



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

14/04363/LIPV

Date:

7 August 2014

Classification:

For General Release

Title of Report:

189 Piccadilly
London
W1J 9ES

Report of:

Operational Director – Premises Management

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Miss Bina Patel, Environmental Health Case Officer

Contact Details:

Telephone: 020 7641 2125
E-mail: bpatel@westminster.gov.uk

1. APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.		
Applicant:	189 Piccadilly Limited	Date Application Received:	30 May 2014
Premises Name and Address:	189 Piccadilly London W1J 9ES		
Ward Name:	St James's	Stress Area	No
Premises Description:	The premises operate as a restaurant & Café /Bar over 4 floors: Basement & Ground Floors – Cafe/Bar First & Second Floors – Restaurant		
Variation description	The application submitted is to amend and/or delete conditions on the exiting licence		

Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

Proposed Licensable Activities, Proposed Hours:		References / Notes
1	<p>Variations to conditions on the licence</p> <p>(i) To amend condition 17 on the existing licence at Appendix A1 which currently reads:</p> <p style="padding-left: 40px;"><i>17. There shall be a minimum of 1 SIA licensed door supervisors on duty at the premises after 23.00 hours</i></p> <p>To be amended as follows:</p> <p style="padding-left: 40px;"><i>17. There shall be a minimum of 1 SIA licensed door supervisor on duty at the premises after 23.00 hours on Friday and Saturday.</i></p> <p>(ii) To delete condition 26 on the existing licence at Appendix A1 which currently reads:</p> <p style="padding-left: 40px;"><i>26. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.</i></p>	

- (iii) To amend condition 42 on the existing licence at Appendix A1 which currently reads:

42. Children under 16 will be allowed in the restaurant, in the basement until 19:00 and not at all on the ground floor.

To be amended as follows:

42. Children under 16 will be allowed in the restaurant in the basement and ground floor until 19:00

- (iv) To amend condition 47 on the existing licence at Appendix A1 which currently reads:

47. There shall be no supply of alcohol on the premises (in the restaurant) area otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.

To be amended as follows:

47. Alcohol on the premises (in the restaurant) area may be provided to all persons whether or not they are taking a table meal there

- (v) To amend condition 49 on the existing licence at Appendix A1 which currently reads:

49. In the ground floor and basement areas, (apart from customers around the bar on the ground floor), alcohol will only be served by waiters and to persons seated.

To be amended as follows:

49. In the ground floor and basement areas, (apart from customers around the bar on the ground floor), alcohol will only be provided to persons seated.

Relevant representations and policies applicable:

- 1A** An adverse representation has been made against the application by the Environmental Health Service to proposals (iv) and (v) above stating that the proposal will have the likely effect of causing an increase in public nuisance in the area and may impact on public safety.

They have no objections to the amendments sought to proposals (i), (ii) and (iii) above however, alternative conditions have been proposed. **Please refer further to Appendix B1**

- 1B** An adverse representation has been made against the application by the Metropolitan Police Service. They have raised representations to proposals (ii), (iv) and (v) and have provided alternatives conditions to the applicant for consideration.

**Environmental
Health
representation**

**Metropolitan Police
Service**

They have no objections to the amendments sought to proposals (i) and (iii) above. **Please refer further to Appendix B2**

1C The following policies within the City of Westminster Statement of Licensing Policy apply:

Prevention of crime and disorder (CD1)
Public Safety (PS1)
Prevention of public nuisance (PN1)
Protection children from harm (CH1)
Restaurants outside the Stress Area (RNT1)
Pubs and Bars outside the Stress Area (PB1)

1D Policy RNT1: Applications will generally be granted and reviews determined subject to the relevant criteria in policies CD1, PS1, PN1 and CH1.

1E Policy PB1 Applies: Applications will generally be granted, if it can be demonstrated that the proposals meets the relevant criteria in policies CD1, PS1, PN1 and CH1.

1F The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

Policies applicable

Summary

**Licensable activities permitted under the
existing Premises Licence**
13/05754/LIPDPS

Variation to Licensable Activities

Regulated Entertainment:

- **Exhibition of Film**
- **Live Music**
- **Playing of Recorded Music**
- **Anything of a similar description to Live Music, recorded Music or Dance**
- **Provision of facilities for entertainment of a similar description to making music or dance**

Monday to Saturday 10:00 to 01:30
Sunday 12:00 to 01:30

Please note following recent change in legislation, faculties for entertainment is no longer licensable and will be removed from the licence following the determination of this application.

Regulated Entertainment:

No Change

Late Night Refreshment: Indoors Monday to Saturday 23:00 to 01:30 Sunday 23:00 to 01:30	Late Night Refreshment: Indoors No Change
Sale of Alcohol: On and Off the premises Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 01:00	Sale of Alcohol: On and Off the premises No Change
Non Standard Timings The premises may remain open for the sale of alcohol from 10:00 on 31 December to 10:00 on 01 January, for late night refreshment from 23:00 on 31 December to 05:00 on 01 January and for recorded music from 10:00 on 31 December to 11:00 on 01 January	Non Standard Timings No Change
Capacity The number of persons permitted in the following rooms when regulated entertainment is being provided (excluding staff) shall not exceed : Basement: 60 persons First Floor: 74 persons Second Floor: 40 persons with a maximum of 150 persons at any one time	Capacity No Change
Opening Hours Monday to Saturday 10:00 to 01:30 Sunday 12:00 to 01:30	Opening Hours No Change
Current Licensing Position	The premises currently holds a premises licence 13/05754/LIPDPS (Appendix A1)
Current Planning Position	<p>Planning permission was granted on 7 December 2004 for 'Installation of glazed staircase enclosure at second floor rear in connection with alterations, including erection of conservatory at rear second floor level and relocation of existing plant, all in connection with the enlargement of the existing restaurant.' (04/04096/FULL)</p> <p>The following conditions are imposed on the permission granted:</p> <p>You must not sell hot food to customers for take-away, despite the provisions of Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it). This does not preclude the sale of hot drinks to customers to take away. (C05CA)</p> <p>'You must only use the reconfigured restaurant shown on the 1st and 2nd floors as a restaurant with waiter service. You must not use any part of this area as an bar or bar area unless it is ancillary to the restaurant to serve restaurant customers only, before, during or after their meals. it must not be used for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it). (C05EA)</p>

Residential Density:	5 of the 88 units within a 75m radius of the premises are residential and proposed residential (6%), refer to Appendix E
List of Appendices:	A1 – Existing Premises Licence 13/05754/LIPDPS A2 – Application B1 – Environmental Health Service representation B2 – Metropolitan Police Service representation C – Licence History D – Proposed Conditions E – Residential Map and list of premises in the vicinity F – Photograph of the premises
Relevant Representations:	Environmental Health Service Metropolitan Police Service

2. APPLICANT SUBMISSIONS AND EVIDENCE

- 2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in **Appendix A2**

3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

- 3.1 Any chronology relating to appeals is set out in Appendix C.

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)

APPENDIX A1



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12 Part A

WARD: St James's
UPRN: 100023472912

Premises licence

Regulation 33, 34

Premises licence number:

13/05754/LIPDPS

Original Reference:

05/08749/LIPN

Part 1 – Premises details

Postal address of premises:

189 Piccadilly
189 Piccadilly
London
W1J 9ES

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Performance of Live Music

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Playing of Recorded Music

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Non-standard Timings: Please see Annex 3 (44)

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday:	10:00 to 01:30
Sunday:	12:00 to 01:30

Late Night Refreshment

Monday to Saturday:	23:00 to 01:30
Sunday:	23:00 to 01:30

Non-standard Timings: Please see Annex 3 (43 and 44)

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00

Non-standard Timings: Please see Annex 3 (44)

The opening hours of the premises:

Monday to Saturday:	10:00 to 01:30
Sunday:	12:00 to 01:30

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:

189 Piccadilly Limited
189 Piccadilly
London
W1J 9ES
Business Phone Number : 020 7402 7788

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

08320089

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

Name: Bishwa Shresta

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: 416447

Licensing Authority: London Borough of Brent

Date: 22nd August 2013

Signed: pp

A handwritten signature in black ink, appearing to read 'S. Rnandpatel', written in a cursive style.

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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Annex 2 – Conditions consistent with the operating Schedule

10. Off Sales of Alcohol are to be in sealed containers only and for consumption off the premises.
11. Off Sales of Alcohol can only be supplied with the delivery of a meal of a minimum order of £20 direct to a business or place of residence.
12. The provision of regulated entertainment shall be restricted to karaoke and shall be to private pre-booked functions only.
13. The provision of regulated entertainment on the first floor shall only be to persons who have partaken or are partaking in a table meal.
14. The provision of regulated entertainment is restricted to the basement, first and 2nd floors only.
15. The number of persons permitted in the following rooms when regulated entertainment is being provided (excluding staff) shall not exceed :
 - Basement: 60 persons
 - First Floor: 74 persons
 - Second Floor: 40 personswith a maximum of 150 persons at any one time.
16. There shall be no new admittance to the premises after midnight.
17. There shall be a minimum of 1 SIA licensed door supervisors on duty at the premises after 23.00 hours.
18. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of the local residents and use the area quietly.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. All windows and external doors shall be kept closed after 23:00 hours or at any time regulated entertainment takes place, except for the immediate access and egress of persons.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
25. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
26. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule

3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

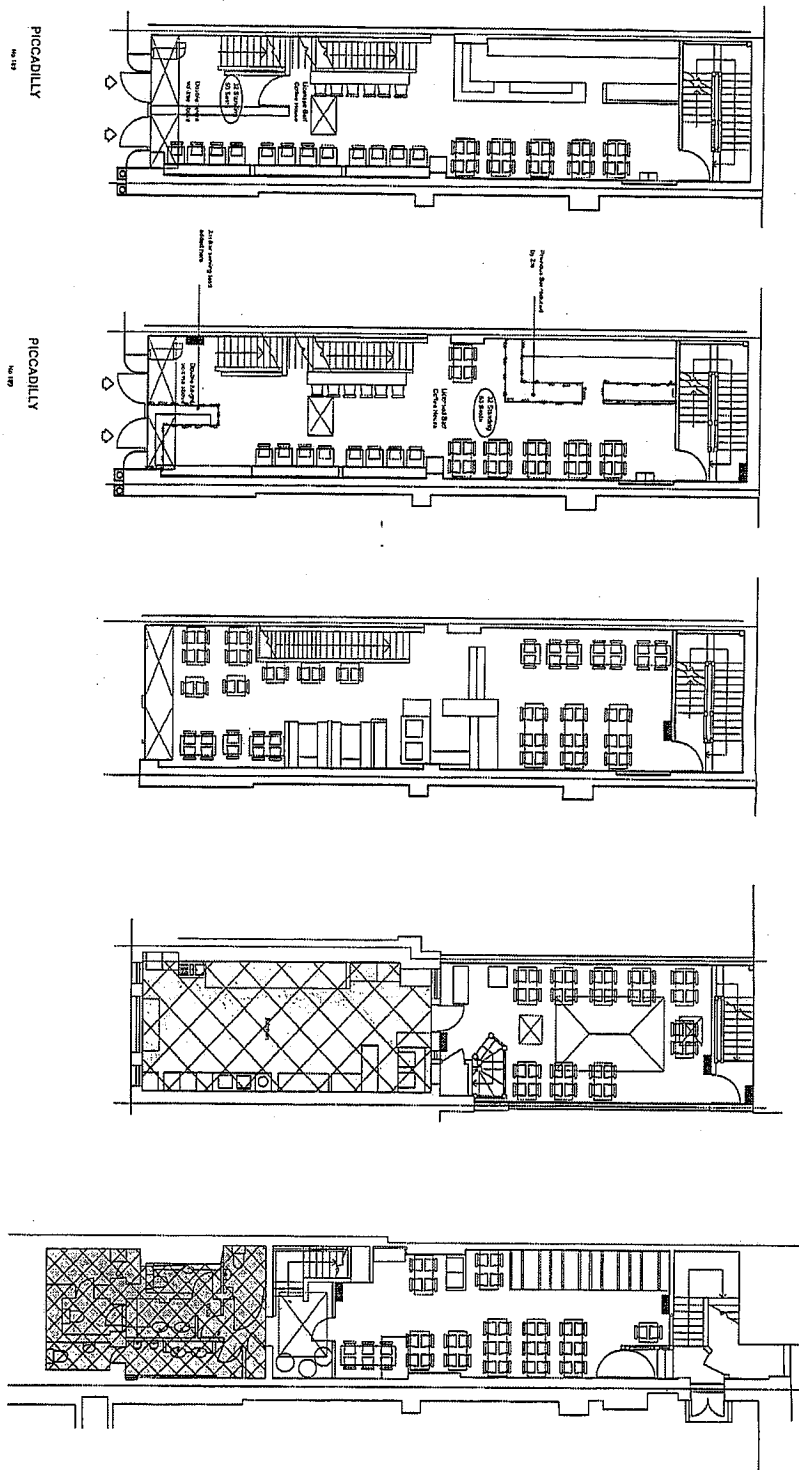
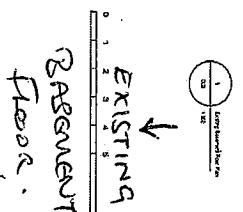
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
28. The means of escape provided for the premises shall at all times be maintained unobstructed, free of trip hazards, be immediately available and clearly identifiable in accordance with the plans provided.
29. All exit doors shall be available at all times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the threads of steps and stairways shall be marked and maintained so as to be conspicuous at all times.
32. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
33. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.
34. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard 4293: 1993.
35. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
36. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
37. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
38. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

39. No patrons shall be readmitted into the premises after 00:00 unless they leave to smoke outside.
40. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 6 persons at any one time.

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

41. Maximum occupancy shall be as specified by the Fire Officer from time to time.
42. Children under 16 will be allowed in the restaurant, in the basement until 19:00 and not at all on the ground floor.
43. No take away food to be served after 22:00.
44. The premises may remain open for the sale of alcohol from 10:00 on 31 December to 10:00 on 01 January, for late night refreshment from 23:00 on 31 December to 05:00 on 01 January and for recorded music from 10:00 on 31 December to 11:00 on 01 January.
45. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
46. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours when intoxicating liquor is sold or supplied.
47. There shall be no supply of alcohol on the premises (in the restaurant) area otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.
48.
 - (i) Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex encounter establishment in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
 - (ii) This condition does not apply to any entertainment which is an integral part of a licensed performance of a play.
49. In the ground floor and basement areas, (apart from customers around the bar on the ground floor), alcohol will only be served by waiters and to persons seated.

Sandhu Architects 22 Market Street, 2nd Floor, London, EC1R 3DB Tel: 020 7493 7030 Fax: 020 7493 7031 Email: info@sandhu.co.uk	
SANDHU ASSOCIATES 180 Prasad B London	
EXISTING AND PROPOSED PLAN 1:500 (A2)	
124	000
A	



area changed
since original
license and per
which the
minor
amendment
is requested.

[illegible]



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

**Schedule 12
Part B**

**WARD: St James's
UPRN: 100023472912**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

13/05754/LIPDPS

Part 1 – Premises details

Postal address of premises:

189 Piccadilly
189 Piccadilly
London
W1J 9ES

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Performance of Live Music

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Playing of Recorded Music

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Non-standard Timings: Please see Annex 3 (44)

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:30

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday:	10:00 to 01:30
Sunday:	12:00 to 01:30
Late Night Refreshment	
Monday to Saturday:	23:00 to 01:30
Sunday:	23:00 to 01:30
Non-standard Timings: Please see Annex 3 (43 and 44)	
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00
Non-standard Timings: Please see Annex 3 (44)	

The opening hours of the premises:

Monday to Saturday:	10:00 to 01:30
Sunday:	12:00 to 01:30

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:

189 Piccadilly Limited
189 Piccadilly
London
W1J 9ES

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

08320089

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

Name: Bishwa Shresta

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

Restricted

Date: 22nd August 2013

Signed: pp


Operational Director - Premises Management

Westminster City Council

Licensing Service
4th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 8549
westminster.gov.uk



2

City of Westminster

PREMISES MANAGEMENT
LICENSING SERVICE

Application to vary a premises licence under the Licensing Act 2003

30 MAY 2014

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

CITY OF WESTMINSTER

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We 189 Piccadilly Limited
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 13/01139/LIPDPS

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

189 Piccadilly

Post town London

Postcode W1J 9ES

Telephone number at premises (if any) 020 7434

Non-domestic rateable value of premises £ 146000 00

Part 2 – Applicant details

Daytime contact telephone number 020 7242 7883

E-mail address (optional) lop.t@msn.com

Current postal address if different from premises address
Lowell San Pitfield
9 Grays Inn Square
Grays Inn

Post town London

Postcode WC1R 5JT

[Type text]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

- 1, There shall be a minimum of 1 SIA licenced door supervisor on duty at the premises after 23 00 hours Fridays and Saturdays rather than all week in the current condition 17
- 2, As this is not a sex establishment current condition 26 should be deleted
- 3, Condition 42 should be varied so that children under 16 will be allowed in the restaurant in the basement and ground floor until 19 00 as opposed to the basement only
- 4, Condition 47 shall be varied so that alcohol can be supplied to persons in the restaurant not just to persons taking table meals or ancillary to a meal
- 5, Condition 49 shall be varied so that in the ground floor and basement the restriction on alcohol being served by waiters only shall be removed.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

[Type text]

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Sale by retail of alcohol (if ticking yes, fill in box J) ☐

In all cases complete boxes K, L and M

[Type text]

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

[Type text]

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

[Type text]

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

[Type text]

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

[Type text]

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

[Type text]

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

[Type text]

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

[Type text]

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

[Type text]

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

[Type text]

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Tue					
Wed					
Thur			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

[Type text]

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

[Type text]

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

N/A

[Type text]

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The variation of the licence proposed is essentially a tidying up and improvement of the existing licence terms and therefore essentially neutral.

b) The prevention of crime and disorder

as above

c) Public safety

as above

d) The prevention of public nuisance

as above

e) The protection of children from harm

as above

[Type text]

Checklist:

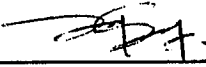
Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	23/05/14
Capacity	Premises Licence Holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	N/A
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Christopher Noyce
Lovell Son. Pittfield
9 Grays Inn Square

Post town	London	Post code	WC1R 5JT
Telephone number (if any)	020 7242 7883		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer**REFERENCE** 14/04363/LIPV

FROM EH Consultation Team**REFERENCE****BEING DEALT WITH BY** Ian Watson (iwatson@westminster.gov.uk)**TELEPHONE** 020 7641 3183**DATE** 27th June 2014

The Licensing Act 2003**189 Piccadilly, W1**

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

This representation is based on the operating schedule submitted and reference to Premises Licence 13/01139/LIPDPS

The applicant is seeking the following,

1. To vary condition 17 so that it only relates to Friday and Saturdays.
2. To delete condition 26 which states
 - No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
3. To vary condition 42 to permit children under 16 years of age on the ground floor as well as the basement until 19.00 hours.
4. To vary condition 47 relating to the supply of alcohol within the restaurant. The condition currently reads.
 - There shall be no supply of alcohol on the premises (in the restaurant) area otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.
5. To vary condition 49 relating to persons seated and waiters. The condition currently reads.
 - In the ground floor and basement areas, (apart from customers around the bar on the ground floor), alcohol will only be served by waiters and to persons seated.

I wish to make the following representation

1. No objection.
2. No objection.

3. No objection.
4. The variation proposed to condition 47 will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.
5. The variation proposed to condition 49 will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.

A visit will to the premises will be arranged to discuss Environmental Health's concerns.

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

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Patel, Bina

From: Watson, Ian
Sent: 30 July 2014 08:51
To: Patel, Bina
Subject: FW: 189 Piccadilly, W1

Categories: Blue Category

Bina

This is the list of EH conditions I sent to the Police for their perusal and comment. These have been sent to the applicants solicitor and if he agrees them I will be withdrawing my representation.

- **There shall be a minimum of 1 SIA licensed door supervisors on duty at the premises after 23.00 hours on Fridays and Saturdays only.**
- **Children under 16 will only be allowed in the Basement and Ground Floor of the premises till 19:00 hours daily.**
- **There shall be no supply of alcohol on the first floor of the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.**
- **The supply of alcohol on the ground floor shall be by waiter or waitress service to seated persons only.**
- **A waiter or waitress service shall be available throughout the premises.**
- **The number of persons permitted within the premises (excluding staff) shall not exceed,**
 - **Basement: 60 persons**
 - **Ground Floor 30 persons**
 - **First Floor: 74 persons**
 - **Second Floor: 40 persons**

with a maximum of 150 persons at any one time to the basement, first and second floors when regulated entertainment is provided..

A number of works were identified during my visit and therefore I would propose the following condition to cover these

- **The variation (14/04363/LIPV) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.**

The works included

- The provision of a 30 minute fire resistant door to the 2nd floor kitchen entrance.
- Ensure that all fire doors leading onto the rear fire escape are self closing and close fitting, especially the one to the first floor.
- Ensure that escape signage is provided at all levels, including half landings, so that it is readily viewable immediately upon entering the rear fire escape.

If the applicant agrees these conditions I will withdraw my representation.

Regards

Ian

Ian Watson

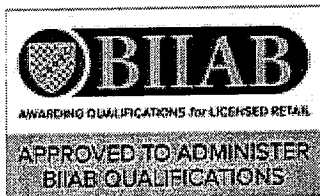
Senior Practitioner Environmental Health (Licensing)
EH Consultation and Licensing

Premises Management

Westminster City Council
City Hall, 4th Floor West
64 Victoria Street
London, SW1E 6QP

Tel: 020 7641 3183
Fax: 020 7641 3436
Email: iwatson@westminster.gov.uk

Westminster Council's Team of the Year 2012



Patel, Bina

From: Marriott, Chris
Sent: 17 June 2014 12:27
To: lupit@msn.com
Cc: idoxlicensing
Subject: 189 Piccadilly, W1. 14/04363/LIPV

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mr Noyce,

I am currently dealing with 189 Piccadilly, W1.

Police have considered your application with regard to the variation of the above licence.

We are agreed with your first altered condition of:

***There shall be a minimum of 1 SIA licensed door supervisor on duty at the premises after 2300 hours Fridays and Saturdays.**

Police also agree to the variation of condition 42 which should now read:

***Children under 16 years of age will be allowed in both the basement and ground floor of the restaurant until 1900 hours.**

Police fully object to the removal of condition 26, and request this to remain.

Condition 47 can be altered however only until 2230 hours, police seek the following:

***After 2230 hours Mon-Sun 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, supplied, or consumed on the premises otherwise than to 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.**

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

Condition 49 can be altered to the following:

***The supply of alcohol shall be by waiter or waitress service only, to persons who are seated in the premises.**

Kind regards

PC Chris Marriott 3540CW

Westminster Police Licensing Team

**4th floor, 64 Victoria Street,
London, SW1 EQP
Tel: 02076411709**

Licence & Appeal History

Application	Details of Application	Date determined	Decision
New 05/08749/LIPN	Application for a new premises licence	16.11.2005	Granted by Licensing Sub Committee
Variation 09/02103/LIPV	Application to vary the premises licence	07.05.2009	Granted under delegated authority
DPS 06/04985/LIPDPS	Application to vary the designated premises supervisor	11.06.2009	Granted under delegated authority
Minor 10/10244/LIPVM	Application to vary the licence	04.01.2011	Granted under delegated authority
DPS 11/00593/LIPDPS	Application to vary the designated premises supervisor	11.02.2011	Granted under delegated authority
DPS 11/04661/LIPDPS	Application to vary the designated premises supervisor	31.05.2011	Granted under delegated authority
Variation 11/04941/LIPV	Application to vary the premises licence	07.07.2011	Granted under delegated authority
Minor 10/10244/LIPVM	Application to vary the licence	28.09.2012	Refused by Licensing Authority
Minor 12/09648/LIPVM	Application to vary the licence	20.11.2012	Granted under delegated authority
Transfer 13/01134/LIPT	Application to transfer the premises licence	12.03.2013	Granted under delegated authority
DPS 13/01139/LIPDPS	Application to vary the designated premises supervisor	12.03.2013	Granted under delegated authority
Transfer 13/05753/LIPT	Application to transfer the premises licence	22.08.2013	Granted under delegated authority
DPS 13/05754/LIPDPS	Application to vary the designated premises supervisor	22.08.2013	Granted under delegated authority

There is no appeal history

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

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

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

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

Conditions: attached to the existing premises licence at Appendix A1 – 13/05754/LIPDPS

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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Annex 2 – Conditions consistent with the operating schedule

10. Off Sales of Alcohol are to be in sealed containers only and for consumption off the premises.
11. Off Sales of Alcohol can only be supplied with the delivery of a meal of a minimum order of £20 direct to a business or place of residence.
12. The provision of regulated entertainment shall be restricted to karaoke and shall be to private pre-booked functions only.
13. The provision of regulated entertainment on the first floor shall only be to persons who have partaken or are partaking in a table meal.
14. The provision of regulated entertainment is restricted to the basement, first and 2nd floors only.
15. The number of persons permitted in the following rooms when regulated entertainment is being provided (excluding staff) shall not exceed:
 - o Basement: 60 persons
 - o First Floor: 74 persons
 - o Second Floor: 40 personswith a maximum of 150 persons at any one time.
16. There shall be no new admittance to the premises after midnight.
17. *There shall be a minimum of 1 SIA licensed door supervisors on duty at the premises after 23.00 hours.*

Application seeks to amend condition 17 as follows

17. *There shall be a minimum of 1 SIA licensed door supervisor on duty at the premises after 23.00 hours on Friday and Saturday.*

Alternative to condition 17 proposed by EHS & consulted with Police

17. *There shall be a minimum of 1 SIA licensed door supervisors on duty at the premises after 23.00 hours on Fridays and Saturdays only.*
18. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of the local residents and use the area quietly.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. All windows and external doors shall be kept closed after 23:00 hours or at any time regulated entertainment takes place, except for the immediate access and egress of persons.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
25. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
26. *No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.*

Application seeks to delete condition 26

27. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
28. The means of escape provided for the premises shall at all times be maintained unobstructed, free of trip hazards, be immediately available and clearly identifiable in accordance with the plans provided.
29. All exit doors shall be available at all times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the threads of steps and stairways shall be marked and maintained so as to be conspicuous at all times.
32. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
33. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.
34. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard 4293: 1993.
35. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
36. 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 to the public. This staff

member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

37. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
38. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
39. No patrons shall be readmitted into the premises after 00:00 unless they leave to smoke outside.
40. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 6 persons at any one time.

Annex 3 - Conditions attached after a hearing by a Licensing Sub Committee

41. Maximum occupancy shall be as specified by the Fire Officer from time to time.
42. *Children under 16 will be allowed in the restaurant, in the basement until 19:00 and not at all on the ground floor.*

Application seeks to amend condition 42 as follows

42. *Children under 16 will be allowed in the restaurant in the basement and ground floor until 19:00*

Alternative to condition 42 proposed by EHS and consulted with Police

42. *Children under 16 will only be allowed in the Basement and Ground Floor of the premises till 19:00 hours daily.*
43. No take away food to be served after 22:00.
44. The premises may remain open for the sale of alcohol from 10:00 on 31 December to 10:00 on 01 January, for late night refreshment from 23:00 on 31 December to 05:00 on 01 January and for recorded music from 10:00 on 31 December to 11:00 on 01 January.
45. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

46. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours when intoxicating liquor is sold or supplied.
47. *There shall be no supply of alcohol on the premises (in the restaurant) area otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.*

Applications seeks to amend condition 47 as follows:

47. *Alcohol on the premises (in the restaurant) area may be provided to all persons whether or not they are taking a table meal there*

Alternative to condition 47 proposed by Police

47. *After 2230 hours Mon–Sun 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, supplied, or consumed on the premises otherwise than to 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.*

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

Alternative to condition 47 proposed by EHS

- 47(i). *There shall be no supply of alcohol on the first floor of the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.*
- 47(ii). *The supply of alcohol on the ground floor shall be by waiter or waitress service to seated persons only.*
48. (i) Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex encounter establishment in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
- (ii) This condition does not apply to any entertainment which is an integral part of a licensed performance of a play.

49. In the ground floor and basement areas, (apart from customers around the bar on the ground floor), alcohol will only be served by waiters and to persons seated.

Application seeks to amend condition 49 as follows:

49. In the ground floor and basement areas, (apart from customers around the bar on the ground floor), alcohol will only be provided to persons seated.

Alternative to condition 49 proposed by EHS and consulted with Police

49. A waiter or waitress service shall be available throughout the premises

Additional conditions proposed by EHS

50. The number of persons permitted within the premises (excluding staff) shall not exceed,

- Basement: 60 persons
- Ground Floor 30 persons
- First Floor: 74 persons
- Second Floor: 40 persons

with a maximum of 150 persons at any one time to the basement, first and second floors when regulated entertainment is provided..

51. The variation (14/04363/LIPV) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

The following new mandatory condition which came into effect on 28 May 2014 will be added to the licence following the determination of this application

- A (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.

- B (ii) For the purposes of the condition set out in paragraph 9(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.

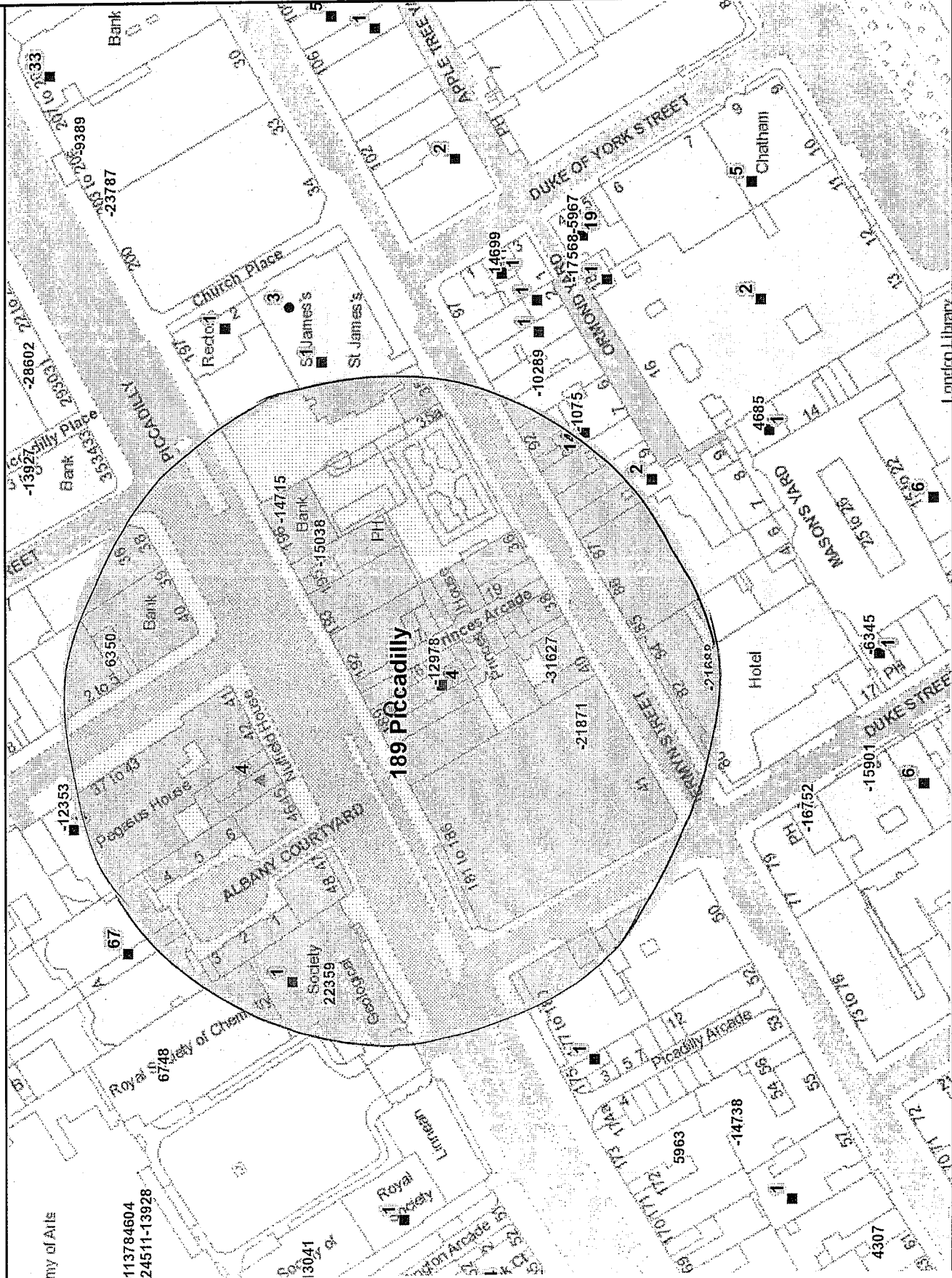
C (iii). Where the permitted price given by Paragraph 9(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- D (iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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

189 Piccadilly, London W1J 9ES



10

Meters

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Date: 14/07/2014

APPENDIX E

Residential / Proposed Residential	5		
Under Construction	4		
Other Uses	79		
Proportion Residential of all Uses	10%		

Premises within 75 metres of: 189 Piccadilly, London W1J 9ES			
p / n	Name of Premises	Premises Address	Opening Hours
6350	Sackville News	1 Sackville Street London W1S 3DA	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-31627	Tramp	40 Jermyn Street London SW1Y 6DN	Monday to Sunday 09:00 - 05:00
22359	Geological Society Of London	First Floor Front Burlington House Piccadilly London W	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-21871	Fortnum & Mason	181-184 Piccadilly London W1J 9ES	Monday to Saturday 10:00 - 01:30 Monday to Saturday 10:00 - 23:00 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 01:00 Sunday 12:00 - 22:30 Sunday 12:00 - 23:00
-12978	189 Piccadilly	189 Piccadilly London W1J 9ES	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:30
-15038	B A F T A (British Academy Of Film And Televisio	195 Piccadilly London W1J 9LN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-14715	Gala Casino Piccadilly	196 Piccadilly London W1J 9EY	Monday to Sunday 00:00 - 00:00

