

Licensing Sub-Committee Report

Item No:	
Date:	27 th April 2017
Licensing Ref No:	17/01572/LIPN - New Premises Licence
Title of Report:	85 Piccadilly London W1J 7NB
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 February 2017		
Applicant:	Hedonism Drinks Limited.		
Premises:			
Premises address:	85 Piccadilly London W1J 7NB	Ward:	West End
		Cumulative Impact Area:	None.
Premises description:	The premises intended to operate as a restaurant.		
Premises licence history:	The premises currently has the benefit of two premises licenses, one covering the first floor (13/09636/LIPT) and one covering the ground floor (13/09638/LIPT).		
Applicant submissions:	<p>The proposed use of the premises is restaurant in accordance with the City Council's RNT1 policy. There is a holding bar in the basement, where alcohol can only be sold before, during or after a meal.</p> <p>The building is set out over basement, ground and mezzanine floors, being the previous location of a nightclub and two restaurant/bars respectively. Those restaurant/bars have the benefit of premises licences reference 13/09636/LIPT and 13/09638/LIPT, which are held by the applicant and can be surrendered on the discharge of any works condition attached to this licence.</p> <p>The premises are situate outside the West End Cumulative Impact Area on Piccadilly. The application is in accordance with planning permission reference 14/08017/FULL.</p> <p>The applicant has partnered with a Michelin Star chef to provide a high class restaurant at the premises.</p> <p>The application appends a comprehensive operating schedule of model conditions in order to promote the licensing objectives and follows pre-application consultation and advice.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations/ Non-standard timings:			These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:00
Seasonal variations/ Non-standard timings:			These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations/ Non-standard timings:			These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				
Adult Entertainment:			Not applicable.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr David Nevitt
Received:	6 th March 2017
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	

Additional comments:

We have recently been involved in Pre-Application discussions about the above application. The application seeks hours which are beyond the 'Core Hours' and local residents have raised Reps I will be posting an EH Rep. The matter will be adjudicated at a Hearing of the Licensing Sub Ctee. This will be especially important given the history of the premises and the concerns of local residents as noted by the applicant.

I note that the applicant has been in communication with PC Hunter (Police) and I note that as a result you have agreed to amend your Proposed Conditions nos. 5 and 6. However, I think you should also amend your proposed Condition 4 (CCTV) to Model Condition **MC01**. Hopefully, PC Hunter will not object to this.

Proposed Condition 2 – I think this should either be omitted or re-worded as at the moment the wording is not readily enforceable. I am not able to see a hatched area on the plans.

Proposed Conditions 8 and 9 - refer to 'Off' Sales of alcohol. I think it would assist if this aspect of the operation could be clarified as there do not appear to be any other of our usual 'Off Sales' type Conditions in the list.

Proposed Conditions 14 and 15 – these specify 0700hrs rather than 0800hrs as per our Model Conditions 35 and 43. Given the concerns of local residents the applicant will need to explain to the Ctee why the MC hours are not specified. I also propose **MC65 for deliveries**.

Proposed Condition 20 – this should be replaced with **MC81**

I propose the following additional Conditions:

MC64 Queuing outside the premises shall be restricted to a designated area located at (specify location)

MC26 The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway. (Has the applicant considered that such door staff should be SIA Registered? Perhaps the advice of the Police might assist.)

MC37 The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.

MC13 Loudspeakers shall not be located in the entrance lobby or outside the premises building.

Does the applicant propose to have a designated smoking area for patrons? If so, **MC67 may be relevant: Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).**

Responsible Authority:	Metropolitan Police Service
Representative:	PC Brian Hunter
Received:	22 nd February 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as there is insufficient information within the proposed conditions to meet the licensing objectives as follows.

Your proposed conditions point 5 the wording should read

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 The staff member must be able to provide a police or authorised council officer copies of recent CCTV images or date with the absolute minimum of delay when requested.

Your proposed condition point 6 the wording should read –

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Proposed conditions:

Your proposed conditions point 5 the wording should read

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 The staff member must be able to provide a police or authorised council officer copies of recent CCTV images or date with the absolute minimum of delay when requested.

Your proposed condition point 6 the wording should read:

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Following the agreement of conditions the MET Police have now withdrawn their representation.

2-B Other Persons	
Name:	Andrew Jones
Address and/or Residents Association:	47 Clarges Street London W1J 7ES
Received:	13 th March 2017
<p>Re: 85 Piccadilly, London W1J 7NB Re: Hedonism Wines Limited</p> <p>Re: Application for new premises licence ref: 17/01572/LIPN Representation of local residents:</p> <p>(A) Introduction</p> <ul style="list-style-type: none"> We are writing to make a relevant representation under s18(6) Licensing Act 2003 in respect of the application for a new premises licence for 85 Piccadilly. Our representation is made on behalf of myself and the residents of (i) 85 Piccadilly/47 Clarges Street, (ii) 89 Piccadilly and (iii) 17 Clarges Street who are listed at the end of this letter. I live in a flat on the 3'd floor of the same building in which the proposed premises licence would operate. I have enclosed at <u>Appendix 1a</u> plan showing the building with the proposed premises at 85 Piccadilly/47 Clarges Street, and the adjacent buildings with the postal address 89 Piccadilly. We live in the building with the postal address of 85 Piccadilly/47 Clarges Street. Our flat fronts on to Piccadilly and, in common with many of our neighbours, the living areas and main bedroom are directly above the entrance to the premises. The premises are located within a residential block comprising 16 flats directly above (85 Piccadilly/47 Clarges Street). 89 Piccadilly is in the same block, contains a further 16 flats, 11 of which are above the premises. The entrance to 85 Piccadilly/47 Clarges Street is on Clarges Street. The entrance to 89 Piccadilly is on Half Moon Street. 17 Clarges Street is a residential block which is a short distance from the premises and contains 25 flats. In addition there are residential blocks 	

elsewhere in Clarges Street and Half Moon Street (e.g. 30 flats at Glencore House as well as 11 units of soon-to-be opened affordable housing units at 6-12 Clarges Street), a large new residential building (34 flats) is being constructed on Piccadilly immediately next to the block in which the premises are situated and four residences are planned at 90-55 Piccadilly on the other immediately adjacent block. There is therefore a significant density of residential accommodation in this part of Piccadilly/Mayfair, more so than in most of Mayfair.

- The layout and topography of the buildings situated between Half Moon Street to the west and Clarges Street to the east is somewhat unusual, but we shall endeavour to explain how and why so many residents are likely to be affected by the situation which would pertain should the premises licence be granted in its current form.
- This representation is made on the grounds that the inevitable effect of granting a premises licence as applied for will impact adversely on the promotion of the licensing objectives, particularly 'prevention of public nuisance'.
- We are also concerned that there has in recent years been a proliferation of licensed premises in the immediate vicinity. If left unchecked, this could give rise to a negative cumulative impact on one or more of the licensing objectives (see Guidance issued under s182 Licensing Act 2003, para 13.33).

Executive Summary

1. The significant scale, late terminal hour, sensitive entrance/exit to the premises and associated internal demolition/external infrastructure-combined with the lack of experience of the applicant, track record of the freeholder and the vagueness of the action plan- mean that the application, if successful, will fall foul of the licensing objectives of "prevention of public nuisance" and "prevention of crime and disorder".
2. Accordingly we would respectfully ask the licensing authority to impose the following conditions:
EITHER:
 - Maximum 75 seat capacity subject to *Core Hours* (i.e. closing at 11:30 p.m. Monday-

Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

- Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;
- Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;
- Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units/plant on the roof is audible elsewhere in 85 Piccadilly and 89 Piccadilly/47 Clarges Street;
- Cars to wait for/pick up customers only on Green Park side of Piccadilly; and
- No off sales.

1. Background

- i) As the licensing authority will be aware, there is a long and rather fraught history to the operation of the various licensed premises on the lower floors of the otherwise residential building. Although the operators of these premises are not associated with the applicant for this premises licence (i) the history is relevant to the application in a way which will hopefully become clear in due course and (ii) the freeholder of the premises being the same as it was for the many years during which the premises caused problems for the residents is a fact which is also relevant to the application.
- ii) There used to be 3 premises licences in effect in the building.
 - Vendome: a nightclub which operated in the basement of 85 Piccadilly, with an entrance on Clarges Street, adjacent to the entrance to the residential block at 47 Clarges Street. The terminal hour for sale of alcohol was 3 a.m. The premises caused untold problems for both the police and local residents, and was the subject of reviews of the licence under s51 Licensing Act 2003 and s53A Licensing Act 2003.
 - Ultimately, the licence was revoked in 2011. The involvement of residents in preparing and giving evidence in these proceedings alongside Westminster Council was instrumental in achieving this outcome. A great deal of time and effort was expended on this endeavour.

- The freeholder of the building, Estates and Agency Holdings, subsequently applied to transfer the premises licence to itself having made a payment of £175,000 to the nightclub owner who had been threatening residents as a means of enlisting his collaboration. Very unusually, the police opposed the transfer application, and it was refused by the Licensing Sub-Committee.
- The revocation and the refusal of the transfer application were both appealed to the Magistrates' Court. A number of residents gave evidence on behalf of the respondent, the City Council. Both appeals were refused.
- The freeholder applied to the High Court for a judicial review of the Magistrates' Court decision, and appealed the decision by way of 'case stated'. Both appeals failed.
- There has therefore been no licence in effect for this part of the building for some years. Vendome itself shut following the expedited review in 2011.
- La Brasserie: this was a restaurant with a premises licence permitting 'core hours' for sale of alcohol. The entrance to the premises was on the corner of Piccadilly and Clarges Street. The capacity stipulated on the licence is 74. The premises licence has been transferred to Hedonism Wines Limited. However, the premises has not operated since 2012. There has been extensive internal reconfiguration of the building, which in practice may have rendered that licence otiose.
- Fakhreldine: this was a restaurant with a premises licence permitting sale of alcohol to midnight. The entrance to the premises was on the corner of Piccadilly and Clarges Street. There is no capacity stipulated on the licence. The premises licence has been transferred to Hedonism Wines Limited. However, the premises has not operated since 2012. There has been extensive internal reconfiguration of the building, which in practice may have rendered that licence otiose.

No footprint/for licensed uses: As such, there is no recent 'foot print' for licensed uses, and residents have felt the benefit of this over the last few years. Although we are not opposed to a restaurant, the scale of it (250 people, according to the plans), the location and the proposed terminal hour (see 4 below) mean that to grant the

licence as applied for would be detrimental to residents. This application should be seen in this context

iii) Main entrance moved to the detriment of residents: The redevelopment of the building has necessitated a number of planning applications. Among the changes sought by application ref: 14/08017/FULL was to move the main entrance on the corner of Clarges Street and Piccadilly, to Piccadilly itself. This was and is extremely problematic for residents, for the reasons set out below and in the correspondence attached at Appendix 2 (and as can be seen from the diagrams in Appendix 1).

- In fact, a previous planning application in 2009 (ref: 09/06019/FULL) which sought to move the entrance in this way was withdrawn following opposition from residents.
- A planning application in 2012 (ref:12/12616/FULL), which permitted the creation of a 3 storey 'mega restaurant' was made and permission granted on the explicit basis that the entrance would not be moved.
- It is unfortunate that these concerns were ignored on the subsequent application in 2014. We even took the time to meet with and write to the applicant to plead with them to reconsider their plans to move the entrance (see correspondence dated 17 November 2014 at Appendix 2).
- The significance of the location of the entrance in relation to the current application for a new premises licence will become apparent in due course.

2. The current application

i) Our understanding is that the following activities licensable under Licensing Act 2003 are sought:

- 1** Sale of alcohol for consumption on and off the premises -10am to 1am Mon-Sat, midday to 11.30pm Sun
- 2** Late night refreshment (hot food and drink) -same terminal hour
- 3** Opening hours -7.30am to 1.30am Man-Sat, 8am to 11.30pm Sun

ii) The applicant has proposed a number of conditions, and submitted an Operational Management Statement and submission purporting to explain how it will deal with the potential for noise.

iii) We understand that the conditions would mean that the premises must operate as a restaurant, with a bar area for customers prior to, during or after meals.

iv) The application raises a number of important issues.

- The terminal hour proposed is far too late to be appropriate for the location of such a large premises beneath and immediately adjacent to a residential block.
- The location of the entrance would inevitably lead to significant and disproportionate noise and nuisance outside the premises and in close proximity to residents' living rooms and bedrooms.
- Due to issues which have become apparent during the redevelopment of the building, internal noise being transmitted through the structure of the building is also a concern.

v) We would ask that the Licensing Sub-Committee takes into account the points set out in the following section when determining the application. We strongly believe that these points mitigate against the grant of such high capacity premises licence to a terminal hour of lam.

3. 'Prevention of public nuisance'

i) Size of proposed restaurant. The proposed restaurant is on a very large scale - a 'mega restaurant'. The intensity of use of the proposed premises will be much greater than the total intensity of use of the building even when there was 3 licensed premises situated within it. As stated above, following the closure of Vendome, there were only two relatively small scale, low key restaurants with premises licences to core hours or slightly more, which in practice did not operate to these hours in any event. Moreover, in consultations with the residents, the applicants stated that the capacity would be 160 seats (and not 250 seats).

ii) Late terminal hour. The proposed terminal hour is inappropriate both in Policy terms and in practical terms. The applicant may submit that there was a later licence pertaining to part of the premises (known as Vendome). As stated above, Vendome closed in 2011. There has been no licence in effect for that part of the premises for many years. In our submission, no weight should be attached to this historic terminal hour being used to justify a late terminal hour for this restaurant. Although we appreciate that the premises would not be a nightclub, it would have a large capacity and large numbers of people would be entering and leaving the premises directly underneath residential flats .

- The proposed closing time is 1.30am. This encroaches well into the times when any resident is entitled to expect an undisturbed night's sleep. In reality, by the time customers have drifted away and staff have closed up, it will be nearer 2am.
- The proposed terminal hour is well outside the City Council's policy HRSI as set out in its Statement of Licensing Policy 2016. There is nothing in the application which persuades us that there is any justification for departing from this policy. Indeed, given the proposed size of the premises and the sensitive location of the proposed entrance (see below), there seem to be ample justification for not departing from it.
- The nightclub was closed as result of years of late night problems caused by it to the local residents and community; to replace it with another late night operation (with an even more sensitive entrance location than the nightclub ever had) would be tantamount to reinstating the problem rather than learning from the lessons of the past.

iii) Location of entrance to premises. Our concerns with regard to the location of the entrance are expressed in detail in the correspondence attached at Appendix 2 and the proximity of bedrooms to the premises is shown in Appendix 1. In brief, the proposed entrance is at the heart of two residential blocks: 89 Piccadilly and 85 Piccadilly/47 Clarges Street. The entrance utilised by both La Brasserie and Fakhreldine was recessed into the corner of Piccadilly and Clarges Street directly below the sitting rooms of 4 flats, but some distance from any bedrooms. In contrast, the proposed entrance has 20 flats above, most of which have bedrooms above or close to it. It is also flush to the facade

rather than being recessed, so does not provide any noise attenuation. The practical effect of the change can be seen from the pictures attached at Appendix 1. These show the relative distances between the previous entrance and flats, and the proposed entrance and flats.

- As part of the planning process, residents commissioned a noise report. Part of the report was dedicated to the likely impact of the moving of the entrance to its current proposed location. The conclusion of the expert was that 'based on the revised entrance location and greater proximity of residential windows to the patron activity at the entrance it can no longer be concluded that the predicted noise levels are no greater than the existing ambient noise levels without the restaurant in operation. At the nearest window in 85 Piccadilly/47 Clarges Street patron activity will increase ambient noise levels by between 5 and 6dB, while at 89 Piccadilly the increase will be between 6dB and 9dB.'
- It followed on to say that 'the relocation of the entrance as proposed will materially alter the likely noise impact on you and your neighbours during the night time period when a number of people might be expected to leave the premises at the same time.'
- The result is that a large number of customers entering and exiting the premises through the proposed entrance will cause significant nuisance to a large number of flats. There is likely to be noise from people shouting prolonged farewells, taxi and car doors slamming, customers waiting for Uber cars which have not arrived (or vice versa), customers loudly discussing where to go next, customers having a cigarette before getting in a taxi. This is not a criticism of the applicant; it is simply the inevitable and normal behaviour of customers leaving a restaurant. Whereas in some cases such issues can no doubt be mitigated due to the individual circumstances of an application, we do not believe that they can be mitigated here. The problem is that the large numbers of customers coming and going throughout the evening up until 1.30am will disturb the relaxation and sleep of residents, and this must be avoided.
- As with any premises with a late terminal hour, there is always the potential for the anti-social behaviour which can be an all too frequent concomitant of drinking alcohol.

iv) Noise transmission through the structure of the premises. There have been significant works to the interior of the premises which have fundamentally changed the configuration of the premises, and this has already impacted on residents above.

- A large void has been created through the centre of the premises, which can be seen on the plans submitted with the application. Residents can now hear tube trains in their flats due to structural changes, a problem never previously experienced. We would ask that this issue is remedied regardless of the outcome of this application. We are very concerned that we will also hear noise from inside the premises in our flats due to structural changes.

v) Experience of applicant. We are aware that the applicant operates an upmarket wine shop, in Mayfair. That premises is impressive. However, the premises is an off-licence, and closes at about 9pm. The risk factors associated with such a premises are much lower and entirely different from the risks associated with a late night 'mega restaurant' within a residential building.

- It does not seem that the Applicant has any demonstrable history or experience of running a licensed premises of this type or scale, let alone to a late terminal hour. We are told that a "Michelin starred chef" is primed to take charge of the kitchen, but we do not have any real details of the experience of management, and what their experience is of promoting the licensing objectives in the context of a late night 'mega restaurant'.
- It is relevant that other premises in the near locality in close proximity to residential accommodation have been refused a licence for more than the 'core hours'.
- We are not convinced that the applicant fully appreciates the layout of the building, particularly where the residential flats are located. A neighbour in 89 Piccadilly has received correspondence from the applicant which mistakenly states that the applicant has refurbished the entrance lobby of 89 Piccadilly. They have not; they have, however, made a contribution to the refurbishment of the entrance lobby of 85

Piccadilly/47 Clarges Street in order to ensure that the aesthetics of their premises are not compromised. This misunderstanding of where the residential blocks are does not bode well.

vi) Applicant's submissions. We have considered the content of the 'Appendix 11 Submission' and an Operational Management Plan provided by the Applicant's solicitors. Although we appreciate that the measures proposed are intended to demonstrate that the Applicant has considered the nature of the local area and proposed measures to mitigate any adverse impacts, the fact remains that the hours proposed are at a level where a significant addition to the noise already existing and the impact of the other premises is inevitable. The following points arise:

- Where will smokers go? How many smokers will there be, considering the large capacity? Smoking outside the entrance, or anywhere underneath residential flats, will mean the smoke will come in to our flats.
- How will dispersal be managed? This is one of the major concerns with the relocation of the entrance. The Operational Management Plan simply submits that 'it will be managed'. How?
- The noise criteria do not refer to the void created as a result of the structural changes- even though the applicant has been made aware by formal legal notices of the issues this has created.
- There is no information about the previous experience of applicant and how the Licensing Sub-Committee can be confident that the licensing objectives will be promoted.
- The proposals are largely aspirational and do not have the requisite level of detail or accountability to provide comfort to residents.
- There is no information on the expected numbers of customers leaving the premises over the day/evening/night time/at the terminal hour.
- Para 5.3.13 states that app based taxis may be used. Does this mean that customers will be outside the premises late at night waiting for Ubers (or vice versa)?
- There is no suggestion that quieter (and greener) modes of transport will

be used or encouraged.

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- Para 8.1 refers to the 'type of offer'. However, we do not really know a great deal about the type of offer. A large scale mega restaurant creates the sort of problems we have outlined in this representation regardless of the type of offer. Being able to afford an expensive meal is no guarantee of good behaviour. And there is no precedent for a similar restaurant of this scale in this locality (see below).

vii) Comparable premises. There are a number of licensed premises in the near vicinity, the presence of which gives rise to a potential cumulative impact if a 'mega restaurant' is added. The terminal hours of these premises are however less than proposed here. None of the premises is of the same scale proposed here. We have prepared table at Appendix 3 detailing the nearby premises. From this, it can be seen that:

- The average size of the restaurants on the same block as the premises is 70 seats
- The average size of Michelin starred restaurants in the area is 76 seats.
- There are only 3 Michelin-starred restaurants with more than 100 covers: one is on the 28th floor of the Hilton hotel far from any homes, another is in an office block next to a car show room in an entirely commercial street (Hakkasan) and the third is on Regent's Street (Veeraswamy), another entirely commercial street
- The Michelin starred restaurant which is most comparable to the applicant's premises in terms of location at the heart of a residential building in The Greenhouse. This has 60 seats.
- The application is therefore not in keeping with similar premises, and could set a dangerous precedent.

viii) Sale of alcohol for consumption off the premises. Why does the applicant require off sales?

ix) Noise from plant/extract equipment. The appropriate equipment needed for such a large scale operation is considerable. This was examined in detail at the planning stage, but confirmation that plant/extract equipment and plant on the roof will not cause a noise is essential, particularly given (i) the large

number of bedrooms at the back of the building and
(ii) the proximity of the Penthouse to the site for the plant on the roof.

4. WCC'S Statement of Licensing Policy 2016

5.1 The application does not appear to comply with policies PN1 or HRS1 of the Statement of Licensing Policy. This would seem to mitigate against the grant of a licence to the proposed terminal hour.

5. Conclusion and requested conditions

i) When determining licence applications, the focus should be on evaluating what is 'reasonably acceptable' in a particular location (R (*on the application of Hope & Glory Public House Ltd*) v (1) *City of Westminster Magistrates' Court & Drs* [2011] EWCA Civ 31). The scope of the licence and conditions should be looked at in a local context (*Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd* [2012] EWHC 3467 (Admin)).

ii) For the reasons given, we would ask that if the licensing authority is minded to grant a licence, it should be for a restaurant of much more manageable scale and to a much earlier terminal hour, given its extremely sensitive location, with strict conditions to address the issues which residents face, as follows:

- EITHER:

- Maximum 75 seat capacity subject to *Core Hours* (i.e. closing at 11:30 p.m.

Monday-Thursday; midnight Friday-Saturday ; 10:30 p.m. Sunday);

OR

- Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday;
10:30 p.m. Sunday.

- Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time.
- Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units/plant on the roof is audible elsewhere in 89 Piccadilly and 85 Piccadilly/47 Clarges Street.
- Cars to wait for/pick up customers only on Green Park side of Piccadilly.
- No off sales.
- Other conditions to be developed depending on answers to the

questions in this representation.

iii) We look forward to notification of the hearing date, and we confirm that we wish to attend a subsequent hearing.

Thank you for taking the time to consider the content of our representation

Name:	Johanne Wort
Address and/or Residents Association:	Flat 14 47 Clarges Street 85 Piccadilly London W1J 7ES
Received:	13 th March 2017

I object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

I am aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89

Piccadilly; and

No off sales.

Name:	Rob Monk
Address and/or Residents Association:	Flat 2 47 Clarges Street London W1J 7ES
Received:	13 th March 2017

I am writing to make a representation in respect of the above application for a new premises licence.

I object to this application on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background: I own an apartment in the residential building in the same block as the proposed restaurant, above the side exit/waste disposal exit of the restaurant.

Reasons for objection: the operation of a 250-seat "mega-restaurant" with a 1:00 a.m. closing time and an exit directly below my bedroom and sitting room is not compatible with residential life in the same block.

This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side (with an entrance/exit on the side/front of Piccadilly) which closed around 10:30 p.m.

Residents should not be exposed to the nuisance and disorder associated with a late night "mega-restaurant" in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions: accordingly we would respectfully ask the licensing authority to impose the following conditions:

Maximum of 150 seats capacity subject to operation during "core" hours: closing by 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff are managed so that smoking is only on the Green Park side of Piccadilly and not outside the restaurant/down the side of Clarges Street;

Fit out/full soundproofing to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street

No off sales.

Waste disposal is managed during "core" hours (eg rubbish bins are not removed after closing times further disturbing residents whose bedrooms are above the secondary exit on Clarges Street).

Name:	Mr Taymore Tabbah
Address and/or Residents Association:	Flat 15, 89 Piccadilly, London W1J 7NE
Received:	28 th February 2017

TO WHOM IT MAY CONCERN,

As residents of number 89 Piccadilly we strongly object this application.

Our residence is almost directly above the proposed main entrance/exit to this future restaurant.

Historically problems with late night revellers exiting the restaurants/nightclub and bar in number 85 have caused huge disturbances for us at number 89.

Late night leavers from the former nightclubs at 85 used to congregate both on Piccadilly and Half Moon Street looking for taxis, waiting for lifts, arguing, vomiting showing off in cars and continuing animated discussions late into the night. Not to mention the potential for prostitution and drug use to be encouraged by such an establishment.

The finishing time of 1:00am for the licensing of this restaurant must be rejected and revised and the strongest restrictions on noise and alcohol must be imposed to balance the requirements of the existing residents of Piccadilly.

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder'. The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever

existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly, we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales

Name:	Amos Maritime Inc
Address and/or Residents Association:	Flat 2 47 Clarges Street London W1J 7ES
Received:	8 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder'. The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location. We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street Piccadilly and 89 Piccadilly; and

No off sales

Name:	Moon Holdings Limited
Address and/or Residents Association:	The Penthouse 89 Piccadilly London W1J 7NE
Received:	8 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, adjacent to the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No Off sale

Name:	Melathron Enterprises Co.
Address and/or Residents Association:	Flat 12 86-89 Piccadilly
Received:	9 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales.

Name:	Salim Moollan
Address and/or Residents Association:	Flat 7 89 Piccadilly London W1J 7NE
Received:	9 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder'.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales.

Name:	Eva Olsen
Address and/or Residents Association:	Flat 14 17 Clarges Street London W1J 8AE
Received:	10 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-

Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales

Name:	Richard Olsen
Address and/or Residents Association:	Flat 14 17 Clarges Street London W1J 8AE
Received:	10 th March 2017

I write to make a relevant representation in respect of the above application for a new premises licence.

I object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

My wife and I have an apartment in the residential building in the same street and opposite the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales.

Name:	RTM Company
Address and/or Residents Association:	17 Clarges Street London W1J 7ES
Received:	10 th March 2017

As chairman of the RTM Company for 17 Clarges street, I am writing on behalf of the residents of 17 Clarges street to make a relevant representation in respect of the above application for a new premises licence.

The application was recently discussed by us at an RTM meeting and is causing great concern to the 25 residents, 3 of which are elderly are particularly concerned over the undoubted late night noise generated by cars using Clarges Street as a car park.

The RTM Company and residents object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

17 Clarges Street is a residential building a short distance from (and in the same street as) the proposed restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time is not compatible with residential life in our street. This proposal would recreate the problems residents of our building had to endure before when there was another late night/large capacity premises (a nightclub) in the same building. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location, wherever the location of the entrance may be.

The fact that (I) the freeholder remains the same as permitted the egregious behaviour of the predecessor tenant and (II) that the tenant has no experience of running a restaurant worries us, all the more so given that this so called Michelin starred restaurant is over three times the average size of comparable premises in our neighbourhood.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones of 47 Clarges Street on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time; and

No off sales.

Name:

Sara Haq

Address and/or Residents Association:

Flat 11
47 Clarges Street
London
W1J 7ES

Received:

10th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales

Name:	Armenistis SC Ltd
Address and/or Residents Association:	Flat 8 47 Clarges Street London W1J 7ES
Received:	10 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly

No Off Sales

Name:	Laura Hodgson
Address and/or Residents Association:	Flat 1 47 Clarges Street London W1J 7ES
Received:	10 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales.

Name:	Raffaello Monterosso
Address and/or Residents Association:	Flat 9 89 Piccadilly London W1J 7NE
Received:	10 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder. The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by

our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales

Name:	Nick Galea
Address and/or Residents Association:	17 Clarges Street London W1J 8AE
Received:	11 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application , if granted , will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy .

Background

We have an apartment in a residential building a short distance from (and in the same street as) the proposed restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time is not

compatible with residential life in our street. This proposal would recreate the problems we had to endure before when there was another late night capacity premises (a nightclub) in the same building. Residents cannot be exposed to the nuisance , crime and disorder associated with a late night mega-restaurant in such a sensitive location .

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents .

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions :

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p. m. Monday-Thursday ; midnight Friday-Saturday ; 10:30 p.m. Sunday) ;

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday ; 10:30 p.m. Sunday ;

Customers and staff may only smoke on the Green Park side of Piccadilly , subject to a maximum of 5 smokers at any one time ; and

No off sales

Name:	Thomas And Karin Jones
Address and/or Residents Association:	Flat 7 89 Piccadilly London W1J 7NE
Received:	11 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales.

Name:	Juliet Sword
Address and/or Residents Association:	Flat 19 17 Clarges Street London W1J 8AE
Received:	12 th March 2017

We write to make a relevant representation in respect of the above application for a new premises licence.

We object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime

and disorder'.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

We have an apartment in a residential building a short distance from (and in the same street as) the proposed restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time is not compatible with residential life in our street. This proposal would recreate the problems we had to endure before when there was another late night/large capacity premises (a nightclub) in the same building. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location. We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR:

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

AND:

No off sales.

Name:	Jonathan Goodman
Address and/or Residents Association:	Penthouse 85 Piccadilly / 47 Clarges Street W1J 7ES
Received:	13 th March 2017

I am writing with regard to the above application for a new premises licence.

I object to it, because the scope of the licence will conflict with the licensing objectives of preventing public nuisance and crime and disorder.

I am advised that the application also raises a number of issues concerning the Council's Licensing Policy.

Background

We have an apartment in the residential part of the building above the proposed restaurant and its proposed main entrance.

Reasons for objection

A 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance directly below bedrooms on seven floors will overwhelm the residents' right to peace, quiet and security in their homes. Residents cannot be exposed to the noise, nuisance and disorder a late night large restaurant will generate for so many hours a day. I have the further concern that rooftop plant outside my bedroom will make create noise and disturbance within my flat for even longer hours than the restaurant is operating. BY comparison, the smaller restaurants previously on the site had an entrance away from the bedrooms and closed around 10:30 p.m.

We are aware of and agree with all the points made in the representation submitted by our neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly we would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday; midnight Friday-Saturday; 10:30 p.m. Sunday);

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly

No Off Sales

Name:

Rei Jones

Address and/or Residents Association:

Flat 2
89 Piccadilly
London
W1J 7NE

Received:

10th March 2017

I write to make a relevant representation in respect of the above application for a new premises licence.

I object on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

I have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

I am aware of and agree with all the points made in the representation submitted by my neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly I would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday ; midnight Friday-Saturday ; 10:30 p.m. Sunday) ;

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday ; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Piccadilly; and

No off sales.

Name:	Huw Jones
Address and/or Residents Association:	Flat 2 89 Piccadilly London W1J 7NE
Received:	10 th March 2017

I write to make a relevant representation in respect of the above application for a new premises licence.

I object on the basis that the likely impact of the application , if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder .

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

I have an apartment in the residential building in the same block as the proposed restaurant, above the proposed main entrance to the restaurant.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block . This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance, crime and disorder associated with a late night mega-restaurant in such a sensitive location.

I am aware of and agree with all the points made in the representation submitted by my neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly I would respectfully ask the licensing authority to impose the following conditions:

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday ; midnight Friday-Saturday ; 10:30 p.m. Sunday) ;

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday ;
10:30 p.m. Sunday

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street/85 Piccadilly and 89 Pic

No off sales

Name:	Rei Jones (On Behalf Of Flat 10)
Address and/or Residents Association:	Flat 10 89 Piccadilly London W1J 7NE
Received:	10 th March 2017

I write to make a relevant representation in respect of the above application for a new premises licence.

I object on the basis that the likely impact of the application , if granted, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder.

The application also raises a number of issues relevant to the City Council's Statement of Licensing Policy.

Background

I have an apartment (2)in the residential building in the same block as the proposed restaurant , above the proposed main entrance to the restaurant. I am authorised to send this letter on behalf of Flat 10, which looks out onto Half Moon Street.

Reasons for objection

The operation of a 250-seat mega-restaurant with a 1:00 a.m. closing time and an entrance/exit directly below numerous bedrooms is not compatible with residential life in the same block. This would create an incomparably worse situation than has ever existed before when there were two smaller restaurants on the Piccadilly side with an entrance/exit away from the bedrooms which closed around 10:30 p.m. Residents cannot be exposed to the nuisance , crime and disorder associated with a late night mega-restaurant in such a sensitive location.

I am aware of and agree with all the points made in the representation submitted by my neighbour Andrew Jones on behalf of various local residents.

Proposed conditions

Accordingly I would respectfully ask the licensing authority to impose the following conditions :

EITHER:

Maximum 75 seat capacity subject to Core Hours (i.e. closing at 11:30 p.m. Monday-Thursday ; midnight Friday-Saturday; 10:30 p.m. Sunday)

OR

Maximum 150 seat capacity subject to closing 11:00 p.m. Monday-Saturday; 10:30 p.m. Sunday;

Customers and staff may only smoke on the Green Park side of Piccadilly, subject to a maximum of 5 smokers at any one time;

Fit out to ensure that no sound from (i) restaurant, (ii) underground railway or (iii) extraction units is audible elsewhere in 47 Clarges Street U85 Piccadilly and 89 Piccadilly; and

No off sales.

3. Policy & Guidance

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

Policy RNT1 applies	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation – Environmental Health	6 th March 2017
5	Representation – Metropolitan Police Service	22 nd February 2017
6	Representation – Andrew Jones	13 th March 2017
7	Representation – Johanne Wort	13 th March 2017
8	Representation – Taymore Tabbah	28 th February 2017
9	Representation – Amos Martime Inc	8 th March 2017
10	Representation – Melathron Enterprises Co	9 th March 2017
11	Representation – Salim Mollan	9 th March 2017
12	Representation – Eva Olsen	10 th March 2017
13	Representation – Richard Olsen	10 th March 2017
14	Representation – RMT Company	10 th March 2017
15	Representation – Sara Haq	10 th March 2017
16	Representation – Armenistics Sc Limited	10 th March 2017
17	Representation – Laura Hodgson	10 th March 2017
18	Representation – Raffaello Monterosso	10 th March 2017
19	Representation – Nick Gallea	11 th March 2017
20	Representation – Thomas & Karin Jones	11 th March 2017
21	Representation – Juliet Sword	12 th March 2017
22	Representation – Jonathan Goodman	13 th March 2017
23	Representation – Rei Jones	10 th March 2017
24	Representation – Huw Jones	10 th March 2017

Applicant Supporting Documents

Basement, Ground and Mezzanine Floors, 85 Piccadilly London W1J 7NB

Proposed Conditions:

1. Save for the area hatched black on the deposited plans shall only operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) Which do not provide any take away service of food or drink for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal 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.
2. In the area hatched black alcohol can only be served by waiter/waitress service to persons before, during or after a meal consumed at the premises.
3. 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.
4. The venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities for a period of 31days with date and time stamping. Recordings shall be made available, immediately upon the request of Police or authorised officer throughout the preceding 31days.
5. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
6. Challenge 21, a proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
7. 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:
 - i) all crimes reported to the venue
 - ii) all ejections of patrons
 - iii) any complaints received
 - iv) any incidents of disorder

- v) all seizures of drugs or offensive weapons
- vi) any faults in the CCTV system
- vii) any refusal of the sale of alcohol
- viii) any visit by a relevant authority or emergency service.

8. All sales of alcohol for consumption off the Premises shall be in sealed containers only, and shall not be consumed on the Premises.
9. No off sales of alcohol after 23:00 hours.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 07:00 hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. 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.
18. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
19. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

20. The licence will have no effect until the Licensing authority are satisfied that the premises is constructed or altered to the reasonable requirements of Westminster Environmental Health Consultation team, at which time this condition will be removed from the licence.
21. No licensable activities shall take place at the premises until premises licence 13/09636/LIPT and 13/09638/LIPT (or such other numbers subsequently issued for the premises) has been surrendered and are incapable of resurrection.

Operational Management Statement
&
Appendix 11 Submission

85 Piccadilly
London
W1J 7NB

Introduction

The Premises will operate as a high class restaurant in accordance with planning consent 14/08017/FULL. The chef is highly acclaimed and holds a Michelin Star.

The restaurant will be set over basement, ground and mezzanine floors. with a small holding bar area in the basement compliant with the relevant planning condition, where customers can only drink before, during or after their meal. The main entrance and exit will be situated on Piccadilly.

The document sets out a number of controls and safeguards to ensure the Premises promotes all four licensing objectives. In addition, a comprehensive schedule of model licensing conditions are appended to the application.

The Application seeks a Premises Licence authorising the following licensable activities within the terms of the planning permission:

	Sale of Alcohol	Late Night Refreshment	Opening Hours
Monday to Saturday	10am – 1am	11pm – 1am	730am – 1am
Sunday	12pm – 11.30pm	11pm – 11.30pm	8am – 11.30pm

The applicant is committed to a high standard of professional and responsible management. The implemented management systems will ensure that the Premises is operated successfully, sympathetically and without adversely affecting local residents.

The Premises is located on Piccadilly. It is outside the City Council's Cumulative Impact Areas but within the Central Activities Zone. The area is dominated with mixed and wide ranging commercial uses including numerous offices, hotels, retail uses and licensed premises. There are residential uses within the same building as the Premises. The controls set out in this document and premises licence place emphasis on the promotion of the Licensing Objectives for these local residents.

1 Planned Management Measures for Control of Noise

- 1.1 The main entry and departure point is located on Piccadilly. Customers will be welcomed by a member of staff immediately upon entry of the Premises. During busy periods, additional staff will supervise the entry of customers to prevent any queuing.
- 1.2 All customers will be supervised and managed by staff as they depart. Specifically, a suitably attired greeter will meet customers as they arrive and ensure they leave in an appropriate fashion.
- 1.3 The departure of customers will be managed in accordance with the dispersal policy set out in this document. The management controls set out in the dispersal policy will ensure all customers leave the area as quickly and as quietly as possible.
- 1.4 The dispersal policy includes arrangements for taxis.
- 1.5 The applicant will implement comprehensive servicing and delivery procedures to ensure this activity has minimal, if any, impact on the local amenity. The relevant procedures are set out in this document.

2 Noise Criteria

2.1 The criteria set out in Policy PN1 are addressed as follows:

Noise and Vibration

2.2 The Application does not propose any regulated entertainment. Music will be played at background levels in accordance with the restaurant use.

2.3 All windows are triple-glazed and sealed. Doors will not be held open so as to prevent the escape of noise.

2.4 Plant noise will be in accordance with emission criteria recommended by the City Council, the planning permission and advice from acoustic consultants. This will ensure noise and vibration from the machinery does not cause a nuisance.

2.5 Management controls are included in the dispersal policy and the servicing and delivery procedures. The objective of these procedures is to ensure residents are not disturbed by noise from the Premises in accordance with Policy PN1.

2.6 Eating, Drinking and Smoking Outside Premises

2.7 The Application does not propose authorisation for any external drinking or eating.

2.8 The applicant does not anticipate a significant number of smokers. In any event, smokers will be supervised to ensure they do not obstruct the highway and do not cause a nuisance.

2.9 A smoking policy is included at section 5 below.

3 General Operational Controls

3.1 The applicant's management team takes their responsibilities as a neighbour very seriously. Management controls include:

3.1.1 Extensive employee induction and on-going refresher training, covering inter alia:

3.1.1.1 Responsibilities in the local area and towards local residents.

3.1.1.2 Customer care and hospitality.

3.1.1.3 Complaint handling.

3.1.1.4 Food Safety.

3.1.1.5 Health & Safety.

3.1.1.6 Fire Safety.

3.1.1.7 Team working skills and regular team meetings.

3.1.1.8 Obligations under the Licensing Act 2003.

3.1.2 Operational procedures to mitigate nuisance in the local area, including:

3.1.2.1 Responsible management of customers in and outside the Premises.

3.1.2.2 Controlled management of the arrival of customers,

3.1.2.3 no queuing permitted outside

3.1.2.4 doors to remain closed except for the arrival and departure of customers.

3.1.2.5 Controlling and supervising customer smoking (see section 5 below).

3.1.2.6 Sympathetic servicing of the Premises, see licence conditions for further details

3.1.2.7 Car parking service (see below).

- 3.1.2.8 A holding bar area in the basement to provide an area where customers who have dined can wait for transport home if their table is no longer available. This reduces customers waiting/queuing on the street unnecessarily.

4 Smoking Policy

- 4.1 Staff will be instructed not to smoke in the immediate vicinity of the Premises. Staff will also be instructed to keep noise to a minimum when smoking to avoid causing a nuisance to local residents.
- 4.2 Persons leaving the Premises temporarily to smoke will be carefully supervised and managed.
- 4.3 Smokers will not be permitted to take drinks outside.

5 Dispersal Policy

- 5.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 5.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
- 5.3 The Policy addresses nuisance caused to local residents from the following risks:
- 5.3.1 Noisy or anti-social behaviour by customers leaving the Premises.
 - 5.3.2 Large numbers of people leaving the Premises at the same time.
- 5.4 Despite the Premises' central London location, employees will be made aware that local residents live close by and will be directed to smoke away from the premises.

Hours of Operation

- 5.5 The authorised operational hours of the Premises are:
- 5.5.1 Monday to Saturday: 7.30am to 1.00am.
 - 5.5.2 Sunday: 8am to 11.30pm.
- 5.6 This Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night.

Entrances and Exits

- 5.7 The main entrance/exit of the Premises is on Piccadilly. This entrance is managed by reception staff inside the premises at all times and with a doorman/greeter at the entrance.

Dispersal

- 5.8 The primary point of dispersal is the main Piccadilly exit. From this exit customers will disperse directly onto Piccadilly, assisted by door staff, as required. From this point customers can disperse directly onto Piccadilly with its numerous transport links (see below).

Transport

- 5.9 Customers will be expected to arrive and depart by various modes of transport. Customers are welcomed straight into the Premises by the doorman and members of staff to avoid queuing or loitering outside.
- 5.10 When arriving by private car, customers and drivers where necessary will be reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors.
- 5.11 The Premises is also well serviced by public transport links, as set out below. Staff will be familiar with the transport links so they can advise customers where required.

Tube

5.11.1 The following tube stations are located within walking distance of the premises and now with the benefit of the extending night-tube times:

5.11.1.1 Green Park Underground Station.

5.11.1.2 Hyde Park Corner Underground Station.

5.11.2 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

5.12 Buses

5.12.1 The Premises is well serviced by public buses. TFL bus services, including night buses, are accessible by bus stops on Piccadilly, which go to a variety of destinations throughout London.

5.12.2 Bus routes include: 9, 14, 19, 22, 38, C2, N9, N19, N22, N38, N97.

5.12.3 Staff will be familiar with the local bus services and will advise customers accordingly.

5.13 Taxi

5.13.1 Black cabs are readily available right through the day and night on Piccadilly. Customers will be encouraged to go directly into a waiting cab on the taxi rank on Half Moon Street when leaving the Premises.

5.13.2 Staff will assist customers calling a taxi if required.

5.13.3 Other forms of app based taxis may also be used by customers.

Private Car Service

5.14 The Premises will also operate a private car booking service. In the event a customer wants to book a car home, they can wait inside the Premises until their car has arrived to ensure a quick and quiet exit.

6 Closing Procedure

- 6.1 Management controls will be implemented to ensure that the closing procedure has no adverse impact on local residents. The procedure promotes a quick and quiet closure of the Premises.
- 6.2 Management controls include:
 - 6.2.1 Ensuring all customers will be off the premises by the authorised closing times set out in above. There are no exceptions to this rule whatsoever.
 - 6.2.2 A prompt clean and clear up of the Premises as soon as possible after closure.
 - 6.2.3 Employees must leave the Premises quickly and quietly, at all times following the Dispersal Policy set out above.
 - 6.2.4 Employees are not permitted to loiter outside the Premises or smoke on Piccadilly after closing.
 - 6.2.5 The pavement will be swept and cleaned between every day.

7 Servicing & Waste

- 7.1 Restaurant deliveries will be made by small to medium sized vehicles between 0730 and 2000 hours Monday to Friday, 0900 and 1800 hours on Saturdays and 1000 and 1400 on hours Sundays and Bank Holidays.
- 7.2 Deliveries and collections will not be scheduled early in the morning or late at night. Servicing will take place during the hours permitted by the proposed licence model licence conditions and the planning permission, whichever is more restrictive.
- 7.3 The Premises benefits from an internal refuse storage area at ground floor level. This area is adjacent to the dedicated servicing entrance which will facilitate a quick, quiet and efficient servicing of the Premises.
- 7.4 The Premises' management team will take responsibility to ensure that all the waste is bagged up correctly and bottles collected within the refuse area pending collection by the waste refuse services.
- 7.5 Servicing vehicles will be encouraged to load and unload goods quietly and quickly so as to ensure vehicle waiting time is limited.

8 Conclusion

- 8.1 A culmination of all these controls and safeguards, together with the type of offer, customer and purpose of visit, combine to ensure the Premises is operated successfully and with minimal, if any, impact on the local amenity.
- 8.2 The measures set out in this document supplement the Premises Licence and Planning Permission conditions ensuring the proposed hours are conducive and appropriate to the local amenity.

Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

- (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.
- (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.
- (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.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

- 9. Save for the area hatched black on the deposited plans shall only operate as a restaurant:
 - iv) In which customers are shown to their table
 - v) Where the supply of alcohol is by waiter or waitress service only,
 - vi) 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,
 - vii) Which do not provide any take away service of food or drink for immediate consumption,
 - viii) Which do not provide any take away service of food or drink after 23:00, and
 - ix) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal 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.
- 10. In the area hatched black alcohol can only be served by waiter/waitress service to persons before, during or after a meal consumed at the premises.
- 11. 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.
- 12. The venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record

whilst the venue is open for licensable activities for a period of 31days with date and time stamping. Recordings shall be made available, immediately upon the request of Police or authorised officer throughout the preceding 31days.

13. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

Police propose condition 13 be amended to (agreed by applicant) :

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 The staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

14. Challenge 21, a proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

Police propose condition 14 be amended to (agreed by applicant) :

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

15. 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
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
16. All sales of alcohol for consumption off the Premises shall be in sealed containers only, and shall not be consumed on the Premises.
17. No off sales of alcohol after 23:00 hours.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 07:00 hours on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. 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.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
28. The licence will have no effect until the Licensing authority are satisfied that the premises is constructed or altered to the reasonable requirements of Westminster Environmental Health Consultation team, at which time this condition will be removed from the licence.
29. No licensable activities shall take place at the premises until premises licence 13/09636/LIPT and 13/09638/LIPT (or such other numbers subsequently issued for the premises) has been surrendered and are incapable of resurrection.

Conditions proposed by the Environmental Health

30. Queuing outside the premises shall be restricted to a designated area located at (specify location).
31. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
32. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.
33. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
34. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).