



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	22 September 2016
Licensing Ref No:	16/07199/LIPV - Premises Licence Variation
Title of Report:	Chiquitos 20-21 Leicester Square London WC2H 7LE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 July 2016		
<b>Applicant:</b>	The Restaurant Group (UK) Ltd		
<b>Premises:</b>	Chiquitos		
<b>Premises address:</b>	20-21 Leicester Square London WC2H 7LE	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises are operated as a restaurant with music and dancing on the ground and first floors with an external area on the ground floor.		
<b>Variation description:</b>	<p>The application proposes to:</p> <ol style="list-style-type: none"> <li>remove the first floor from the ambit of the premises licence.</li> <li>carryout alterations to the ground floor of the premises in accordance with the plans provided to include provision of a new entrance and fixed seating.</li> <li>remove conditions 9, 10, 11, 14, 17(with reference to the first floor), 18 and 21.</li> </ol> <p>No application is sought to vary the permitted hours</p>		
<b>Premises licence history:</b>	Please see Appendix 3		
<b>Applicant submissions:</b>	None		
<b>Preliminary Note</b>	<p>The licence has been quality checked and it has been identified that it permits performance of dance on Sunday in error and existing conditions 21 to 25 have been numbered incorrectly.</p> <p>The anomalies would be rectified once the application is determined.</p>		

## 1-B Layout alteration

To remove the first floor from the ambit of the premises licence.

To carryout alterations to the ground floor of the premises in accordance with the plans provided to include provision of a new entrance and fixed seating.

**1-C Current and proposed licensable activities, areas and hours**

**Regulated Entertainment**

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	23:00	No change		Ground and First	Ground
<b>Tuesday</b>	09:00	23:00	No change		Ground and First	Ground
<b>Wednesday</b>	09:00	23:00	No change		Ground and First	Ground
<b>Thursday</b>	09:00	00:30	No change		Ground and First	Ground
<b>Friday</b>	09:00	00:30	No change		Ground and First	Ground
<b>Saturday</b>	09:00	00:30	No change		Ground and First	Ground
<b>Sunday</b>	N/A		No change		Ground and First	Ground
<b>Seasonal variations: Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					To be removed

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		No change		Ground and First	Ground
<b>Tuesday</b>	Unrestricted		No change		Ground and First	Ground
<b>Wednesday</b>	Unrestricted		No change		Ground and First	Ground
<b>Thursday</b>	Unrestricted		No change		Ground and First	Ground
<b>Friday</b>	Unrestricted		No change		Ground and First	Ground
<b>Saturday</b>	Unrestricted		No change		Ground and First	Ground
<b>Sunday</b>	Unrestricted		No change		Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Not applicable					No change

**Late night refreshment**

<b>Indoors, outdoors or both</b>	<b>Current :</b>	<b>Proposed:</b>
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			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	00:30	No change		Ground and First	Ground
<b>Tuesday</b>	23:00	00:30	No change		Ground and First	Ground
<b>Wednesday</b>	23:00	00:30	No change		Ground and First	Ground
<b>Thursday</b>	23:00	01:00	No change		Ground and First	Ground
<b>Friday</b>	23:00	01:00	No change		Ground and First	Ground
<b>Saturday</b>	23:00	01:00	No change		Ground and First	Ground
<b>Sunday</b>	23:00	00:00	No change		Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	

<b>Sale by Retail of Alcohol</b>						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	00:00	No change		Ground and First	Ground
<b>Tuesday</b>	10:00	00:00	No change		Ground and First	Ground
<b>Wednesday</b>	10:00	00:00	No change		Ground and First	Ground
<b>Thursday</b>	10:00	00:30	No change		Ground and First	Ground
<b>Friday</b>	10:00	00:30	No change		Ground and First	Ground
<b>Saturday</b>	10:00	00:30	No change		Ground and First	Ground
<b>Sunday</b>	12:00	23:30	No change		Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				To be removed	

<b>Hours premises are open to the public</b>						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	00:30	No change		Ground and First	Ground
<b>Tuesday</b>	08:00	00:30	No change		Ground and First	Ground
<b>Wednesday</b>	08:00	00:30	No change		Ground and First	Ground
<b>Thursday</b>	08:00	01:00	No change		Ground and First	Ground
<b>Friday</b>	08:00	01:00	No change		Ground and First	Ground
<b>Saturday</b>	08:00	01:00	No change		Ground and First	Ground

<b>Sunday</b>	08:00	00:00	No change	Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	Not applicable			No change	

<b>1-D Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.	To be removed
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	To be removed
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Thursday to Saturday to 00:30 on the day following.	To be removed
14. The bar area shall not be extended further than as indicated on plan 07A submitted to the Council.	To be removed
17. The number of persons accommodated at any one time (excluding staff) shall not exceed: Ground Floor - 360 First Floor - 240	Reference to first floor to be removed
18. (i) Alcohol shall not be sold, (i) supplied, consumed in or taken from the premises except during permitted hours.  In this condition, permitted hours means:  <b>Sunday to Wednesday</b>  (a) On Monday to Wednesday, other than Christmas Day, 10:00 to 23:00 (b) On Sundays, other than Christmas Day 12:00 to 22:30 (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30	To be removed

(d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above other than Christmas Day and New Year's Eve and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises

to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

### **Thursday to Saturday**

- iii. (a) Subject to the following paragraphs, the permitted hours Thursday to Saturday shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 00.30 on the morning following, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 00.30, the permitted hours shall end when the music and dancing end;
- (b). The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (c). The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

<p>(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(g) the taking of alcohol from the premises by a person residing there;</p> <p>(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p>21. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly</p>	<p>To be removed</p>



used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.		
The number of persons accommodated at any one time (excluding staff) shall not exceed 360 ( or such other limit agreed with the Environmental Health Consultation Team)		To replace existing condition 17
The variation application will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor and the reasonable requirements of Westminster environmental health consultation team, at which time the condition will be removed from the licence.		To be added
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Not applicable	No change

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	<b>EH Consultation Team</b>
<b>Representative:</b>	Ian Watson
<b>Received:</b>	5 August 2016
<p>I refer to the application for variation of the Premises Licence.</p> <p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>The applicant has submitted floor plans of the Ground floor dated July 2016.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>4. To remove the first floor from the ambit of the premises licence.</li> <li>5. To carryout alterations to the ground floor of the premises in accordance with the plans provided to include provision of a new entrance and fixed seating.</li> <li>6. To remove conditions 9, 10, 11, 14, 17, 18 and 21.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. No objection.</li> <li>2. No objection.</li> <li>3. Objection is raised to the removal of conditions as this will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.</li> </ol> <p>The applicant has provided two conditions in relation to a revised capacity and a works condition.</p>	

The plan provided with the application also shows an increase in licensed area of the ground floor extending into the public highway.

They have proposed conditions to be attached to the premises should the Committee be minded to grant. These conditions have not been agreed by the applicant.

<b>Responsible Authority:</b>	Metropolitan Police
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<b>Representative:</b>	Toby Jane
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<b>Received:</b>	3 August 2016
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With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder.

The conditions already in the operating schedule do address some of our concerns in relation to crime and disorder. However Police would like to propose the following condition is added to the operating schedule:

1. 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) any faults in the CCTV system.
  - (f) any visit by a relevant authority or emergency service.

In regards to the removal of conditions on the licence that will be effected by this variation, Police are happy with the removal of conditions 9,10,11,17,18 and 21. However as the bar area on the plan has not changed and appears to be identical to that on the current plans Police would want condition 14 to remain on the licence.

### 3. Policy & Guidance

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

<b>Policy CIA1 applies:</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for
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<p><b>Policy RNT2 applies:</b></p> <p>Policy MD2 applies:</p>	<p>music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> <p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p> <p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.</p>
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#### 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>	Mr Ola Owojori Senior Licensing Officer
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**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Existing Licence	12/7/16
<b>5</b>	Plan	12/7/16
<b>6</b>	Application form	12/7/16
<b>7</b>	Public Notice	12/7/16
<b>8</b>	Residents notification	15/7/16
<b>9</b>	EH Consultation Team representation	5/8/16
<b>10</b>	Hearing notification	6/9/16
<b>11</b>	Police representation	7/9/16
<b>12</b>	Environmental Health proposed conditions	15/9/16





Applicant Supporting Documents

Appendix 2

None

### Licence & Appeal History

Application	Details of Application / Notice	Date Determined	Decision
05/09993/LIPC	Conversion of the Justices' On licence, supper hours certificate, special hours certificate and music and dancing licence	01 November 2005	Granted under delegated authority
06/04123/LIPDPS	Variation of the DPS	20 June 2006	Granted under delegated authority
07/01104/LIPDPS	Variation of the DPS	05 March 2007	Granted under delegated authority
07/09077/LIPDPS	Variation of the DPS	16 November 2007	Granted under delegated authority
08/06154/LIPDPS	Variation of the DPS	06 August 2008	Granted under delegated authority
10/09036/LIPDPS	Variation of the DPS	20 January 2011	Granted under delegated authority
11/06685/LIPDPS	Variation of the DPS	15 July 2011	Granted under delegated authority
11/07813/LIPDPS	Variation of the DPS	19 August 2011	Granted under delegated authority
12/00425/LIPVM	Minor variation to change the layout	07 February 2012	Refused under delegated authority
12/11244/LIPV	Variation to change the layout	08 February 2013	Granted under delegated authority
13/00475/LIPDPS	Variation of the DPS	08 February 2013	Granted under delegated authority
14/02328/LIPVM	Minor variation to amend the opening hours to 08:00	08 April 2014	Granted under delegated authority
14/10026/LIPDPS	Variation of the DPS	03 February 2015	Granted under delegated authority
16/07199/LIPV	Variation to remove the first floor from the remit of the licence, change the layout of the ground floor and remove conditions	Still pending	n/a

**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: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

#### **Conditions relating to Regulated Entertainment**

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001. **Proposed to be removed**
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day). **Proposed to be removed**
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Thursday to Saturday to 00:30 on the day following. **Proposed to be removed**
12. The bar shall be closed at midnight and shall be vacated by 00:20 for these persons not using the restaurant facilities
13. Last entry and orders for the restaurant shall be midnight.
14. The bar area shall not be extended further than as indicated on plan 07A submitted to the Council. **Proposed to be removed**
15. The rear exit shall remain unobstructed at all times
16. Refuse bins situated in the rear alleyway leading to Charing Cross Road, will be secured to the wall.
17. The number of persons accommodated at any one time (excluding staff) shall not exceed: Ground Floor - 360 First Floor – 240 **Proposed to be removed**

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

18. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. **Proposed to be removed**

In this condition, permitted hours means:

**Sunday to Wednesday**

- (a) On Monday to Wednesday, other than Christmas Day, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day 12:00 to 22:30
  - (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
  - (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above other than Christmas Day and New Year's Eve and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

### **Thursday to Saturday**

- iii. (a) Subject to the following paragraphs, the permitted hours Thursday to Saturday shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 00.30 on the morning following, except that -
  - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 00.30, the permitted hours shall end when the music and dancing end;
- (b). The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (c). The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of

State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

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

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

22. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
23. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

## **Annex 2 – Conditions consistent with the operating Schedule**

24. 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.
25. 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.

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

None

### **Conditions proposed by the applicant**

26. The number of persons accommodated at any one time (excluding staff) shall not exceed 360 (or such other limit agreed with the Environmental Health Consultation Team)
27. The variation application will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor and the reasonable requirements of Westminster environmental health consultation team, at which time the condition will be removed from the licence.

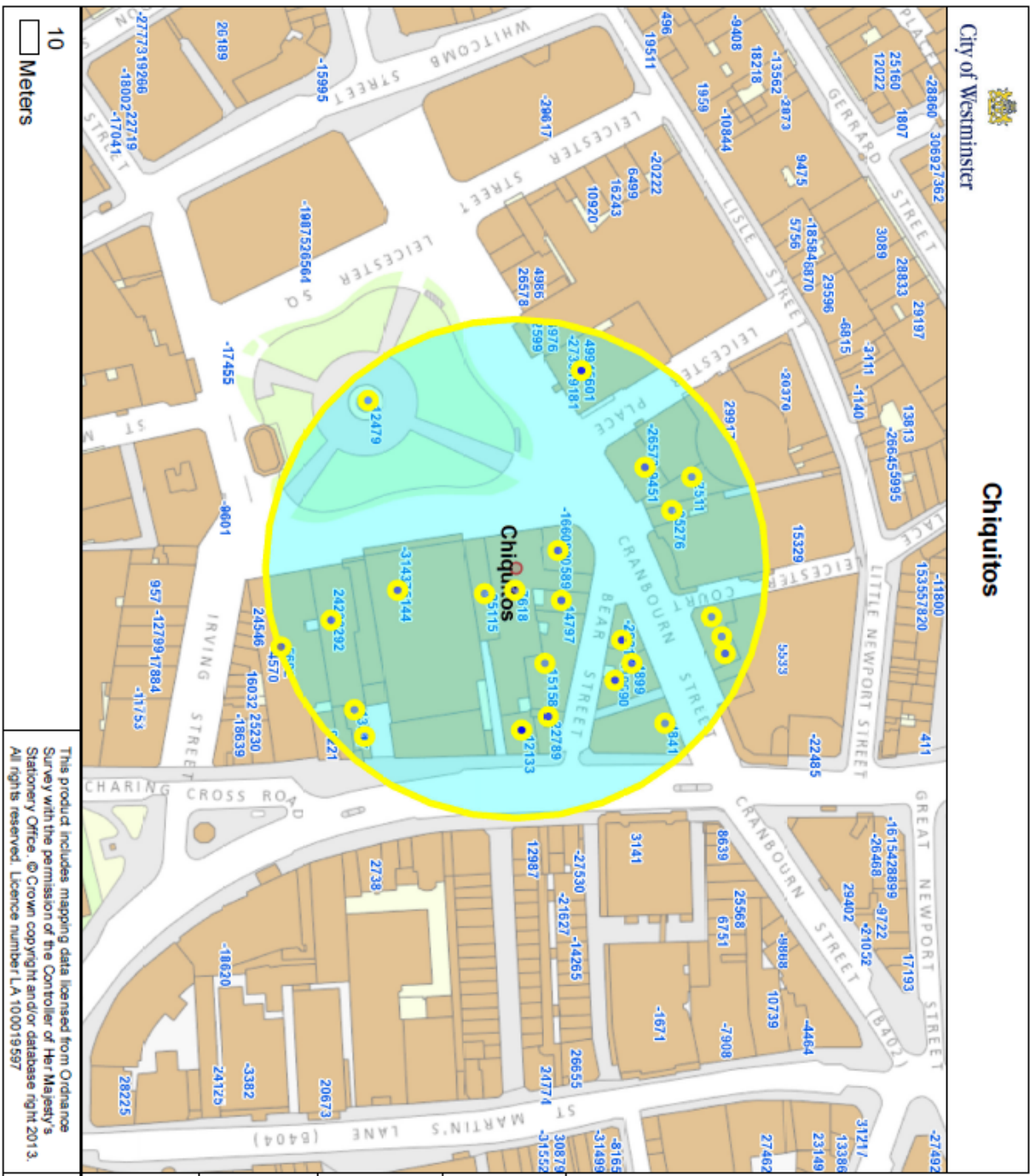
### **Conditions proposed by the Environmental Health**

28. After 23.00 hours Sunday to Wednesday the sale of alcohol 'On' the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, or Thursday to Saturday ancillary to the use of the premises for music and dancing and substantial refreshment.
29. 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.
30. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed

Ground Floor 100 persons



31. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
32. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
33. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
38. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
39. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
40. No licensable activities shall take place at the premises until the premises have 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.



City of Westminster	Chiquitos
10 Meters	
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Residential / Proposed Residential	21
Under Construction	Not Stated
Other Uses	Not Stated
Proportion Residential of all Uses	Not Stated
Data Source: Uniform Database	
Date: 06/09/2016	

**Premises within 75 metres of: Chiquitos 20-21 Leicester Square**

p / n	Name of Premises	Premises Address	Licensed Hours
2422	Club Storm	28A Leicester Square London WC2H 7LE	Sunday 09:00 - 02:00 Sundays before Bank Holidays 09:00 - 02:30 Monday to Wednesday 09:00 - 03:30 Thursday to Saturday 09:00 - 06:00
4899	Cork And Bottle Wine Bar	Basement 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
4994	Napoleon's Casino And Restaurant	Basement Queens House 1 Leicester Place London WC2H 7BP	Saturday 10:00 - 04:30 Monday to Friday 10:00 - 06:30 Sunday 12:00 - 06:30
13517	Maharaja Of India	19A Charing Cross Road London WC2H 0ES	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
- 19690	Noodle Stop	Ground 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
- 14797	Zoo Too	18 Bear Street London WC2H 7AS	Monday to Wednesday 10:00 - 00:00 Thursday 10:00 - 01:00 Friday to Saturday 10:00 - 02:00 Sunday 12:00 - 23:00
-4570	Global Radio	29-30 Leicester Square London WC2H 7LA	Monday to Friday 07:00 - 00:00
-2511	American Fried Chicken	16A Leicester Square London WC2H 7NG	Monday to Thursday 23:00 - 00:00 Friday to Sunday 23:00 - 02:30
4841	Cafe Fiori	42 Cranbourn Street London WC2H 7JH	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
7618	Chiquitos	20-21 Leicester Square London WC2H 7LE	Sunday 08:00 - 00:00 Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00
14334	Muriel's Kitchen	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
- 32449	Fornetto	21 Charing Cross Road London WC2H 0ES	Monday to Sunday 11:00 - 03:00

- 31437	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
- 28817	Rimini Coffee Bar	Basement And Ground Floor West 47 Cranbourn Street London WC2H 7AN	Monday to Thursday 10:00 - 02:00 Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 03:00 Friday to Saturday 10:00 - 04:00 Sunday 12:00 - 01:30 Sunday 12:00 - 02:00
- 26573	Haagen Dazs UK Ltd	Ground Floor Victory House 14 Leicester Square London WC2H 7NG	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 01:00
- 22789	Bear & Staff Public House	10-12 Bear Street London WC2H 7AS	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
- 16608	Burger King	17-18 Leicester Square London WC2H 7LE	Monday to Sunday 23:00 - 03:00
- 15158	The Zoo Bar And Club	Basement And Ground Floor Cameo House 13-17 Bear Street London WC2H 7AQ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 02:30 Sundays before Bank Holidays 09:00 - 02:30 Monday to Saturday 09:00 - 03:30
- 12479	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Monday to Saturday 07:30 - 22:30 Sunday 08:00 - 22:30
- 12133	K. S. Food And Wine	Ground Floor 35 Charing Cross Road London WC2H 0AT	Monday to Sunday 08:00 - 05:00
-9451	14	Basement Victory House 14 Leicester Square London WC2H 7NG	Sunday 20:00 - 03:00 Monday to Wednesday 20:00 - 03:30 Thursday to Saturday 20:00 - 06:00 Sundays before Bank Holidays 20:00 - 06:00
-2733	Ruby Blue	Ground Floor Queens House 1 Leicester Place London WC2H 7BP	Monday to Saturday 09:00 - 03:00 Sunday 09:00 - 23:00

5144	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
5601	Premier Inn	Queens House 1 Leicester Place London WC2H 7BP	Monday to Sunday 00:00 - 00:00 Monday to Sunday 06:00 - 01:00
5692	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30 Sundays before Bank Holidays 09:00 - 01:30
8292	Moon Under Water	28 Leicester Square London WC2H 7LE	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
19181	Angus Steakhouse	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
20589	Pizza Hut	19 Leicester Square London WC2H 7LE	Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00 Sunday 12:00 - 02:00
25115	Bella Italia	22 Leicester Square London	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00
25276	Bella Italia	1 Cranbourn Street London WC2H 7AJ	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00