application being granted. We look forward to being kept informed of any developments, and would like to attend the hearing in due course.

<b>Name:</b>	Dominique Sturgess (Mrs)
<b>Address and/or Residents Association:</b>	On behalf of Moon Holdings Inc  The Penthouse 89 Piccadilly London W1J 7NE
<b>Received:</b>	21 <sup>st</sup> December 2015

We write to oppose the above planning application.

89 is on the north eastern corner of Piccadilly and Half Moon Street. The premises in respect of which the licence is sought is immediately opposite 89, on the other side of Half Moon Street on the corner of Half Moon Street and Piccadilly. Therefore the activities at no 90 could potentially impact greatly on the residential amenity at 89, and other neighbouring residential blocks.

We are extremely concerned that an application has been made for a licence to sell alcohol, provide late night refreshment throughout the night at weekends, and play music.

We object to this application on the grounds that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. The application for another new premises licence in the area has greatly concerned residents, particularly to the hours set out in the application.

It should be noted that we were not notified by the City Council, despite living approximately 10 yards or less away from the premise about this application. Further, and more importantly, having been alerted to the application we have seen that the blue notice which the applicant is required to display at the premises advertising the application is located not at eye level but at ankle level and it is therefore unlikely that residents will notice it. We are advised that Regulation 25 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 requires the notice to be displayed 'prominently...where it can be conveniently read from the exterior of the premises...' (Regulation 25(a)(ii)). We make the point purely to inform the licensing authority that many residents may not have been aware of the application and so would not have had the opportunity to make representations.

There are several aspects of the application which concern us.

- It is proposed that alcohol will be sold until 11pm. This is a late hour for residents who are trying to relax and sleep, particularly given the proximity of the premises to 89. There is significant residential accommodation in the area - around 32 flats in the block immediately next door as well as numerous others along the front of Piccadilly (including under construction). This is very much the residential end of Piccadilly. Customers leaving the premises will therefore be walking past residents' homes. Having been drinking, it is likely that they will be less restrained than they might otherwise be, and cause noise nuisance. We are not suggesting that the patrons will be excessively rowdy – but even high spirits, shouting etc can, at that time of night, be disturbing.
- Although the application clearly implies that food would be available, there is no requirement for sale of alcohol to only accompany a table meal. We are therefore concerned that the premises would be drink-led. This reinforces the concerns raised above re: noise.
- The hours for late night refreshment and opening throughout the week are far too late. At the weekend, they wish to provide late night refreshment until 5am. These hours are guaranteed to result in nuisance from the customers throughout the night. Although sale of alcohol would cease many hours before late night refreshment at weekends, we are concerned that customers could 'stockpile' alcohol before the terminal hour for sale of alcohol, and consume it over the next few hours.
- The late terminal hour will cause noise from customers arriving and leaving the premises. The late hours requested mean that this is inevitable.

- How does the applicant propose to ensure that there is no noise escape from the proposed premises to the nearby flats? We note that although recorded music is applied for, the application form states that it will be low-level background music. Given the definition of 'regulated entertainment' in Licensing Act 2003 and the provisions for music which is 'incidental' to another activity which is not in itself regulated entertainment, we would question whether the application for recorded is appropriate.

In addition to the above, we are concerned that this part of Piccadilly/Mayfair is becoming a destination area. Residents have experienced untold problems in the past from a nightclub, Vendome, whose licence was revoked. The area occupied by the nightclub is part of a larger area for which an application for a premises licence is anticipated in the near future. A licence for the outside area of the former 'In and Out Club' was granted earlier this year. Residents do not wish to be hemmed in by late night licensed premises, particularly after the problems we have experienced in the past. A premises licence for this venue could set an unwelcome precedent.

It is noted that Godo have already taken to parking their branded cars and scooters on the pavement of Half Moon Street. This has happened on repeated occasions within a short period and indicates a colonising disregard for public space and community concerns, which does not bode well for the future should they be granted alcohol, entertainment and late night licences.

#### S182 Guidance

We note from the Guidance issued under s182 Licensing Act 2003 that an Applicant is expected to 'obtain sufficient information to enable them to demonstrate...that they understand:

- The layout of the local area and physical environment including...proximity to residential accommodation...
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It is not clear whether such considerations have informed the applicant's submission. Given the hours applied for, we would respectfully suggest that they have not.

WCC's Statement of Licensing Policy (SLP)

The application as it stands is contrary to Policy HRS1 and PB1.

The Council's SLP has a policy on public nuisance, PN1. In particular, with reference to hours, para 2.2.12 states that 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities...Late night noise is particularly unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults, but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

The licensing authority is charged with determining the application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, we are opposed to the application being granted. We look forward to being kept informed of any developments.

<b>Name:</b>	Andrew Jones
<b>Address and/or Residents Association:</b>	Flat 4, 85 Piccadilly/47 Clarges Street, London W1J 7ES
<b>Received:</b>	<b>21<sup>st</sup> December 2015</b>

Dear Sir or Madam

The premises in respect of which the licence is sought are on the other side of Half Moon Street from the block in which I live, on the corner of Piccadilly. My bedroom overlooks Piccadilly. Therefore the activities at 90 Piccadilly could potentially impact greatly on my and my neighbours' residential amenity.

It is with great concern that I have learnt that an application has been made for a licence to sell alcohol, provide late night refreshment throughout the night at weekends, and play music.

I object to this application on the grounds that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. The application for yet another new

premises licence in the area has greatly concerned residents, particularly to the hours set out in the application.

The following aspects of the application concern me:

- The entrance of 85 is on Half Moon directly across from our block.
- It is proposed that alcohol will be sold until 11pm. This is very much the residential end of Piccadilly and as such a late hour for residents who are trying to relax and sleep, particularly given the proximity of the premises to 85. Customers leaving the premises will walk past residents' homes including on their way to the nearest tube station, Green Park. Having been drinking, it is likely that they will be less restrained than they might otherwise be, and cause noise nuisance.
- The hours for late night refreshment and opening throughout the week are far too late. At the weekend, the applicant wishes to provide late night refreshment until 5am. These hours are guaranteed to result in nuisance from the customers throughout the night. Although sale of alcohol would cease many hours before late night refreshment at weekends, we are concerned that customers could 'stockpile' alcohol before the terminal hour for sale of alcohol, and consume it over the next few hours.
- The late terminal hour will cause noise from customers arriving and leaving the premises. The late hours requested mean that this is inevitable.
- Although the application clearly implies that food would be available, there is no requirement for sale of alcohol to only accompany a table meal. We are therefore concerned that the premises would be drink-led. This reinforces the concerns raised above re: noise.
- How does the applicant propose to ensure that there is no noise escape from the proposed premises to the nearby flats? We note that although recorded music is applied for, the application form states that it will be low-level background music. Given the definition of 'regulated entertainment' in Licensing Act 2003 and the provisions for music which is 'incidental' to another activity which is not in itself regulated entertainment, we would question whether the application for recorded is appropriate.



In addition to the above, I am concerned that this part of Piccadilly/Mayfair is becoming a destination area. Residents have experienced untold problems in the past from a nightclub, Vendome, whose licence was revoked and are suffering from the increased footfall which has resulted from the opening of the Burger and Lobster in Clarges Street. The area occupied by the nightclub is part of a larger area for which an application for a premises licence is anticipated in the near future. A licence for the outside area of the former 'In and Out Club' was granted earlier this year. Residents do not wish to be hemmed in by late night licensed premises, particularly after the problems we have experienced in the past. A premises licence for this venue would set an unwelcome precedent.

Guidance issued under s182 Licensing Act 2003 requires that an Applicant is should 'obtain sufficient information to enable them to demonstrate...that they understand:

- The layout of the local area and physical environment including...proximity to residential accommodation...
- Any risk posed to the local area by the applicants' proposed licensable activities;' (para 8.34).

'It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impact (sic) upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective.' (para 8.36).

The late hours applied for suggest that such considerations have not informed the applicant's submission.

The application as it stands is also contrary to Policy HRS1 and PB1.

The Council's SLP has a policy on public nuisance, PN1. In particular, with reference to hours, para 2.2.12 states that 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities...Late night noise is particularly unsettling; particularly shouting and screaming. Some of this is associated with

aggression and assaults, but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

The licensing authority is charged with determining the application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, I am opposed to the application being granted. I look forward to being kept informed of any developments, and would like to attend the hearing in due course.

<b>Name:</b>	Laura Hodgson
<b>Address and/or Residents Association:</b>	Flat 1 85 Piccadilly/47 Clarges Street W1J 7ES
<b>Received</b>	22 <sup>nd</sup> December 2015

It is with great concern that I have learnt that an application has been made for a licence to sell alcohol, provide late night refreshment throughout the night at weekends, and play music at the above premises. These premises are on the other side of the street from the block in which I live. Bedrooms in my flat overlooks Piccadilly. Therefore the activities at 90 Piccadilly could potentially impact greatly on my and my neighbours' residential amenity.

I object to this application on the basis that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. The application for yet another new premises licence in the area has greatly concerned residents, particularly to the hours set out in the application.

The following aspects of the application concern me:

1. The entrance of 85 is on Half Moon directly across from our block.
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3. The hours for late night refreshment and opening throughout the week are far too late. At the weekend, the applicant wishes to provide late night refreshment until 5am. These hours are guaranteed to result in nuisance from the customers throughout the night. Although sale of

alcohol would cease many hours before late night refreshment at weekends, we are concerned that customers could 'stockpile' alcohol before the terminal hour for sale of alcohol, and consume it over the next few hours.

4. The late terminal hour will cause noise from customers arriving and leaving the premises. The late hours requested mean that this is inevitable.

5. Although the application clearly implies that food would be available, there is no requirement for sale of alcohol to only accompany a table meal. We are therefore concerned that the premises would be drink-led. This reinforces the concerns raised above re: noise.

6. How does the applicant propose to ensure that there is no noise escape from the proposed premises to the nearby flats? We note that although recorded music is applied for, the application form states that it will be low-level background music. Given the definition of 'regulated entertainment' in Licensing Act 2003 and the provisions for music which is 'incidental' to another activity which is not in itself regulated entertainment, we would question whether the application for recorded is appropriate.

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Guidance issued under s182 Licensing Act 2003 requires that an Applicant is should '*obtain sufficient information to enable them to demonstrate...that they understand:*

*(a) The layout of the local area and physical environment including...proximity to residential accommodation...*

*(b) Any risk posed to the local area by the applicants' proposed licensable activities;' (para 8.34).*

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The late hours applied for suggest that such considerations have not informed the applicant's submission.

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The licensing authority is charged with determining the application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, I am opposed to the application being granted. I look forward to being kept informed of any developments, and would like to attend the hearing in due course.

### 3. Policy & Guidance

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

**Policy HRS1 applies**

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

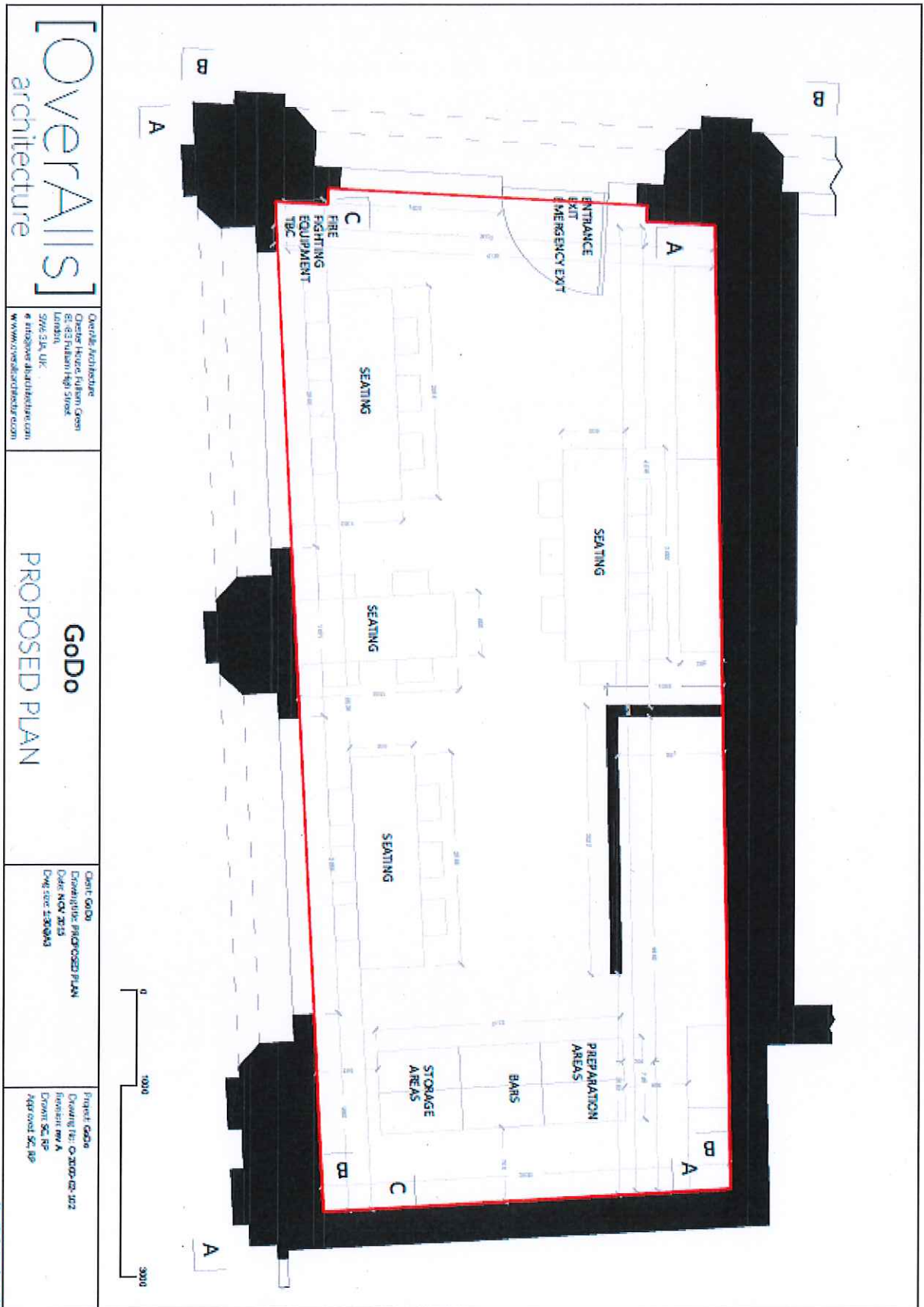
Policy RNT1 applies:

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

#### 4. Appendices

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

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk



**[Overalls]**  
architecture

Overalls Architecture  
Overalls House Fulham Green  
81-83 Fulham High Street  
London  
SW9 5LH, UK  
e info@overallsarchitecture.com  
www.overallsarchitecture.com

**GoDo**  
PROPOSED PLAN

Client: GoDo  
Drawn for: PROPOSED PLAN  
Date: NOV 2013  
Drawing: 1/30000

Project: GoDo  
Drawing by: O.3100-02-1122  
Reviewed by: A  
Drawn by: SC, RP  
Approved by: SC, RP

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Not applicable

There is no licence or appeal history for the premises



**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**

1. Strong management controls and effective training to all staff so that they are aware of the premises licence and the requirement to meet the four licensing objectives with particular attention to:
  - a. No selling of alcohol to underage people
  - b. No selling to anyone drunk or disorderly
  - c. No violent and anti-social behaviour
  - d. Not causing harm to children
2. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises quietly.
3. Children will only be allowed on the premises when accompanying adult diners.
4. Alcohol will only be sold to diners.

### **Conditions proposed by the Environmental Health. These have been agreed with the applicant.**

1. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
2. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. 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.
5. The supply of alcohol shall be by waiter or waitress service only.
6. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
7. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
8. 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.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received

concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

10. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
12. 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.
13. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

#### **Conditions proposed by Applicant.**

- 1) We withdraw the application for Recorded Music.
- 2) We amend the hours for Licensable activities to within the Core hours as defined by your council's Licensing Policy:

Supply of Alcohol & Late Night Refreshment: Monday-Thursday from 11:30 until 23:00, Friday-Saturday from 11:30 until midnight and Sunday from 12:00 until 22:30.

No Takeaway of Hot food after 23:00.

- 3) Limit the License up to March 31st, 2016
- 4) We maintain our application for an on-premise ONLY alcohol application.
- 5) We operate as a restaurant type i.e alcohol is only sold to clients who consume table meals.

**Conditions proposed by the Police – none provided at the time of writing the report.**



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

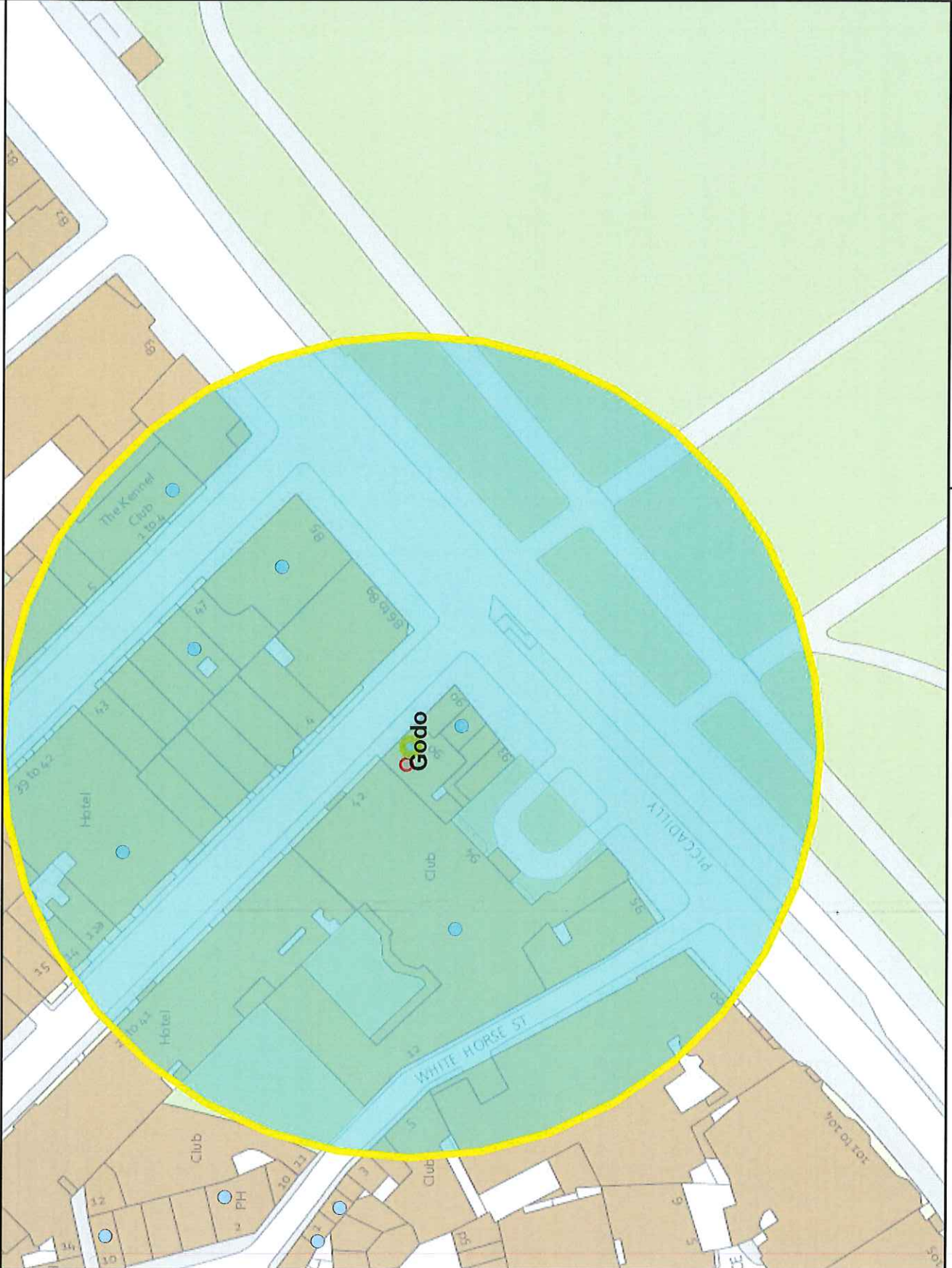
**Background Documents – Local Government (Access to Information) Act 1972**

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	23 <sup>rd</sup> November 2015



City of Westminster

Godo



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Meters

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# APPENDIX 5

Residential / Proposed Residential	75
Under Construction	
Other Uses	
Proportion Residential of all Uses	

Data Source: Uniform Database

Date: 21/12/2015



Premises within 75 metres of:

p / n	Name of Premises	Premises Address	Licensed Hours
-22180	The Kennel Club	1-5 Clarges Street London W1J 8AB	Monday to Saturday 11:00 - 23:30
-8337	Flemings Mayfair Hotel	7-12 Half Moon Street London W1J 7BH	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-8252	Flemings Mayfair Hotel	7-12 Half Moon Street London W1J 7BH	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-3216	The Forecourt, Cambridge House	94 Piccadilly London W1J 7BP	Sunday 08:00 - 22:30 Monday to Saturday 06:00 - 23:30
15958	Fakhdeline	First Floor 85 Piccadilly London W1J 7NB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-23624	La Brasserie	Ground Floor 85 - 87 Piccadilly London W1J 7NB	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-8476	Piccadilly News & Off Licence	91 Piccadilly London W1J 7NF	Monday to Sunday 06:00 - 23:00
-4727	The Fox Club	46 Clarges Street London W1J 7ER	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 01:00